10. Dr. 2.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 10th of DECEMBER, 1783, and the following Days;
Being the FIRST SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

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MDCCLXXXIII.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable ROBERT PECKHAM, Eſq; LORD MAYOR of the City of London; The Hon. JOHN WILLES, Eſq; one of the Juſtices of his Majeſty's Court of King's Bench; The Hon. Sir BEAUMONT HOTHAM, Knt. one of the Barons of his Majeſty's Court of Exchequer; the Hon. JAMES ADAIR, Eſq; Recorder of the ſaid City; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

Firſt London Jury.	*Second London Jury.*	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
Samuel Hulme	Robert Brown	Robert Evans	William Kellman
David Webſter	William Morland	Francis Stacy	Anthony Young
Edward Cooks	P. James Bennett	Henry Hailſtone	William Bevan
Thomas Lilly	William Cordy	David Davis	Robert Salmon
Thomas Bignell	William Wrathal	John Jackſon	George Farquharſon
James Bugden	Henry Netherhead	Thomas Scholefield	Peter Shatwell
John Garth	Martin Green	David Davy	Thomas Northam
Thomas Dawſon	Joſeph Crump	Geo. Cha. Delamaine	John Robinſon
William Scott	* William Wilſone	Robert Sinclair	John Barber
Charles Alſager	Rayham Reepe	John Eades	Thomas Bowman
John Tate	John Hall	Nehemiah Spicer	Thomas Bates
William Barlow	James Hunt	† Stephen Gagnan	Joſeph Turner.

* William Andrews ſerved the laſt morning in the room of William Wilſone.

† William Bevan ſerved on the 5th day in the room of Stephen Gagnan, in the trial of Knight and Moon only.

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1. PATRICK BOWMAN, otherwiſe called JOHN YOUNG, otherwiſe JOHN BOWMAN was indicted for feloniouſly aſſaulting John Spicer, in a certain field and open place, near the King's highway, on the 23d of October laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one ſilver watch, value 30s. a ſteel watch chain, value 12d. one ſteel key, value 2d. two ſilk handkerchiefs, value 4s. two pair of worſted ſtockings, value 4s. one linen ſhirt, value 2s. and one man's hat, value 12d. the property of the ſaid John Spicer.

JOHN

JOHN SPICER *ſworn.*

Court. What are you?—I am a farmer's ſervant, I am now in the hoſpital; at the time this robbery happened, I was ſeeking after a place; it was on a Thurſday night in October, ſeven weeks ago to day, I was at Bethnall-green, about ſix at night, there were two more in company with me, the priſoner was one, and one Auſtin, who has been executed, was the other.

Was you ſober or in liquor?—Very ſober, Sir, as I am now, they pretended to take me out of London to get me a good lodging, and they took me into this field, one of them ſat down to do his occaſions, and the other took my bundle.

Was it near the high road?—Yes.

Was there any path?—No path, Sir, that I ſaw, while one ſtopped to eaſe himſelf, the other took me to the corner of the field that looked over the hedge, and ſaid we cannot get over here, and then we went by this man that was doing his occaſions, I ſaid that is a nice place for you, then the priſoner took me up to this corner, I ſaid this is a comical place to carry me to for lodgings, upon my ſaying that, the priſoner immediately drew a cutlaſs from under his ſmock frock, and ſwore he would cleave me down if I did not deliver what I had, and he kept cutting away upon me as hard as he could cut, he gave me ſeveral wounds on my head, and hands, and on my leg, then I cloſed with him, and got his head under my arm, that he could not cut me any more, and I called to the other man, that is hung, Auſtin, to come to aſſiſt me, and he came up, I ſaid to him (for we had travelled together two days) I ſaid John, I hope you will help me, you will not be againſt me, will you? and with that he caught hold of the handkerchief I had on, and put it round my legs, and flung me down upon my back.

Where did you travel from?—From the Coach and Horſes at Ilford.

Did he take your handkerchief off your neck?—Yes, Sir.

Had you travelled with the priſoner alſo?—No, I never ſaw him before the evening that the miſchief was done.

Where did the priſoner join the other man?—At the White Swan, ſomewhere in London, almoſt over againſt Rag-fair, then the priſoner tied my hands, and the other ſtood at my head, and the priſoner ſwore he would cut my throat from ear to ear; and juſt as they had done tying my hands, there happened to be a gardner come up to the hedge at the inſtant, and he ſaid, what are you after? and I ſaid, for the Lord's ſake, come and help me, and they both run away, and he run after them, and would have taken them, but they turned again, and he took me up, and brought me to his maſter's.

Was you robbed when you was upon the ground?—When I was upon the ground, they took the watch out of my pocket.

Before the gardner came up?—Yes.

Which took the watch out of your pocket?—It was the priſoner I think.

Did you loſe any money?—No, I loſt no money, I never got my watch again.

When was this priſoner taken up?—The month after.

Where was he taken?——In Wapping.

Was it a light night or a dark night?—It was darkiſh, it was not over light, nor over dark when the miſchief was done, one could not ſee a great way.

How long had you been in company with the priſoner before this miſchief happened?—Two or three hours.

Has you ever parted company in the courſe of this two or three hours?—No.

Are you poſitive ſure of the man?——Yes, Sir, I am.

Did you ſee him while it was light?—Yes, Sir, we eat and drank together.

Did you part company with him at all afterwards?—No, Sir, not out of my ſight.

Do you mean to ſwear poſitively and directly that is the man?—Yes, Sir.

Have you any doubt about it?—No, Sir, I have no doubt at all.

He never was out of your ſight you ſay?—No, Sir.

You was ſober, I think, you ſay?—Yes, Sir, as ſober as I am at this time.

Priſoner. What do you ſwear to me by?—By ſeeing him, and by his ſpeech I can ſwear to him.

Priſoner. The gardner did not know me.

JAMES STRONG *ſworn.*

On that evening about ſix o'clock I heard the proſecutor crying out for help in a field near Mr. Wells's ground in Bethnall-green, I went to the man's aſſiſtance, I came to the hedge and I ſaw two men upon one, I ſaid halloo, and immediately they both got up and run away, I jumped over the hedge and ran after them; when I came to them, they turned upon me, one with a cutlaſs, and the other with a ſtick of ſome ſort.

Which had the cutlaſs?—I cannot ſay which, it was rather dark, ſo I turned back again; they ſaid they would do for me if I did not go away, I came back and picked the man up, and had him home, and waſhed his wounds, and had him to the hoſpital.

Was he much wounded?——Yes, my Lord, he had ſeveral cuts over the backs of his hands, and three or four on his head, and one on his leg.

Court to Proſecutor. How long was you in the hoſpital?—I have been there ever ſince.

Are not you cured?—I am from under the doctor's hands at preſent, but not diſcharged.

Court to Strong. Have you any recollection of that priſoner?—No, I cannot ſwear to him, it was too dark to ſwear to him.

SAMUEL YARDLEY *ſworn.*

I can ſay nothing reſpecting Bowman, any further than what Auſtin the other priſoner that was executed told me.

Priſoner. That is not my name, I never went by that name in my life, the gardner ſays he can ſay nothing againſt me, the proſecutor ſays, he ſwears to my voice, pleaſe to aſk him what dreſs I had on.

Proſecutor. He had a long ſmock frock on, and a pair of boots.

Strong. He had a ſmock frock, but I did not obſerve whether he had boots.

Court to Strong. When you came to the aſſiſtance of Spicer was he perfectly ſober?—He appeared to be very ſober what I could ſee of him.

PRISONER's DEFENCE.

When I was apprehended, I was in the lock up room, I went into the back place, and I was walking about hand-cuffed; the proſecutor did not ſeem to take any account of me, I was put back for about an hour, and in about an hour after, he ſaid, he believed he could ſwear to me.

JOHN SADLER *ſworn.*

When they brought the proſecutor down to the King's Arms where the priſoner was, I let the priſoner out of the lock up room, and as ſoon as ever he clapped his eyes on him, ſays he, that is the man that cut me, and robbed me.

Priſoner. I am a poor lad, I was brought up in the the Foundling Houſe, I have not a friend in the world.

Court to Jury. Gentlemen of the Jury, the whole of this caſe depends on the credit you pleaſe to give to the witneſs John Spicer; if you are ſatisfied (and he has told you that he was ſober, and ſo the witneſs Strong ſays) that he is not miſtaken in the man, and that this priſoner was one of the men who committed this robbery upon him, there can then be no ſort of doubt of the verdict you muſt give; the only conſideration with you is, whether, as it reſts intirely on his ſingle evidence, you will think that ſufficient; now you find in the firſt place, he was perfectly ſober, in the next place he had been in company with this man for two or three hours before, it was not an accidental caſual meeting of a moment or two, as is frequently the caſe when a robbery is committed, he had eaten and drank with him, and he poſitively ſwears that he never had been out of his company ſo as to loſe ſight of him; you find too, that though Strong cannot confirm him as to ſwearing poſitively to the man himſelf, he very cautiouſly and properly declines that being ſo dark, and having only that momentary opportunity of ſeeing him, which is generally the caſe; yet he confirms Spicer in this, that one of the men had a cutlaſs and one had a ſmock-frock on.

Priſoner. The man ſays, he was in my company ſo many hours, he muſt certainly know whether I had a hanger about me or no.

Court. As to that gentlemen, we know very well that theſe kind of men do carry their cutlaſſes about them concealed under their coats, if you have ſerved on Juries here before, I dare ſay you muſt have ſeen that they carry them looſe within the coat, without a ſcabbard, and it is by no means impoſſible that the man might have ſat with him for hours, and not have diſcovered this; it may however have ſome weight with you, but if you think he is clear as to the man, and there is no miſtake at all in it, then to be ſure there can be no doubt at all of the caſe: but if you have any doubt you will acquit him.

GUILTY, **Death**.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

Mr. Juſtice Willes. The man ſhould be acquainted that in all probability his execution will be ſpeedy; ſet him up again.

Mr. Baron Hotham. Patrick Bowman: we ſent for you again, not meaning now to paſs ſentence on you, the Recorder will do that, but we think in humanity to you it is right to apprize you, that your crime is of ſuch a nature, that you cannot hope for mercy, and it is highly probable, juſtice muſt be done upon you in the courſe of a very few days; and therefore, as you have but a ſhort time to live, it will behove you to make the beſt uſe of that time.

Priſoner. I am really no ſcholar, I never was brought up to any ſchool.

Mr. Baron Hotham. You will have all the aſſiſtance that can be given you from religion and humanity by the ordinary of this place; therefore apply to him.

Priſoner, kneeling. Lord bleſs me, Sir, do let me have time to make my peace with the Almighty, do, will you.

Court. It does not lay with us.

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2. JAMES ROBERTS otherwiſe YARK was indicted for feloniouſly aſſaulting Suſannah Bond, the wife of John Bond, on the King's highway, on the 15th of November laſt, and putting her in fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, a ſilk purſe, value 1s. one piece of foreign ſilver coin called a dollar, value 4s. 3d. and four pieces of foreign ſilver coin called bits, value 2s. 6d. and ten ſhillings in monies numbered, the property of the ſaid John Bond. And RUTH MERCER was indicted for feloniouſly receiving, on the 16th day of November laſt, the ſaid ſilk purſe, value 1s. being parcel of the before-mentioned goods, knowing it to be ſtolen.

Mr. Juſtice Willes. There cannot be an acceſſory to petty larceny; and this purſe is laid to be only the value of one ſhilling.

The witneſſes examined apart at the requeſt of the Priſoner's Council.

Mr. Garrow. Council for the Proſecution. You mean as to the officers of juſtice, you cannot mean as to Mrs. Bond, and Miſs Bond.

Mr. Sheridan, Priſoner's Council. I am very ſorry to inſiſt upon it, but I am ſo inſtructed.

SUSANNAH BOND *ſworn*.

I was robbed on Saturday the 15th of November, in Hendon, between the hours of four and five in the afternoon, I was going from London in my own carriage; my daughter was with me, I was ſtopped on the London ſide of the ſeven mile ſtone, by two men on horſeback, it was a very ſmall diſtance from my own houſe.

Court. Was it light?—Yes, light enough to diſtinguiſh objects.

Had they any arms or weapons?—Yes, each of them piſtols, the men met us, and ordered us to ſtop; they were on each ſide of the chaiſe, I ſaw them as they came up to me, I was in a phaeton, my daughter was driving.

Did they both come up on the ſame ſide?—One on each ſide.

Had you any ſervant with you?——No.

What paſſed?—They ordered us to ſtop, the man on my ſide demanded my money, he preſented a piſtol.

Did he make uſe of any expreſſions to intimidate you?—No, I gave him my purſe containing one dollar, and four pieces of ſilver called eights; there was ſome ſilver beſides, but I cannor aſcertain how much, it was a ſilk purſe, orange colour and green mixed.

Have you ever ſeen that purſe ſince?—Yes.

How long were the priſoners with you?—A ſhort period of time.

Was it long enough for you to make any obſervations on either of the men?—Yes, I obſerved the man that took my purſe.

Have you ever ſeen him ſince?—Yes.

Be ſo good to look if you ſee him now?—Yes, I think that is the man.

Court. Have you any doubt?—Not any.

How was he dreſſed?—He had a dark great coat on.

Do you ſwear poſitively that to be the man?—I do.

Was his face uncovered?—I did not ſee any diſguiſe, he had a round hat on.

He did not behave unpolite to you did he?—Far from it, he behaved very politely and civilly, I ſupplicated him for mercy, and he behaved very civilly.

Have you ſeen the other man ſince?—No.

Do you call theſe ſilver pieces eights or bits?—Eights, but the proper name is bits.

CHARLES JEALOUS *ſworn.*

I have belonged to Sir John Fielding's Office many years, I apprehended the priſoner on Sunday the 16th of November, about eight in the morning; I produce two bits that were taken out of the priſoner's pocket: I took the priſoner up one pair of ſtairs backwards in Princes-ſtreet, he was in bed, he got out of bed and opened the door, and he had a black handkerchief tied round his head for a night-cap; the woman priſoner was in bed with him, he got into bed again, I deſired him to get out of bed.

Court. He knew you, I ſuppoſe?—Yes, my Lord, we are well acquainted one with another; I then ſearched his breeches pocket, and there I found a half guinea, ſome ſilver, and the two foreign bits which I have now produced; he then dreſſed himſelf, and he had a brown cloſe bodied coat, ſuch a one as mine, ſplaſhed up to the ſhoulders; we went to him from a particular information, which I hope your lordſhip will not enquire into; in the fore-room, in a little cloſet, I found theſe boots wet.

Court. Whoſe lodgings were theſe?—I cannot tell, and by the ſide of the fire-place lay theſe ſpurs, the leather of which was wet, there was a whip in the room.

Mr. Garrow. Can you diſtinguiſh between town dirt and country dirt on this occaſion; I think I have heard you do ſo on other occaſions?—That muſt be left to the gentlemen.

Court. That is too nice.

(The bits produced and depoſed to.)

Proſecutrix. They are like the pieces that were in my purſe.

Mr. Garrow. Do you believe theſe are ſome of the pieces that were in your purſe?—I do.

Priſoner's Council, Mr. Sheridan. Here are two more that are pretty like them, I believe, Madam, do you recollect them alſo, *(ſhewing her two other bits)* you have no particular mark on them?—No, I have had them for ſome time, I have uſed them as common marking pieces inſtead of counters.

Court. There is no diſtinguiſhing theſe unleſs there was a particular mark.

Court to Proſecutrix. Was the man that robbed you and took the purſe from you and your daughter a tall man or a ſhort man?—He was on horſeback, I cannot ſay.

Had he boots on?—Yes.

Had he a whip in his hand?—I cannot ſay.

What did the other man do while the priſoner robbed you?—He ſtood on my daughter's ſide; my daughter and myſelf delivered our purſes to this man.

It was light enough to diſcern his countenance?—Yes.

Should you know his voice?—I would not venture to ſwear.

Did he ſeem to uſe his own voice or a feigned voice?—I cannot ſay.

But you ſwear poſitively to his perſon?—Yes.

Priſoner's Council. You did not ſtate it as a poſitive fact that he had a round hat on?—It was a round hat he had on.

You ſay he had a dark great coat on?—Yes, a dark coat.

Court to Jealous. Was the coat you found a great coat?—No, my Lord, ſuch a one as mine.

Priſoner's Council to Proſecutrix. You ſaid it was light enough to diſtinguiſh objects?—Yes.

Is it harder to diſtinguiſh objects or features?——I could diſtinguiſh the men.

But you could not be certain whether he had a whip in his hand?——No, becauſe his hands were conſtantly employed, he held my reins down with one of his hands, and he had our purſes to take with the other.

Where either of the men diſguiſed?——I did not notice that they were.

You ſaid at firſt, I think I ſee him now; upon a cloſer queſtion you ſaid, you verily believed that was him, and after that, that you had no doubt; I would aſk you one queſtion, there is the life of a man at ſtake; will you undertake to ſwear upon your oath, I beg you to conſider ſeriouſly of it, and the conſequences; it is not the firſt time witneſſes have been miſtaken, will you ſwear it was impoſſible it could be any body elſe?—I do not know how far I can ſwear to that, I ſwear that I know the man, and that that is the man.

Court. That is enough.

Priſoner's Council. Which ſide of the carriage was this man on?——He was on the left-hand ſide.

Counſel for Proſecution to Jealous. Did you obſerve any thing elſe that is particular to mention to the Court?—When I looked round the fire-place, I could not find any ſpurs, and at laſt I ſaw the woman priſoner hiding them under the bellows.

MARY BOND *ſworn.*

Mr. Garrow. Was you at any time in company with Mrs. Bond when you was ſtopped?—Yes, on Saturday the 15th of November.

At what time of the day?—About half after four in the afternoon.

What carriage was you in?—A phaeton with one horſe, I drove it.

Where was you ſtopped?—About the ſeven mile ſtone in Hendon.

Was you ſtopped by one perſon or two?——Two, both on horſeback, they met us, and both deſired us to ſtop, they came one on each ſide the carriage.

Did you obſerve any fire-arms?—They had each of them a ſmall piſtol.

Any diſguiſe on their faces?——No.

What paſſed when they came up to the carriage?—They deſired us to ſtop, and the man on the left-hand of the carriage, which was Mrs. Bond's ſide, took hold of the middle of the reins of the horſe; they demanded our purſes, which we gave them immediately, both to one man.

To which of the two men?——To the man on the left-hand ſide of the carriage.

I believe there was no great prize in your purſe, Miſs Bond?——No, Sir.

What did it contain?—Four pieces of counterfeit copper money; I had another purſe in my pocket which I did not give them: it was a red and green ſtriped ſilk purſe, I have not ſeen it ſince.

Had you an opportunity of obſerving the man that took your purſe?——Hes, it was quite daylight.

Did you ſee him take Mrs. Bond's purſe?——Yes, I did.

Have you ever ſeen that man ſince?—I ſaw him at the office in Bow-ſtreet.

Be ſo good to look if you ſee him now?—I think that is the man.

How was he dreſſed?——He appeared to have a browniſh coat and a white ſhag waiſtcoat.

Was you able to diſtinguiſh what ſort of coat, a great coat or a cloſe coat?——It appeared to me to be a great coat.

Was his coat buttoned?——I do not recollect.

What ſort of a hat did he wear?——A round hat.

Do you recollect whether he had boots on?—Yes, he had.

From the whole of your obſervation of the man at the time he committed the robbery is the priſoner the man?—Yes, I think he is.

Court. Do you only think and believe, or can you be poſitive?—I could almoſt be poſitive.

Have you any doubt of it?—No, Sir, I have not.

You have no doubt but the priſoner is the man?—No, Sir, I verily belive he is the man, I have no doubt of it.

How long was he with you?—He met the carriage, I ſaw him only a trifling diſtance.

So that your obſervation commenced upon his coming up to the carriage?—Yes.

How long did he continue with you?—Only while he took our purſes; we came on towards London.

Did they behave civilly to you?—Perfectly ſo.

Are you able to identify Mrs. Bond's purſe?—Yes, I think I can.

Court to Mrs. Bond. Was you alarmed?—A good deal alarmed.

DENNIS M'DONALD *ſworn.*

I am one of the officers of Litchfield-ſtreet; I was called on by Jealous; I went to apprehend the priſoner about eight o'clock on Sunday morning the 16th of November, we went to the fiſhmonger's in Prince's-ſtreet, St. James's, the priſoners were both in bed together, he opened the door and got into bed again.

Did he know you?—Yes, very well; I did not knock at the door becauſe he knew my voice; Jealous found ſome pieces of money upon him, I found a purſe in the girl's pocket under her head, there was nothing in it; I ſearched his pocket and found ſome looſe powder in it, I found no fire-arms, he had a brown coat and a white ſhag waiſtcoat.

Was it a looſe coat?—No, there was never a looſe coat in the room; there were a pair of boots found in the room; I ſearched the man and found a key; he ſaid he kept a ſtick-ſhop two or three doors off.

Priſoner's Council. I think I heard you ſay that you knew this man?—I know the intention of the queſtion and am not afraid to meet it.

You know the nature of buſineſs in Bow-ſtreet very well, you know it is neceſſary when any body is robbed to give a deſcription?—Yes.

Is it uſual to ſay, Oh, I know the man, he is ſuch a one, I will go for him directly?—No, I knew where the man lodged that uſed to go on that game, I will not tell you who told me.

But I believe you muſt.—If my Lord aſks me I will tell him, but it is not fair.

Court. They ſhould not diſcover it; you ſhould aſk him what kind of intelligence he received, without mentioning the perſon.—

M'Donald. A perſon called upon me and told me, and I called upon Mr. Jealous.

To Mrs. Bond. How was the information ſent?——It was ſent by a written letter.

THOMAS CARPMEAL *ſworn.*

I was along with them when they took the man, and when the information came on the over night; three men came on horſeback from Mr. Bond from Hendon with a letter from Mr. Bond, and they had likewiſe fire-arms, they had been in purſuit of the two highwaymen who ſtopped Mrs. Bond, they gave a deſcription of the two men and their horſes; we had likewiſe received information before of ſuch men robbing, and we ſuſpected theſe men.

Priſoner's Council. Do not you expect a ſhare of the reward on the conviction of this man?—Yes, you know that as well as you get your own fee.

Does Mr. Jealous expect any?—Yes.

Priſoner's Council. Forty pounds for a good gueſs at a man's dreſs.

(The purſe depoſed to by Mrs. Bond and Miſs Bond.)

Court to Mr. Garrow. If this man committed a robbery, and went to bed to any woman, he might naturally give her the purſe, ſhe might not know it was ſtolen; ſhe may be ſet from the bar.

Mr. Garrow. It never can be my intention, my Lord, to preſs any thing againſt a priſoner; I ſhall leave it to the Court.

Court. Let the woman ſit down.

Priſoner's Council to Macdonald. You know the woman that was lately at the bar?—Yes.

Is ſhe a lady of eaſy virtue?—She is a girl of the town, ſhe lived with another man before him.

Was not it as poſſible for her *to have that purſe from another* man as from the priſoner?—I cannot tell.

He let you in directly?—Yes.

He went into bed directly afterwards?—Yes.

Mr. Sheridan. My Lord, I ſubmit there are about ten thouſand of ſuch purſes and about five millions of theſe pieces of bits, eſpecially ſince the war.

——— BOND *ſworn.*

Court. Look at that money, do you ever remember ſeeing it before?—I cannot ſwear to money, I gave ſuch money as this to my wife.

What coin is it?—It is the eighth of a dollar.

What is the name of it?—They call them a kind of bit.

Do you know any thing of this purſe?—That was my wife's purſe, I bought it myſelf on Ludgate-hill.

Priſoner's Council. Is there any particular mark on it?—No, Sir, I have had it in my hands frequently, and I tried to get ſuch another, but it was very hard to match it.

Then you believed there was ſuch another, or you would not have gone to look for it.

Mr. Garrow. Can you ſwear to it with as much certainty as you can ſwear to objects of that ſort?—Yes.

Was you at home when the robbery was committed?—I got down directly after the ladies, I believe the highwaymen paſſed me, I ſent an expreſs directly by one of my ſervants, and a letter to Sir Sampſon Wright.

Priſoner's Council to Mrs. Bond. Did you ſwear poſitively to this man then?——Yes.

Priſoner's Council to Mr. Bond. Where does this coin come from?—It comes from Spain.

Are they not frequently in circulation at Portſmouth?—I do not know.

Priſoner's Council. My Lord here is the man's diſcharge, he was juſt diſcharged from the Porcupine.

PRISONER's DEFENCE.

I know nothing at all of the matter, I have witneſſes to my character.

JAMES NOWLING *ſworn.*

I am a maſter taylor, I have known the priſoner a good many years, when he lived with the Hon. Mr. Stanhope.

Court. What Stanhope? there a many of them?—He lived at St. James's, in the Stable-yard.

How long ago?—I am not ſure.

How long ago is it ſince you have known him ſince he lived with Mr. Stanhope?—It is a matter of ſeven years ago, after he left him he came to me, and I did work for the man.

Has he been at ſea ſince?—I hear he was.

Have you known any thing of him ſince?—I never heard any thing elſe but he had a good character.

Court. Did he go by the name of Roberts when you knew him or by the name of Yark?—He went by the name of both.

JAMES ROBERTS otherwiſe YARK,
GUILTY, **Death.**

RUTH MERCER, NOT GUILTY.

The Proſecutor deſired to recommend the Priſoner to mercy.

Mr. Juſtice Willes. I will have nothing to do with it, you muſt apply elſewhere; theſe are times which require a degree of ſeverity, or elſe our lives and properties cannot be protected.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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3. BENJAMIN ROBERTS was indicted for feloniouſly ſtealing, on the 29th of September laſt, two black geldings, price 40s. the property of Henry Wilmot.

HENRY WILMOT *ſworn.*

I live at Tottenham High Croſs, I loſt two horſes on the night of the 28th of September, I ſaw them that day about a quarter paſt three in the field near my houſe, the next morning my man went to fetch them up and he miſſed them, I did not take any trouble about them; I came to town, and when I returned, a conſtable had been to my houſe with a letter from Mr. Juſtice Blackborow, that they had taken the horſes and the man, the horſes had been taken to the killing-houſe, I know the priſoner, he worked ſix months with me laſt winter, he was a labourer.

Did you ſee him that day at Tottenham?—No.

WILLIAM SEASONS *ſworn.*

On the 29th of September, I was ſent for, and I went into Black-boy Alley, and found the priſoner with a horſe, I caught him by the collar, and took him into cuſtody, in bringing him along he ſhed tears, ſays he, Sir, I will tell you how I came by the horſe.

Did he ſay that of himſelf or in conſequence of any thing you ſaid to him?—Nothing upon my honour, he ſaid they came from Hornſey, and he had ſtolen him and another from Mr. Harry Wilmot's; another horſe was brought to me ſoon after the examination was over, his mane was cut off and his tail, that horſe was bought by another horſe-fleſh man, I went to Mr. Wilmot's at Tottenham and informed him; theſe horſes I took both into my cuſtody, and the next day the proſecutor came and owned them.

Did the priſoner ever ſee the ſecond horſe?—No, I do not think he did, only when he took it in conjunction with another man.

One of the horſes that Mr. Wilmot owned, was the ſame that the priſoner had?—When the proſecutor came, he ſaid to the priſoner, is it you Benjamin? I thought you would have been the laſt perſon to rob me, the priſoner ſhed tears, and ſaid, he was very ſorry, and hoped he would be merciful to him.

JOHN WILTSHIRE *ſworn.*

I ſtopped a horſe on the 29th of September in Sharp's Alley, the priſoner was going to ſell him, I ſaw the horſe all of a lather, all of a ſweat, and I thought the horſe was too good to kill; I was going to work when I ſaw him, he was brought to Mr. Bowlings, a horſe boiler, the priſoner was with the horſe, I ſent for Mr. Seaſons the conſtable.

Court to Wilmot. You heard of two horſes by Seaſons ?—Yes.

Were theſe the two horſes you had loſt ?—Yes, not a doubt about it ; I have had them many years, they were horſes of very little value, and they work about home.

PRISONER's DEFENCE.

I was drinking a pint of beer, and a man came in to me and aſked me if I wanted a job ; he ſaid will you take one of theſe horſes to Mr. Bowling's, and I will ſatisfy you ; I took them down, and a man came by and ſtopped me.

Guilty, Death.

Tried by the firſt Middleſex Jury before Mr. Recorder.

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4. JOHN CLARKE was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the Devil, on the 5th day of November laſt, with force and arms upon one Thomas Johnſon, in the peace of God and our Lord the King then and their being, feloniouſly, wilfully, and of his malice aforethought did make an aſſault, and with a certain claſp-knife called a welt-knife, of the value of 2d. which he then and there had and held in his right-hand, in and upon the belly of him the ſaid Thomas, near the navel of him the ſaid Thomas, feloniouſly, wilfully, and of his malice aforethought, did ſtrike, ſtab, penetrate, and wound, and did then and there give to him the ſaid Thomas by ſuch ſtriking, ſtabbing, penetrating, and wounding as aforeſaid, in and upon the belly of him the ſaid Thomas, near the navel of him the ſaid Thomas one mortal wound of the depth of three inches and of the breadth of one inch, of which ſaid mortal wound the ſaid Thomas from the ſaid 5th day of November to the 7th day of the ſaid month did languiſh, and languiſhing did live; and on the ſaid 7th of November the ſaid Thomas of the ſaid mortal wound aforeſaid did die. And that the ſaid John of his malice aforethought him the ſaid Thomas did kill and murder. The ſaid John Clarke was alſo charged on the Coroner's Inquiſition with the like murder.

THOMAS CANNON *ſworn.*

I live in Ratcliff-highway ; I keep a public houſe, the hoop and bunch of grapes.

Court. Do you know the priſoner at the bar ?—I remember him coming into the houſe the 5th of November, at nine o'clock, as near as I can tell.

What happened then ?—He went acroſs the tap-room and reached acroſs the table, and ſtruck at one Johnſon the deceaſed man who was ſitting there ; I knew the deceaſed by ſight.

How long had Johnſon been in the room?—About ten minutes, I believe.

What was Johnſon's Chriſtian name ?—I cannot tell.

Did any body come in with Johnſon ?—Not to my knowledge.

When he ſtruck at Johnſon, what followed upon that ?—He went immediately out of the door and ſaid to Johnſon, are you coming, or come along, I do not know which.

In what manner did he ſtrike at the deceaſed, did he ſtrike a violent blow ?—I thought it was in anger, but his blow was not violent.

In what manner did he ſpeak the words come along, or are you coming, thoſe are not words of anger ?—Not outrageous.

Can you deſcribe the manner in which he ſpoke thoſe words ?—I did not ſee his face at the time to my knowledge, his back was towards me.

Did Johnſon go out ?—Immediately with him.

Did he attempt to return the blow before he went out ?—No.

Did Johnſon ſay any thing before he went out ?—No, he did not make any anſwer in my hearing, I followed him to the door immediately.

What did you ſee when you came to the door ?—Nothing more of it.

Did you go and look out of the door ?—Yes.

How far could you ſee?—About as far as where you ſit.

Was the night dark?—It was dark, and people were letting off ſquibs and ſerpents about the place.

For what purpoſe did you follow them to the door unleſs it was to look after them?—My Lord, I did not go to the ſtreet door, it was the tap-room door.

Do you know any thing farther?—No, nothing farther.

Was the deceaſed with any company in the tap-room?——There were people in the ſame box that were ſitting, he had a pint of beer, I do not know that he was in any other company, I ſaw or heard nothing more.

There were no other words paſſed between them?—No.

Was there any woman in company with the deceaſed in your houſe?—There was a woman ſitting in the ſame box that had been crying fiſh about the ſtreets.

Did ſhe come in with him?—No.

Court to Priſoner. Have you any deſire to aſk any queſtions to this witneſs?

Priſoner. I was in liquor in his houſe, I do not know what I did in his houſe.

WILLIAM DIMSEY *ſworn.*

I am a victualler, I keep the King and Queen in Old Gravel-lane.

Do you know the priſoner?——Yes, I have ſeen him ſeveral times.

Did you know Johnſon the deceaſed? I knew him by uſing the houſe, I did not know him any otherwiſe.

Do you remember his coming into your houſe in the afternoon of the 5th of November?—He was in my houſe that afternoon, him and the priſoner, and a woman along with them, and had five or ſix pots of beer; the woman's name is Goodman.

Who was the woman that was in company with him?—The woman is here, ſhe was the deceaſed's woman that he lived with.

Was there any other woman that was in company at your houſe that afternoon?—No, Sir.

How long did they ſtay at your houſe?——I ſuppoſe the ſpace of three hours in all.

What time did they leave your houſe?—I believe in the afternoon, about five or ſix to the beſt of my knowledge.

Had there been a quarrel or diſpute among them at your houſe?—No, Sir, all very good tempered.

All apparently very good friends?—All very good friends, not a word of anger that I heard.

Did they all go out together?—I cannot ſay, I was below ſtairs when they went out.

Did you ſee any thing either of the priſoner or the deceaſed that night again?—Yes.

How ſoon after?—The deceaſed came into my houſe about half paſt nine.

Not before that from the time they went away?—No.

What happened then?—He called for a glaſs of gin; he told me that the man that had been drinking with him all the afternoon in my tap-room called him to the Hoop and Bunch of Grapes door, and had run a knife in his belly, he pulled up his apron and ſhewed me the place; I did not ſee the wound in his belly, I only ſaw his ſhirt was all bloody, and I ſaw the blood on the floor; there was another man drinking with him beſides this man.

Did he ſay which man it was?—No, he did not mention whoſe name, nor any thing about it.

After he told you this, he held up his apron, and you ſaw his ſhirt bloody, and the blood running down on the floor?—Yes.

What became of him afterwards?—I adviſed the man to go home, and ſent my boy to lead him home. I went ſoon afterwards to the place where the deceaſed lived, which was right facing of me in ſome old houſes backwards, almoſt facing the King and Queen, to ſee how the man was.

Did you know where the priſoner lived?—He lived next door to the deceaſed.

What were they both?—Two journeymen ſhoemakers.

When you went to this houſe did you ſee him ?—I went and ſtood in the yard, the priſoner was coming down ſtairs, I heard them talking together while I ſtood in the yard, and then I ſaw Clarke come down ſtairs, and this woman with him.

Could you diſtinguiſh any of their voices ?—Yes, I heard the priſoner's voice up ſtairs.

Did you hear any body elſe ?—There were two or three voices, I heard this Johnſon ſay do not hurt me any more, for I believe you have done it already.

Court. Repeat the words as near as you can ?—Do not kill me quite, for I believe you have done it already.

Are you ſure theſe are the words ?—Yes, them were the words.

They are very different from the words that you ſaid juſt now, which were, do not hurt me any more, for I believe you have done it partly already ?—Them laſt were the words.

Repeat them again ?—Do not kill me quite, Jack Clarke, for I believe you have done it partly already.

Did you hear any thing that Clarke ſaid ?—I cannot ſay that I did, I ſtood in the yard till Clarke and the woman came down.

How long was it after you heard this expreſſion of Johnſon that Clarke and the woman came down ?—About two minutes.

Did you hear any thing that paſſed between them when they came down ?—I aſked the priſoner how Johnſon did, he told me he believed he had cut his navel ſtrings.

In what manner did Clarke expreſs that ?—I aſked him, how is Johnſon? juſt in that manner, ſays he, I believe I have cut his navel ſtrings, and away he went.

Did he ſeem to ſpeak it with concern or with triumph ?—I am ſure he was in liquor.

In what manner did he ſpeak it ?—He did not ſpeak it in an over harſh manner.

In what manner did you underſtand him to ſpeak it ?—He ſpoke it mildly like.

Did he expreſs any concern for what he had done, or any thing of that ſort ?—No, no further, and upon ſaying that, he and the woman went out together.

Did the woman ſay any thing ?—I heard them ſay they would go to ſome doctor's, and they went to the doctor's afterwards, I followed him in the highway, and I took him by Mr. Biſhop and Bayley's door, I knocked his heels up and caught hold of him, and I took him before Juſtice Green.

What did he ſay when you laid hold of him ?—As ſoon as ever I took hold of him, and threw him down on the ſtones, there was another man who aſſiſted me, and took a knife out of his pocket; ſays he that is not the knife I killed the man with.

Are you ſure that was his expreſſion ?—Yes, them were his words.

What ſort of a knife was it that was taken out of his pocket ?—A claſp knife, I took him before Juſtice Green, and they put him in the watch-houſe till the next day, there I left him.

Was he examined at all then ?—No, it was quite late at night.

Did you examine whether the knife was bloody or not ?—No, Sir, the knife was ſhut; it was not bloody at all.

Did you ſee the deceaſed again that night? —Yes, I went back, and lent the man a hand to put him on a board to ſend him to the hoſpital.

Did the deceaſed ſay any thing then ?—I heard him ſay, who could have thought that the man I had been drinking with all the afternoon, and pawned all my things to treat him with, ſhould have ſerved me in this manner. I know nothing further.

When did the man die ?—He died on the ſeventh of November.

How long have you known the priſoner ? —I did not know much of this man, I never ſaw him half a dozen times in my houſe before.

BENJAMIN SAYRE *ſworn.*

I keep a publick-houſe, the Duke's Head in Old Gravel-lane, the priſoner came to my houſe on the 5th of November, about half paſt nine, within a few minutes under or over.

Did he come alone, or any body with him?——He came by himſelf.

Did any thing happen while he was there?—Not at my houſe, he came dancing in as if he had come to play, he had a knife in his hand, and he ſaid I have killed a man, and I will reſign myſelf to you, ſays I, you are mad, and he appeared to me as ſuch.

You ſay now he appeared to you to be mad?—He ſeemed to be not in his mind.

Do you mean that you formed that idea from the ſtrangeneſs of the declaration at the time, or from his other behaviour?—By his coming in, in the manner that he did, to reſign himſelf to me, dancing with the knife in his hand, he ſtuck the knife in the table, and ſaid I have killed a man, and I will reſign myſelf to you; I ſaid to him you are mad, for no man that had committed murder, would have come in dancing.

Did you know him before?——A good while before, he is a ſhoemaker.

Did you know him ſhew any ſigns of inſanity before this?—Always in liquor, they always uſed to call him mad Clarke when he was in liquor.

But not when ſober?——No, I never heard any one call him mad then.

What did he ſay?—He ſat down a little while, and ſtill perſiſted he had killed a man, I aſked him where, he told me at the Hoop and Bunch of Grapes; I aſked him who, he told me Johnſon, he ſaid he ſaw his bitch, I believe, or ſomething as bad as that, getting out of the window from the man, or the door, I cannot be poſitive which, I cannot be poſitive to the words, it was getting out of a window or a door, the one from the other, but I cannot be poſitive which; if it is where he mentioned, it muſt be a door, for the pavement is raiſed.

How did you know what place he meant?——The houſe that Clarke uſed to live in.

Who did you take him to mean by his bitch?—A woman that uſed to live with him.

Do you know her name?——I cannot be poſitive to her name, ſhe went by the name of Clarke, ſhe lived with him a great many years, and had ſeveral children by him, at the ſame time my wife came in, ſhe had been out with a pot of beer, and this man was walking by the door, ſays ſhe, you ſcoundrel how can you ſay you have killed the man, and he is juſt gone by; ſo it put me out of all thoughts that he had killed any body.

Is your wife here?——No, my Lord, it is rather hard for us both to be out from our buſineſs at once.

Does your houſe lay between the Bunch of Grapes, and the King and Queen?—Yes, before you come to the King and Queen, between the one and the other.

What did he ſay upon that when ſhe ſaid the man had walked paſt the door?—He went out directly, as ſoon as ſhe ſaid that, he took the knife out of the table, and went out.

He took out the knife?—Yes, he ſtuck it into a little wainſcot table, and though the point of it is pretty ſharp, it fell, he took it up and went away; I ſhould have preſerved the knife, if I had thought any thing of the kind.

Did you obſerve any thing upon the knife?——I had no thoughts of looking at it, nor did I think he had done any ſuch thing.

What ſort of knife was it?——I was a very picked pointed one, with a ſhort handle, it appeared to me to be a ſhoemaker's knife, they call it a welt knife.

MARY ANN GOODMAN *ſworn.*

Court. What do you know of this matter?——I know ſo far as this, I went out with my goods.

What buſineſs do you follow?——I walk the ſtreets with fiſh and oyſters, and ſuch things.

Where had you been that afternoon before?——At home till about five o'clock, then Johnſon came over to me and I drank ſhare of five pots of beer in Mr. Dimſdale's houſe.

Are you ſure of the time?——Yes, it was about five when I went with Johnſon to Mr. Dimſdale's.

Was any body elſe in company?—Only this Clarke, Johnſon, and I.

Was Clarke with you?—Yes, Johnſon left Clarke at Dimſdale's, and came and fetched me to drink, Clarke was with him all the bleſſed day, till about half after nine at night, Johnſon left Clarke, he ſaid, he left him there, I found Clarke at Dimſdale's.

Had they been long at Dimſdale's before? —I cannot ſay how long they had been there.

You found Clarke there when you went? —Yes, along with Johnſon.

How long did you ſtay there?—I ſtaid there till a little after ſix o'clock.

Did you all come away together?—We all came away together, Clarke, Johnſon, and me, and all went up into my room together.

Who elſe was in company with you at Dimſdale's?—Nobody elſe, they went along with me to my room, which was in Johnſon's houſe, we ſtaid about ten minutes, and then I went down to borrow Johnſon a ſhilling at his maſter's, his maſter had no change, and I left Clarke and Johnſon together in the Lower Town in Shakeſpear's Walk.

Did you get the ſhilling for Johnſon? —No.

When you left them in the ſtreet or road, did you leave them together?—Yes.

That was about half paſt ſeven?—Yes.

How long was it before you ſaw either of them again?—It was almoſt nine, before I ſaw Clarke.

In this afternoon had they had any quarrel that you know off?—None at all that I know off.

No high words of any kind?—No high words at all.

What time did you come back?—I came back with my goods, and carried my baſket home when the bell rung eight o'clock, I went to my own place.

Was either Clarke or Johnſon there then?—No.

Which of them did you ſee firſt after that?—Clarke.

When did you ſee Clarke?---I ſaw him juſt before nine, I was looking after Johnſon, and I ſaw Clarke with his apron turned on one ſide, and the knife in his apron, at the bottom of Chamber-ſtreet, Ratcliffe Highway.

Clarke lives next door to you I believe, does not he?—Yes.

How did you know there was a knife in his apron?—He *out* with the knife and ſhewed it me.

Did he do that directly?---Yes, immediately, I aſked him firſt whether he had ſeen Johnſon, no, he ſaid, he wanted him; he ſhewed me the knife, and ſaid, that either Nan or Johnſon ſhould be the firſt that ſhould have that knife ſtabbed in them.

Who did you underſtand him to mean by Nan?---His wife.

Is he a married man?---No, Sir.

A woman that lives with him by the name of Nan?---Yes.

Did you aſk him any further queſtions? —I told him, ſays I, for God's ſake whatever you do govern your paſſion.

Did he ſay what he would ſtab them for? —He ſaid, they both jumped out of the back window together.

Did he ſay that before you told him to govern his paſſion?——Yes.

What did he ſay when you begged him to govern his paſſion?——He told me he would not.

What more paſſed?——He run into this gentleman's houſe, the Hoop and Bunch of Grapes, I ſaw him go in, but I did not follow him in, becauſe I had been in juſt before, and I did not ſee Johnſon there.

Did you ſee him come out again?——I did not, I went away.

Where did you go to?——I looked in at the door, and ſaw him reach over the table, and give ſomebody a blow on the head, and I thought it was his wife that he gave the blow to, and I thought it was no buſineſs of mine, I could never have thought it was Johnſon he ſtruck, as they had been drinking all the bleſſed day, I went away to the next publick houſe, the Bell.

What did you ſee or hear then?——I thought, I would ſee what became of her on account he had uſed her ſo ill the night before, thinks I, I will ſit me down here and ſee what comes of this, I ſaw Johnſon come out and he was almoſt double.

Where did you ſee Johnſon come out from?——From the Hoop and Bunch of Grapes, I called out Johnſon! Johnſon! three times, he was juſt going to turn back again when he heard my tongue, he turned round, and ſaid to me, he has done for me and you too; who has ſays I, Jack Clarke, ſays he.

Did you ſee Clarke come out?——I did not, I ſuppoſe he paſſed me while I turned away.

Why, when Johnſon come out directly from the entry, and ſaid, Clarke had done for him, did not you look to ſee if he was coming?——I ſuppoſe he was gone out before.

What became of Johnſon after he ſaid this to you?——I laid hold of him and croſſed the way with him, and led him right facing Mr. Dimſdales, then I heard Clarke coming out of Mr. Sayers, he ſaid, *bowpots*; it is a cramp word he has got.

What does he mean by that?——I do not know any more than the dead, he often crys *bowpots* when he is in liquor: Says I to Johnſon, ſhall I lead you home; no, ſays he, go to Clarke's for my candle which is on his table, and I went; Clarke, Clarke, ſays I, give me the candle that is burning on your table.

Did you ever know what he meant by that word?——When he was in liquor he uſed to cry it.

You knew the man?——I never knew him but about two months in my life; Johnſon deſired me to go and get my candle which was burning on Mr. Clarke's table, and he would go over immediately to Mr. Dimſdale's and get a drop of gin.

Did he tell you what candle it was that was burning upon Mr. Clarke's table?——I bought the candle myſelf, a penny flat candle.

Did he ſay how the candle came to be burning there?——No, he never did, it was Clarke's room, and Clarke went with me and I took the candle off of his table: Clarke ſaid nothing to me nor I to him, as I went for the candle.

You found the candle burning?——Yes.

Was there any body in the room?——Nobody at all.

Did you ſee Nan at all?——No.

What did Clarke ſay to you when you went into the room?——Nothing at all.

Where did you go from there?——Into my own room.

That was in the next houſe?——Yes.

Did Clarke go with you to your room?——He met Johnſon at our own door, I heard him as I was coming down ſtairs to light Johnſon up, it was not three minutes after, I heard Johnſon ſay to the priſoner, Jack, come up and ſee what you have done; I know ſays he, what I have done, ſays he, I have done it on purpoſe to kill you, I have ſtabbed you on purpoſe to kill you; Johnſon ſays to me, I wiſh you would go and fetch a doctor, Clarke ſaid, he would go, ſays I, I will go myſelf, ſays Clarke, I will go with you.

Did this paſs up ſtairs or where?——It paſſed up ſtairs, he came up into the room by Johnſon's orders, to ſee what he had done, and Johnſon ſhewed his wound to the priſoner.

What did Clarke ſay after he ſaw the wound?——He ſaid, he knew it, he had done it on purpoſe.

Did he ſay it twice or once?——He ſaid it once up ſtairs and once at the door.

Did he expreſs no concern when he ſaw him?——No, none at all.

How come he to offer to go for a doctor?——He ſaid he had done murder, and he deſired to die for it, and he ſaid ſo in both the doctors ſhops.

Court. Did he ſay *deſire* or *deſerve*?——That he deſired to die for it, that is what he ſaid in both the doctors ſhops.

Was you with him when he was tripped up and taken?——Yes Sir.

What did he ſay?——I do not know, I found he was ſecured, and I ran immediately to the third doctor, and the doctor came down.

And what came of Johnſon?—The doctors ſaid he muſt go immediately to the Hoſpital, or he would be a dead man.

He was carried to the Hoſpital then?—Yes.

Did you ever hear him ſay any thing more reſpecting it?—No, I did not.

Did you ever ſee him after?—Yes, I ſaw him the next morning.

Did you aſk him how it happened?—Yes, he told me it happened at the Hoop and Bunch of Grapes, he ſaid, he came and gave him a punch of the head, in the Hoop and Bunch of Grapes.

Did you aſk him any thing about Nan?—No, I did not, I never heard Johnſon ſay what had been the reaſon of this.

When did Johnſon die?—He died the 7th of November, about nine in morning, at the Hoſpital; this accident was on the 5th, he was carried to the London Infirmary.

JOHN MARSHALL *ſworn*.

I went to bed on the 5th of November, about eight in the evening; I live the corner of Mount Pleaſant; I was awaked by a ſudden noiſe, crying out he is murdered! he is murdered! I got up and put on my clothes, that was about five minutes before ten.

What did you hear and ſee?—I live on the ground-floor, and I went out of the door and I heard a woman ſay that Clarke had murdered a man; I went to the back-yard and I heard a noiſe in Johnſon's room, I did not know what it was, I went up into the room and I ſaw Johnſon laying on the bed which was on the floor, and I aſked him what was the matter with him; he told me that Clarke had ſtabbed him; he ſaid to me who would have thought this, ſuch friends as we have been all day; I aſked him whether he had any words or no, and he ſaid he had no words at all with him.

Did you ſee Clarke?—No; I went down and found the knife ſticking in the floor, I have the knife here.

Court to Goodman. Did you ſay any thing about a knife?—Clarke jobbed a knife in the floor in his own room as I was taking the candle out of the candleſtick; he damned and buggered his eyes, and ſaid if Nan was here the ſame that is in Tom Johnſon ſhould go into her.

I think you told me juſt now that you nor he never ſpoke to one another when you went for the candle.—He ſpoke them words; but he did not ſpeak them to me.

Did you tell Marſhall where he had jobbed the knife in?—Yes, I told him he jobbed the knife into the floor; it ſtuck upright.

Court to Marſhall. The woman told you that he jobbed the knife into the floor?—Yes.

Did you go up to ſee?—I went down and took the knife out of the floor.

Down where?—I went down from Johnſon's room to Clarke's room, I found the knife in the floor and the point rather bent.

Was the knife bloody?—I did not ſee any blood at all on the knife; (*The knife produced and handed to the Jury; a ſhoe-maker's ſharp knife, between three and four inches long, with a ſharp point, and a common wooden handle*) he was taken to the hoſpital, and he ſaid, God bleſs you, maſter, I ſhall never ſee you any more, for I am a dead man.

Did he ſay any thing of the reaſon of this?—No, he ſaid he had no words with him.

WILLIAM ELBY *ſworn*.

I ſaw the priſoner locked up; juſt before he came to the watch-houſe, I aſked the priſoner what he had been doing, he told me he had cut a man acroſs the belly; I aſked him how he could be guilty of ſuch a thing, he told me it was through paſſion and liquor, and that after he had cut him he went to a couple of ſurgeons to get them to dreſs him, and that he hoped to God the man would not die.

Court. Where is the ſurgeon?—He left a card of his place of abode where he might be ſent for, Mr. Seaman, No. 33, Threadneedle-ſtreet.

(The Surgeon ſent for.)

Court to Marſhall. Did you ſee the wound?—Yes.

What appearance had it; what ſort of a wound was it?—It was about an inch long.

Where about was it?—The right ſide of the navel, juſt under the navel.

Did you obſerve any thing particular about it?——I did not obſerve any thing particular, but I ſaw a part of the caul of the belly hanging out of the wound.

A part of the caul?—Yes, a good part of it.

Court to Goodman. What ſtate of health was Johnſon in before he received the wound?—He had no diſorder at all.

Court. Gentlemen of the Jury, if you think there is ſufficient evidence before you now, that the wound which this man received in his belly was the cauſe of his death, in that caſe, if you are ſatisfied with the evidence now before you of that fact, it may not be neceſſary to wait for the ſurgeon, for it certainly is not neceſſary in point of law that that fact ſhould be proved by a ſurgeon; there may be caſes where a ſurgeon could not be had.

Jury. We wiſh to wait for the ſurgeon, my Lord.

Court. You cannot be too cautious in ſuch caſes, but it is not in point of law neceſſary that it ſhould be proved by a ſurgeon.

(The Surgeon ſent for, but was not at home, he was gone to the other end of the town; the Court ordered his recognizance to be eſtreated, but it was afterwards diſcharged on the application of the Surgeon.)

Court to Goodman. You ſay this man was in a good ſtate of health before he received this wound?—As good a ſtate of health as any perſon in the world.

Did you ſee his wound?—No, I could not bear to ſee it; I went to ſee him in the hoſpital three times.

Was you with him at the time of his death?—No, I was not.

Court to Marſhall. You knew this man before?—Yes.

Was he in good health?—Yes, in perfect health.

No diſorder that appeared to have indangered his life?—No, I believe by the ſtab he got his death.

PRISONER's DFFENCE.

I have nothing to ſay any farther than I knew nothing of ſtabbing him, there was nobody but the woman; I have nobody to my character; my maſter that I have worked for this twenty years did not expect I ſhould be tried till to-morrow.

Court. Gentlemen of the Jury, I will ſtate to you what the witneſſes have ſaid, with ſuch obſervations as it is my duty to ſuggeſt to you. *(Here the learned Judge ſummed up the evidence, and then added as follows:)* The declarations of the deceaſed after receiving the death-wound are always conſidered as admiſſible evidence in caſes of murder, though nothing before that wound is conſidered in that light. The reſult of the evidence ſeems to be this; that this man, as appears from ſome of his expreſſions, from ſome conceived jealouſy, the cauſe of which does not appear in evidence, or whether it exiſted at all further than in his own mind, went with a determined purpoſe, with this weapon with him, in ſearch of the deceaſed Johnſon, and finding him, called him out of the houſe where he was, and inſtantly ſtabbed him in the belly: it appears alſo, that they had been drinking together a conſiderable part of the day, and there is reaſon to ſuppoſe the priſoner was in liquor; and he himſelf ſaid to Elby that it was through paſſion and liquor. Sayer deſcribes his conduct, when he came into his houſe, as appearing to him in the light of a madman; that led me to enquire whether the priſoner had ſhewn any ſigns of madneſs, and the witneſs ſaid, only when he was in liquor on former occaſions, and then he was called Mad Clarke.

In the firſt place, Gentlemen, it is my duty to ſtate to you the law upon the ſubject. The killing a man deliberately, and with premeditated malice, is clearly and unqueſtionably murder, and is the legal definition of that crime; the killing a man at all in conſequence of an intention to hurt or injure him, is in law an high offence; but where death enſues from a ſudden quarrel, or the wound which occaſions the death is given in conſequence of a ſudden provocation at the inſtant, the law makes that allowance for the impetuoſity of paſſion, and the frailty of human nature, to reduce the crime to manſlaughter; but it is neceſſary that the provocation ſhould be ſudden, and proportioned in ſome degree to the violence of the party who kills; for a greater degree of provocation, provided it is ſudden and inſtantaneous, will reduce to manſlaughter, when the ſame degree of provocation would not juſtify the uſe of a deadly weapon, even though it was done on the inſtant: and the law has held it ſo ſtrict, as to conſider that nothing but perſonal violence will mitigate the offence of uſing a deadly weapon, however ſudden the occaſion may be; no words, however provoking, can reduce the offence to manſlaughter.

In this caſe there is no proof of any actual provocation given by the deceaſed at all; there is no evidence, except from the declarations of the priſoner, that tends to ſhew that he had conceived ſome kind of jealouſy with reſpect to the deceaſed and a woman who lived with him; now that jealouſy would not be a ſufficient cauſe, even if the cauſe of it had been proved to exiſt, in point of law to reduce that offence of killing a man to manſlaughter; but independent of that, no ſuch caſe is in proof to have at all exiſted: it is in proof to you that this man, before he gave the wound which is ſuppoſed to have occaſioned the death of the deceaſed, declared to a witneſs that it was for the purpoſe of killing him; that declaration being accompanied by the other I ſtated to you, if you take the one you muſt take the other, it is for that reaſon alone that I ſelected thoſe expreſſions of the priſoner that imported jealouſy, for he declares expreſsly his purpoſe to kill the deceaſed; he goes in ſearch of him with that deadly weapon, he finds him in a houſe where it is proved the deceaſed had been ten minutes before, he ſtrikes him a blow, calls him out, and the wound muſt then have been inſtantly given; the deceaſed afterwards declared he had received his death wound from the priſoner, and the priſoner makes the ſame declaration in a manner very extraordinary: I therefore am of opinion, that no provocation is proved in this caſe to have exiſted, that can reduce the offence from murder to manſlaughter.

The next conſideration is, whether you can upon this evidence, find any other excuſe that will reduce the crime of the priſoner. If the priſoner had been a man, really diſordered in his ſenſes, from natural and unavoidable infirmity, that act which would amount to murder in another man, would certainly not have amounted to that in him, becauſe ſuch a man is not conſidered as knowing what he does, and the conſequence of his actions; but there is no pretence in this caſe for that ſort of defence; for all the madneſs that is imputed to the priſoner, is the madneſs ariſing from liquor; and independent of the conſideration, that ſuch a madneſs is far from being an excuſe for the commiſſion of any atrocious crime; and it would be a great hurt to ſociety, if ſuch excuſes were ever admitted; but independent of thoſe expreſſions, he appears to have known what he was doing, both before he did it and afterwards; he declares, even after he had ſeen the deadly wound (which one would have thought, would have made the ſtrongeſt degree of reſentment relent) he declares after that, he did it on purpoſe, and with intention to kill the man; therefore, he clearly appears, even with that drunkenneſs, which in itſelf would not be an excuſe, he appears yet to know what he was about to do, and what he had done. It is therefore for you to conſider gentlemen, firſt whether you are clearly ſatisfied with the truth of the evidence, and that from the reſult of the whole evidence taken together, the priſoner is the man that gave the deceaſed that wound; and next, whether you are ſatisfied that that wound was the cauſe of the man's death, for however criminal the conduct of the priſoner may have been, yet unleſs you are ſatisfied clearly from the evidence, that he was the actual occaſion of the man's death, he is not guilty of murder; and with reſpect to that part of the caſe, to be ſure the evidence is leſs leſs complete and perfect than it ſometimes is in other caſes, from the abſence of the ſurgeon who had examined the deceaſed, and dreſſed his wound and attended him; for that evidence would have put it out of all doubt, it is not however neceſſary, at all, in point of law, that that fact ſhould be proved by the evidence of a ſurgeon particularly, provided it is proved without ſuch evidence; but it is fair to make alſo this obſervation, that though it is clear that the preſence of a ſurgeon is not neceſſary, yet where a ſurgeon has examined the wound, his evidence in that caſe is the beſt and moſt ſatisfactory that can be had, and where he is abſent, a leſs degree of evidence appears before a Jury, than would be before them if that ſurgeon was examined. Subject, therefore, to that obſervation, gentlemen, you will conſider the evidence as it ſtands; this man is in health, he receives his death wound, he, himſelf, declares his own idea of it, that it will be mortal; that wound is deſcribed as a wound in the belly, near the navel, a very dangerous place, where all the inteſtines are expoſed to injury from the wound; and a part of the caul of the inteſtines is deſcribed as hanging out of the wound; under theſe circumſtances he is carried to the hoſpital, between nine and ten that night, and on the morning of the ſeventh he dies; the witneſs who ſaw the wound who is not a man of ſkill or judgment, he ſays, he has no doubt but the wound was the cauſe of his death; it therefore remains under the circumſtances I have ſtated to you, upon the deſcription of the wound, the place in which it was given, the manner of giving it, the ſtate of health of the man before, and the time he died: If from all theſe circumſtances you are clearly ſatisfied, that the wound was the cauſe of his death, and are alſo clearly ſatisfied with the truth of the reſt of the evidence, and that the reſult of that evidence is proved clearly to your ſatisfaction, that the priſoner is the man that gave the wound, I am then obliged to tell you that I am of opinion there is nothing in this caſe that can reduce the crime below that aggravated crime of murder; and it will in that caſe be your duty to find the priſoner guilty of this indictment: If on the other hand you think there is any room to doubt the truth of the evidence, or that believing the truth of the evidence is not ſufficient proof that the priſoner gave the wound, or that the wound was the cauſe of his death, in that caſe it is your duty to acquit the priſoner wholly; or if there appears any circumſtances that would reduce the crime to manſlaughter, in that caſe you may find that verdict, but there does not appear to me any ſort of evidence to take that middle line: Therefore, give your verdict according to your own conſciences, you muſt be clearly ſatisfied of the fact of a crime ſo heinous in its nature, and ſo penal in its conſequences, and then it is your duty to the public and to juſtice, to find the priſoner guilty. If on the other hand you think there is any reaſonable cauſe for doubt, either upon the fact of his wounding the man, or of the wound being the cauſe of his death, you will acquit him.

Guilty of the wilful murder. Death.

The Concluſion of this will be in the Second Part.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 10th of DECEMBER, 1783, and the following Days;
Being the FIRST SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

The Continuation of the Trial of John Clarke.

Mr. Reynolds. John Clarke, you ſtand convicted of the wilful murder of Thomas Johnſon, what have you to ſay why this Court ſhould not give you judgment to die acording to law.

Silence being proclaimed, Mr. RECORDER *paſſed ſentence as follows.*

John Clarke, you have been convicted upon the cleareſt and moſt ſatisfactory evidence, by a Jury as much inclined to mercy as any I have met with, of a crime, one of the moſt heinous, both in ſight of God and man, that can be committed by the moſt wicked of mankind. The act of wilfully depriving a fellow creature of life, is a crime, which in all civilized nations has been juſtly puniſhed with death, the law of God as well as man, decrees, that whoever ſheddeth man's blood, by man ſhall his blood be ſhed; you have been unfortunately a prey to thoſe violent and outrageous paſſions of malice and revenge, which have led you to perpetrate this horrid crime; when I ſay you have been a prey to violent and outrageous paſſions, I do not mean thoſe infirmities of nature, for which the laws of man, and I hope of the Almighty alſo, will make ſome allowance; but you have been a prey to thoſe dark and malignant paſſions, which have led you deliberately to ſeek the life of your fellow citizen, and that fellow citizen your acquaintance and your friend, with whom you had ſpent the day in harmony and ſociality! Guilt ſo aggravated, can have no hope to eſcape the puniſhment of the laws: I hope therefore, that the impreſſion made upon you by the dreadful ſentence which you muſt now receive, will ſo operate on your mind as to correct that malignant temper, which has rendered you unfit to continue a member of ſociety here, and ſo to correct it as to entitle you to that mercy hereafter, which is infinitely more important for you to obtain, and that the ſhort period of time which you have now to live, will be ſpent more in regretting and lamenting that crime, than even the miſerable conſequences that muſt follow upon it; I hope the remorſe of your own conſcience will be ſuch as to make the only atonement that is left you in this life, and ſuch as to obtain mercy for you at the throne of him whoſe mercy is infinite. It therefore only remains for me to fulfil my duty, and pronounce upon you the dreadful ſentence of the law; which is, that you be hanged by the neck (on Monday next) untill you are dead, and your body be afterwards diſſected and anatomized according to the ſtatute, and the Lord have mercy upon your Soul.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

5. **HENRY HORNE** and **ALEXANDER KENNEDY** were indicted for feloniouſly aſſaulting Stephen Thurſton Adey. Eſq; on the King's highway, on the 28th of September laſt, and putting him in fear and danger of his life, and taking from his perſon and againſt his will, one gold watch, value 10l. two ſtone ſeals ſet in gold, value 40s. one ſilk watch ſtring, value 12d. one ſtone ring, value 10s. one gold mourning ring, value 10s. and fifteen guineas in monies numbered, his property.

STEPHEN THURSTON ADEY, Eſq; *ſworn.*

On the 28th of September laſt, I was robbed between twelve and one o'clock, on Sunday morning, in Pall Mall, juſt at the corner of John-ſtreet turning into St. James's-ſquare; I was walking, and two men came after me, they uſed no violence; they ſtopped me, and demanded my money and watch without delay; I gave them my money and watch, my purſe contained fifteen guineas and upwards; they immediately ran away; they were not more than three minutes with me, one of them preſented a piſtol to me, and the other ſtood at a little diſtance.

Do you know either of the men?—Not enough to ſwear to them, I think they are the men that ſtopped me, but not to take my oath to it, the one had a blue coat with a red cape on; I went to Bow-ſtreet and laid an information, and theſe men were taken.

MICHAEL DONNEDY *ſworn.*

I am ſervant to Mr. Henry Lee of Petticoat Lane; on the 28th of September in the morning, the priſoner at the bar came and knocked at my maſter's door about five o'clock, I got up and let him in, they aſked for my maſter.

What is your maſter?—He carries on the buſineſs of a ſilverſmith, he kept a pawnbroker's ſhop, he left off the pawnbrokery buſineſs; I aſked them what they wanted, I ſaid, it was too ſoon to diſturb my maſter, Horne ſaid, he had a gold watch to ſell, and two rings, I told him he might leave them with me till my maſter was up; they left them with me and returned in about an hour and half, then I went up and called my maſter, he came down in his morning gown to the foot of the ſtairs, and I ſhewed them to him, he bid me aſk them what they aſked for them, they ſaid, twenty guineas for the watch and rings; he told me to bid them four guineas and a half; which they agreed to take; my maſter gave me the money to pay for them, I came down and I paid them, and they went away.

What became of them afterwards?—I do not know, my maſter bid me put the watch ſafe up and take particular care of it, till he went to give information to Mr. Clarke.

Did you know who the priſoners were and their names?—Yes, I had ſeen them once or twice before, I had drank with Horne before, I knew him by name, but not the other.

Your maſter knew them I ſuppoſe?—Yes.

Did he know where they lived?—No.

Then how could he give information?—Mr. Clarke found out where they lived.

Had your maſter bought things of them before?—No, Sir, not as I know of, I never ſaw them at our houſe before.

How came he to think of giving information after he had bought theſe things?—I do not know.

Mr. Sylveſter, Council for Priſoner Kennedy. How long had the melting pot been off the fire that morning?—I do not know what you mean.

Do not you, why Henry Lee No. 19, Petticoat Lane, is known as well as any perſon in this Court; well then the crucible had not been on the fire that night?—I do not know what you mean.

Why what does your maſter melt his plate in?—He does not melt any.

He buys it all ready made, does he?—Yes.

What is he by trade?—He deals in the ſilverſmith trade, he buys any thing that he can come honeſtly by, he will ſhew receipts for every thing that he has bought.

Where is the receipt for this watch?—I do not know about that, we have no receipt for that.

He is not here?—He did not think he ſhould be wanted.

How long have you lived with him?—Two years and a half.

During that time upon your oath you have never ſeen any plate melted in that houſe?—No, Sir, none at no time.

And as to the goods that are bought they are bought in an open way?——Yes, Sir, I can mention ſeveral working ſilverſmiths that he buys his goods of.

He buys all kinds of goods you know, he is not very nice?—It is nothing to me.

You are preſent, are not you?——No.

Oh, he does not truſt you with that; however Clarke knows him very well.—Very likely he does, he knows him to make a diſcovery of many things.

You knew the watch was gold?—Yes, it was bought as ſuch.

What were the rings gold?—One was a mourning ring, and one an enamelled white head.

There was a ſeal to the watch and a ſtring?—Yes.

All for four guineas and a half, that is the honeſt way your Maſter deals.—That is the way he dealt for that.

JOHN GRAY *ſworn.*

I ſold a pair of piſtols to the priſoner Kennedy on the 14th of Auguſt, that is all.

JOHN CLARKE *ſworn.*

On Sunday after the robbery was committed, Mr. Lee came up and aſked if there had been any robbery of a gold watch, I did not know then, I went to enquire at the office, and underſtood a robbery had been committed in Pall-mall; I brought him the beſt deſcription of the watch. I know nothing more, only the Tueſday following I ſearched the place belonging to Kennedy, where I found a pair of piſtols.

Mr. Sylveſter. You know Lee of old?—Yes, Sir.

You have had him often?—No.

Was it you that made the affidavit in the King's Bench about the pot boiling always in his houſe?——No, Sir.

It was another officer then?——Yes, Sir.

CHARLES JEALOUS *ſworn.*

I had this watch from the young man Donnedy, at Lee's houſe, this is the ſame watch.

Donnedy. (*Looking at the watch.*) This is the ſame, I am ſure of it, and theſe are the two rings upon it.

(*The watch and rings depoſed to by the Proſecutor*)

PRISONER HORNE's DEFENCE.

I never ſaw this man Donnedy but once before; he then ſaid, that the gentleman in the red coat ſold him the watch; he made a remark of the young man in the red coat, and Sir Sampſon Wright aſked him once or twice. I will leave it to the gentlemen whether they did hear him or not.

Court. Mr. Adey how is that?——Donnedy ſwore that the man in the light coat gave him the watch; the one had on a blue coat and a red cape, and the other a brown coat.

Court to Horne. Have you any witneſſes?—Yes, my Lord.

Priſoner Kennedy. I leave it to my Council.

The Priſoner Horne called two witneſſes who gave him a very good character.

The Priſoner Kennedy called three witneſſes who gave him a very good character.

Court. Gentlemen of the Jury, the fact with reſpect to the priſoners reſts on the evidence of Donnedy; there is no doubt but Mr. Adey's watch was found on Lee by his information: Donnedy and Lee certainly ſtand under circumſtances of particular diſcredit; and it is evident what ſort of a houſe Lee keeps; and if the circumſtances reſpecting Lee had come out any other way than they have done, I ſhould not have heſitated to have bound over Donnedy an evidence to ſupport a proſecution againſt Lee as a receiver.

Henry Horne, Guilty, **Death.**
Alex. Kennedy, Guilty, **Death.**

Jury. My Lord, we humbly beg leave in the ſtrongeſt manner to recommend the priſoners to mercy.

Proſecutor. I beg leave to join in the recommendation.

Tried by the firſt Middleſex Jury before Mr. Recoreer.

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6. ROBERT CROSS was indicted for feloniouſly aſſaulting Sir William Jarvis Twiſſden, Baronet, on the King's highway, in the pariſh of Friers Barnet, on the 10th of November laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will one repeating gold watch value 10l. one black ſilk ribbon value 1d. two red cornelian ſeals ſet in gold value 6l. one yellow cornelian ſeal ſet in gold value 40s. one baſe metal watch key value 1d. one ſilk purſe value 12d. and ſix guineas in monies numbered, his property.

Sir WILLIAM JARVIS TWISSDEN, Baronet, *ſworn*.

On the 10th of November, I was travelling in a poſt-chaiſe about five o'clock.

What ſort of an evening was it?—It was rather a foggy evening; I was ſtopped before I came to the turnpike.

Court. In the pariſh of Friers Barnet?—I believe it is in the pariſh of Whetſtone; a man came up on the ſide of Captain Garforth, who was with me; my ſervant was gone on before; he told the poſtboys to ſtop, we had four horſes, the boys did not pay any attention to him at firſt; then they ſtopped; he came to the ſide of Captain Garforth, and ſaid, gentlemen your money and watches.

Were the glaſſes up or down?—Up.

Did he preſent a piſtol?—He did, the glaſſes were immediately pulled down; I gave him my ſilk purſe which contained ſix guineas, or ſix guineas and a half, and my gold repeating watch.

What ſeals were there to it?—Three gold ſeals, two red cornelian and one yellow, and a baſe metal key.

Court. Did Captain Garforth deliver his money too?——He did, the higwayman immediately turned his horſe and gallopped away towards London.

Had he any diſguiſe on his face?—No.

Did you give him the money acroſs Captain Garforth?——Yes.

Was your glaſs down or up?——I think my glaſs was down, or partly down.

Can you ſpeak to the countenance of the man?——Perfectly well.

Was the priſoner at the bar the perſon?——The very ſame.

You ſwear that was the man?——Yes.

Did he turn himſelf towards you, ſo that you had a full view of his countenance?—He was rather muffled up.

Did you ſee his face?—I cannot ſay I ſaw all his face, I ſaw his countenance.

You are ſure that is the man?——Yes, as ſoon as he went away from us the poſtboys were going on, I immediately hallooed out to them to ſtop; I jumped out of the carriage, I had a pair of piſtols but they were not loaded; I ordered one of the poſtboys to unharneſs his horſe immediately and ride after him, I ſwore he might take them if he pleaſed.

Did he do ſo?—Yes, he is here. We ſtopped on the Common about half an hour, then we went on with three horſes to the Red Lion, at the bottom of the hill; in about half an hour the poſtboy returned, and ſaid the man was ſecured; upon which I went back.

Did you ſee the man that night or the next morning?—The next morning.

You knew him again very well?—Directly.

Priſoner. I aſk no queſtions, my Lord, I acknowledge I am guilty of the crime that is laid to my charge.

CAPT. FRANCIS GARFORTH *ſworn.*

I was in the poſt-chaiſe when it was ſtopped, the highwayman came to my ſide, the glaſs was up, I put the glaſs down, he aſked for our money, I gave him mine, and my watch.

What ſort of a night was it?——It was rather foggy, and about five in the evening.

Had he any diſguiſe on his face, or was he muffled up at all?—Not the leaſt.

How was his great-coat?——It was buttoned.

Was that the man?——Yes, my Lord.

Did you get out and direct the purſuit, or did you remain in the chaiſe?——I got out and walked about; and when I got to the Red Lion I had an account the man was taken.

You are poſitive that is the man?——Confident.

Were the things found?——Every thing found upon him.

ROBEERT MEAD *ſworn.*

I was one of the poſt-chaiſe boys that drove theſe gentlemen.

Are you a London poſtboy?—Yes.

What inn did you come from?—The Swan-yard, in Oxford-ſtreet.

What time in the evening might you ſet out with theſe gentlemen?——When we went by Oxford Chapel the clock ſtruck four; we were ſtopped about a quarter of a mile on this ſide the eight mile ſtone; we got there in leſs than an hour.

Court. What pariſh is that?—I do not know.

In what manner was your chaiſe ſtopped?—He came up to the chaiſe, I heard ſomebody ſpeak, I thought it was a gentleman that wanted to ſpeak to Sir William; I ſaw a piſtol in his hand, I heard him cry ſtop, I ſtopped directly.

Was it light enough for you to ſee his countenance?—Yes.

The gentlemen were robbed, were not they, as you believe?—Yes.

Could you ſee the highwayman's face at the time he was by the chaiſe?—Yes.

Was that the man?—That is the man.

Then you muſt look back.—I did.

He took nothing from either of you poſtboys?——No.

Which way did he go?—To London as faſt as he could gallop.

Had he a good horſe under him?——A very poor horſe.

I ſuppoſe you took the beſt of your horſes to purſue him?—I took the horſe I rode, and I purſued him; Sir William deſired me to purſue him.

What coloured horſe did the highwayman ride?—A grey mare.

How ſoon might it be before you overtook him?—I overtook him in the ſpace of a mile, at the Green Man, he walked up the hill, and I kept ſight of him about 2 or 300 yards behind; I had no piſtols.

How ſoon did you venture to get up with him?—When he came to Highgate, I got as near him as I could, then I hallooed ſtop thief, I was juſt got up the hill oppoſite the Bull; there were three men going through Highgate on horſeback, they tried to ſtop him but did not; he kept going down the Holloway road, and when he came about half way down the hill, I was obliged to run my horſe up againſt a waggon, or elſe I muſt have gone by him; my horſe went ſo faſt I could not ſtop him: I then heard two reports of a piſtol, I was then about fifty or ſixty yards from him; after that I got cloſe to him and met with a horſe patrol, and he would not aſſiſt me; I called to him to aſſiſt me, and told him of it, and he would not; there happened to be two gentlemen on the road, one going to London and the other to Whetſtone, one Mr. Dalton and one Mr. Cooper, and they inſiſted on the patrol coming to aſſiſt me; with that the patrol came up and ſaid to the gentlemen, that it was a falſe report; then the highwayman came forward, and he and the patrol and me were all ſide by ſide, I thought he was going to catch hold of us; the patrol had arms. Then the patrol went back again and would not aſſiſt me; the gentlemen went about their buſineſs; I told him I would not want any aſſiſtance if he would lend me his hanger; the patrol would not; then the priſoner rode away from me for the ſpace of eight or ten minutes; the patrol went and ſent three men but he never came himſelf: then the priſoner was taken.

Who took the priſoner?—I am not ſure whether I caught hold of the reins firſt, or whether the patrol did.

Did the priſoner make any reſiſtance?—No, my Lord, he begged the favour of them to let him ride on his horſe; he was taken to the Half Moon at Holloway, we took him off the horſe and he walked.

Was he ſearched there?—Yes, we found two gold watches and a purſe; we ſearched him after he got into the room.

What were the two firings that you heard?—He fired firſt at the watchmen, and then the watchman fired at him.

You ſwear the priſoner is the man?——Yes.

Court. It ſeems to me a little extraordinary, that as he had fired at the watchman and the watchman had fired at him, that he did not make the beſt of his way to town?—He made the beſt of his way, but his horſe would not go.

THOMAS BROWN *ſworn.*

I am a watchman from Whittingſtone to the Crown at Highgate.

Do you remember any thing happening on the night of the 10th of November laſt, when you was on the watch?—I was on my duty about the middle of the hill, and I heard a great noiſe of ſtop thief, ſtop thief; I went off the foot-path into the road; I ſaw horſemen and footmen coming down the hill, and then there came a man by on a grey horſe, and he fired at me.

How came he to fire at you, did you attempt to ſtop him?—I did not.

What did did you do then?—I fired at him; he rode on, I did not take him.

Can you tell whether that is the man or no?—No.

You was not there when he was taken?—No.

THOMAS FISHER *ſworn.*

I keep the Half Moon in Holloway.

Do you recollect any man being brought to your houſe on the 10th of November?—Yes.

Who brought him in there?——John Prince, he is one of the patrol.

Who was with him?—William Scott, they are both patrols.

Was the poſtboy with him?—I cannot recollect whether he was or no.

It was the priſoner that was brought in.—Yes.

What time of night might that be?——About half paſt five to the beſt of my knowledge.

I ſhould think it muſt be later.—No, I think not; it was a grey mare the priſoner rode, he is the man, he was ſearched in my parlour.

(The watches produced and depoſed to.)

Priſoner. I have nothing to ſay; I do not wiſh to give the Court any unneceſſary trouble; I have people for my character that I never was guilty of any thing before.

—— SCOTT *ſworn.*

Was you one of the patrol?—Yes.

Who took him?—Prince and me.

Was the poſtboy with you?—He was hard by, he did not lay hold of him; he put the piſtol to my head and I took it from him, one piſtol was loaded and the other was unloaded.

FOR THE PRISONER.

JOHN UXLEY *ſworn.*

I am a turner in Hart-ſtreet, Cripplegate; I have known the priſoner about fifteen months to the beſt of my knowledge.

What is the priſoner?—He has been a Captain in the navy.

Court to Priſoner. In whoſe ſervice was you, Sir?—My Lord, I was in the ſeafaring line, but not in that line.

Uxley. I lodged in the houſe with him; I underſtood he was a Captain in the navy, and had a great deal of prize money and lived upon it; I ſpent many evenings with him both at home and abroad, and I took him to be a very honeſt man by his behaviour and conduct.

Court to Priſoner. Was you ever in the King's ſervice?—Yes, my Lord.

In what capacity?—I was maſter at arms.

JOHN MALKIN *ſworn.*

I have known the priſoner three months; I am a taylor, I always worked for him, I never knew any thing but juſt and honeſt by him.

MARY SIDDALL *ſworn.*

The priſoner lodged in my houſe fifteen months, he behaved very ſoberly and very orderly; I had a good recommendation of him when he came into my houſe from the beadle of the pariſh; my houſe is in Frying-pan Alley, Wood-ſtreet; he always was at home by ten; he had a firſt floor one part of the time, and the other a two pair of ſtairs room.

What buſineſs did he follow?—When he came to me I underſtood he had money, he was recommended to me.

ELIZABETH GLOVER *ſworn.*

I live at the next door, I have known the priſoner upwards of twelve months; he was always very orderly and ſober, and a civil neighbour, I never thought any thing amiſs of him till I heard this affair.

Court to Jury. Gentlemen, I examined theſe witneſſes to ſee what his general character was; it is ſurprizing that nobody knows any thing of this man before theſe laſt fifteen months.

Mr. Baron Hotham to Priſoner. What ſhip was you maſter at arms in?—The Gibraltar.

How came you not to go with the Gibraltar abroad?—I came on ſhore ſick.

Was you diſcharged?—Yes, my misfortune is at preſent that I am far from my acquaintance and friends.

What countryman are you?—An Iriſhman; I was in a line of life ſince I came to London that I maintained myſelf without going out in any ſuch way, but a ſcene of loſſes and misfortunes brought me to it; it was my firſt offence, I hope your Lordſhip, and the Gentlemen of the Jury will look upon me as an object worthy to be recommended to mercy.

GUILTY, Death.

Priſoner. I never, ſo help me God, intended to hurt the man, but as any man in my ſituation would wiſh to get clear when they came up on each ſide; but, ſo help me God, I no more intended to hurt the man, any more than I do now to fire at your Lordſhip.

Jury. My Lord, it is the general ſenſe of the Jury to recommend the priſoner for mercy.

Court. You look upon it to be his firſt offence then I ſuppoſe, Gentlemen?—Yes, we do, my Lord.

Court. Let Robert Mead the poſtboy have 20l. the two patrolmen, Prince and Scott, 7l. 10s. each; Brown the watchman 4l. and Fiſher 20s.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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7. REBECCA BIDWELL was indicted for feloniouſly ſtealing, on the 9th of December, ſix pair of ribbed cotton ſtockings, value 21s. the property of William Saunders, privily in his ſhop.

WILLIAM SAUNDERS *ſworn.*

I am a hoſier, I ſell by retail.

Did you loſe any ſtockings on Tueſday?—Yes, ſix pair of fine cotton ribbed.

Was you in the ſhop at the time?—Yes, I am chiefly in the manufactory way.

GEORGE HOLLAND *ſworn.*

I am ſervant to Mr. Saunders, on Tueſday night about nine o'clock, the priſoner and another woman came into my maſter's ſhop in Broad-ſtreet Bloomſbury, and aſked for ſome clocked worſted ſtockings; I went backwards to get ſome ſtockings, and while I was there, the priſoner took a paper of cotton ſtockings with ſix pair in it, my back was turned to her, I did not ſee her take them, they were ſix pair of ſuperfine ribbed cotton.

What may be the value of them ?—One pound one ſhilling.

Court. That is three ſhillings and ſixpence a pair ?—Yes.

Did you ſerve the other woman with ſtockings ?—No, ſhe would not have them at that price, I aſked eighteen-pence, and ſhe wanted them for ſixteen-pence, the other woman told this woman to go out and mind a jackaſs that they had out of doors; I ſuſpected then that they had got ſomething; and I told the maid as ſoon as they were gone that they had got ſomething.

Did you examine to ſee if you had loſt any ſtockings ?—Yes, one Mr. Meecham came who had taken the ſtockings upon her, he aſked me if we had loſt any ſtockings, I ſaid, I would look, I told him, I thought I had by two women who juſt then went out.

Did Meecham tell you what ſtockings he had taken ?—He ſaid, he had taken ſome ſtockings, I looked, and miſſed theſe ſix pair of ribbed white cotton, I had put them in the window about five minutes before; I then went with Mr. Meecham to a public houſe, next to Juſtice Walker's in High-ſtreet, and there I ſaw the ſtockings.

GEORGE MEECHAM *ſworn*.

I belong to the public office in High-ſtreet, Bloomſbury, and I am one of the deputy keepers of New Priſon, about half after nine o'clock on Tueſday morning laſt, I met one Mary Wright, and I ſuſpected her, knowing her to be a ſhop lifter, ſhe ran up Bow-ſtreet; and I met the priſoner in Hyde-ſtreet, and I ſuſpected ſhe had ſomething, I ſaw ſomething of a bundle ſtick under her cloak, I pulled her cloak on one ſide, and ſaid, what have you here, ſhe ſaid, nothing, immediately from under her arm I took this bundle of ſtockings, there are ſix pair, they have been in my poſſeſſion ever ſince, ſhe ſaid, ſhe found them in an alley.

(The ſtockings depoſed to by Holland, marked by himſelf, and alſo by Mr. Saunders.)

PRISONER's DEFENCE.

I have nothing to ſay, I found the ſtockings, and I met Meecham, and I told him what I had got, I took him to the place where I picked them up, that I am ſure of.

Court to Holland. When you went backwards did you obſerve whether the priſoner moved from the place where ſhe was or not ?—When I went backwards I ſaw her at the counter and nobody elſe, and I ſaw her pull her cloak over ſomething, I ſuſpected her then.

Court to Holland. Is that the ſelling price ?—Yes.

GUILTY, Death.

Tried by the ſecond London Jury before Mr. Juſtice WILLES.

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8. WILLIAM MAYNARD and WILLIAM RICHARDSON were indicted for feloniouſly aſſaulting George Noble, on the King's highway, on the 1ſt of November laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one handkerchief, value 1s. one guinea, value 21s. one crown piece, value 5s. a ſilver ſixpence, and ſix copper halfpence, his property.

GEORGE NOBLE *ſworn*.

I am ſervant to Mr. Jackſon in James-ſtreet, near Buckingham-gate, I was coming home from Chelſea the firſt of November laſt, about half paſt nine o'clock, and the two priſoners were walking towards London before me, about the middle of the road, about half a mile from town.

Did you know them before ?—No, it was in the Five-fields Road, they were about two hundred yards before me, I overtook them, and then Maynard turned round and took hold of me by my arm, and he told me to make no noiſe, and the priſoner Richardſon pulled out a piſtol and ſtood over me with it, he did not ſpeak; Maynard deſired me to be quick about it; he had hold of my arm at the time, and the priſoner Maynard ſearched my fob for a watch but I had none, then he put his hand in my right-hand breeches pocket and took a crown piece and a ſixpence, then he put his hand in my left-hand breeches pocket and took a guinea, then he put his hand in my waiſtcoat pocket and took threepence halfpenny or fourpence halfpenny, but I am not ſure to the number of halfpence; then he put his hand in my jacket pocket and took my pocket handkerchief.

This was all you loſt?—Yes.

Did Richardſon ſtand with the piſtol over you all the time Maynard was ſearching you?—Yes, Maynard turned me round and told me to go about my buſineſs, which I did.

Court. I ſhould be very glad to know how you can ſwear to either of theſe priſoners?—It was quite moon-light.

JONN SHARRARD *ſworn.*

I am one of the officers of Bow-ſtreet, I apprehended the priſoners on the 7th of November in Hyde Park, a robbery having been committed that night, we took them on foot, we went in ſearch of them, they made no reſiſtance, I ſearched them both, I found round Maynard's knee this handkerchief, his breeches was torn.

Did you find any piſtols on them?—No, there was one found juſt on the ſpot.

(The handkerchief ſhewn to Noble.)

Noble. I am poſitive to this handkerchief by the border, and a faint impreſſion of the border, and two remarkable holes, one hole was bit by a perſon's teeth.

(The handkerchief ſhewn to the Jury.)

Court. Were the holes all bit?—I do not know, but I remember the holes.

JAMES MACMANUS *ſworn.*

I was preſent when theſe priſoners were taken, there was no piſtols about them, this handkerchief was round Maynard's knee, I thought I ſaw Maynard fling a piſtol over the rails, and I afterwards found a piſtol there, the piſtol was charged.

Court to Proſecutor. What ſort of a piſtol was it Richardſon held over you?—It was a large horſe piſtol.

(A large horſe piſtol produced, which was loaded with a marble.)

PRISONER MAYNARD'S DEFENCE.

I never ſaw the man before in my life, I have not been at Chelſea for above half a year.

PRISONER RICHARDSON'S DEFENCE.

I have nothing to ſay, only leave it to the mercy of the Court.

The Priſoner Richardſon called one Witneſs who gave him a good character.

WM. MAYNARD, WM. RICHARDSON,	GUILTY Death.

They were both humbly recommended to mercy by the Jury.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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49. MARY HUMFREYS was indicted for feloniouſly aſſaulting William Jones, the younger, on the King's highway, on the 24th of November laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one guinea, value 21s. and two ſhillings and ſixpence halfpenny in monies numbered, his property.

WILLIAM JONES *ſworn.*

I was robbed the 24th of laſt month, between 8 and 9 o'clock at night, in Charlotte Buildings, Gray's Inn Lane; I was ſent from Mr. Parry's Chambers in Gray's Inn, to go into Holborn on ſome buſineſs for him, and the priſoner laid hold of me by the collar, and dragged me into thoſe buildings againſt my will; I reſiſted and ſtruck her ſeveral times over the arm, I felt her hand in my pocket, with that ſhe let go her hold and ran away from me, I followed her, and another woman met her, and they both went into a houſe where they lodged, which was over the ground floor, they attempted to ſhut the door, I ruſhed in, and when they got in, they wanted to ſhut the door upon me; as I ruſhed in, I heard ſome pieces of money thrown down; I got out and called the neighbours to my aſſiſtance, one of them ſaid, he would look in the chimney piece, and ſee if ſhe had thrown any thing there, and he looked, and he found a half-crown, I loſt a guinea and a half-crown, and a halfpenny: I had two guineas in my pocket, and half-a-crown, and a penny, I have only found the half-crown.

Court. I thing you ſaid, that at the time you was in the alley you ſtruck her and ſtruggled with her, did you feel her hand in your pocket all that time?—No, not all the time.

Did you know then ſhe was endeavouring to take your money?—No, not till I felt her hand in my pocket, I ſent for a conſtable, and for my governor, and my father and the priſoner was taken up.

Priſoners. Whether he did not firſt come up the court where we were ſtanding, and make many impudent ſpeeches, which I was aſhamed of, as he was ſo much of a child. Did I drag you into the court?—Yes, you did.

Priſoner. Lord have mercy upon your wicked Soul! did not you come into the court?—It is falſe.

Did I pull you up the court?——Yes, you did.

GEORGE BELL *ſworn*.

I was coming down the court between 8 and 9 at night to my father's, and I ſaw a number of people round a door, I went to ſee what was the matter, and I ſaw this young gentleman crying, he ſaid, he had loſt a guinea, and half-a-crown, and a halfpenny, and he ſhewed me a guinea and a halfpenny that he had left; I went and fetched his maſter, then two or three people were in the houſe, I looked in the fire place, and in ſifting the aſhes, I found half-a-crown; the gentleman's father is here, he ſaw me pick it up.

Is that it?—I cannot ſwear to the half-crown.

JOHN JONES *ſworn*.

I live in the court juſt on the ſpot, I heard a great noiſe, I went to ſee what was the matter, the young gentleman ſaid he was robbed, he could not tell who it was, and a woman told me, it was one that was called *Hell-fire Moll*, and that ſhe was gone into ſuch a houſe, I was determined ſhe ſhould be taken, I ſecured the door and window, and word was brought that no conſtable could be found, I went and got a conſtable and took her, ſhe denied the fact, I only ſtepped out to ſatisfy my wife where I was; and at that time the half-crown was found.

WILLIAM MARDEN *ſworn*.

I am a paſtry-cook in Middle-row, Holborn, one of theſe young fellows came to call me to take the priſoner, I went to the houſe deſcribed, where the priſoner was delivered into my charge, I ſearched her, and looked round the room, I found a halfpenny.

PRISONER's DEFENCE.

I was going down Gray's-inn-lane, and I met an acquaintance of mine, who told me her huſband had been licking her concerning ſome money, ſhe aſked me to go and eat a bit of ſupper with her, it rather miſled with rain, he was coming into, or going out of the court, he came and ſpoke to me, ſeeing him ſo much of a child, I was aſhamed to ſpeak with him, we went home to her apartments, for I do not lodge there, this young lad puſhed open the door and came in after us, he ſaid I will give you ſomething to drink, he put his hand into his pocket and pulled out a guinea, I told him to go along, ſomebody came up and the boy ſaid I had robbed him, I was ſearched from head to ſtern, I never offered to ſtir, I am as innocent as your Lordſhip, I have no witneſſes to my character, becauſe I did not ſend for any, beſides I have not any, I do not keep any company.

Priſoner to the Proſecutor. Did not you ſay to me that you had been with a woman before, and was as knowing as a man of twenty?—*Proſecutor.* It is falſe.

GUILTY, **Death.**

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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10. GEORGE WEST was indicted for feloniouſly aſſaulting John Rogers in a certain field and open place near the King's highway, on the 1ſt of November laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one half crown, value 2s. 6d. and one ſilver ſixpence, value 6d. the property of Mary Cox, widow.

JOHN ROGERS.

Court. How old are you?—Fifteen.

Do you know what a ſerious thing it is to take an oath?—Yes.

What is it?—An appeal to Heaven that I ſpeak the truth.

Court. Go on.

JOHN ROGERS *ſworn.*

I was going to Pancras on foot between eleven and twelve o'clock, in the day time, and a man came down after me and overtook me, and he began talking to me about his being a ſoldier, and what countries he had been in, this was in the high road, he ſaid he had been in very cold countries, and very hot, that he could not bear them; when we came about half way down the fields, he aſked me where I was going, whether I was going to Kentiſh Town or to London, I told him to Kentiſh Town, he told me he would ſhew me a nearer way, for he was going that way to ſpeak to his brother-in-law, who was hedging and ditching that way; I went with him, he took me acroſs two or three fields, till we came into a foot-path, he went along there a good way, and came paſt a good many people that was at work there, and when we got under a little hedge, he damned me, and told me to give him all the money I had, he took me by the collar, I gave it him, and he let looſe of me, and bid me go to hell; he ſtruck acroſs the fields towards London, I ſuppoſe, he ran away, I went on and got through ſome yards into Kentiſh Town; I never was in that place where I was robbed before in my life, I went to the houſe where I was going, and I told the people what a misfortune had happened to me.

Do you know the man again?—Yes.

Was he a tall or a ſhort man?—A tall thin man, that is him, he had a ſtriped waiſtcoat, ſuch as the lamp-lighters in general wear.

Can be you be poſitive about him, do you think you may not be miſtaken?—No, Sir, I am very ſure it is him, I have ſeen him before in Kentiſh Town doing the lamps, I fancy he had a job there for a few days.

WILLIAM LENTUM *ſworn.*

I was informed this man had robbed this lad, I was ſent after him, and I took him the 5th of November in the morning about half after ſix, in the fields between Highgate and London; he was deſcribed by ſeveral people to me.

Did the man ſay any thing when you took him?—He confeſſed that he robbed the lad before me, and the ſame before the Juſtice, when he was committed to priſon.

Did you ſay any thing to him to induce him to confeſs!—No, I aſked him how he came to do ſo, he pretended he was a little in liquor.

THOMAS SAVAGE *ſworn.*

I am a conſtable, the laſt witneſs brought the priſoner to me, and before the Juſtice I heard him ſay if he had not been in liquor he ſhould not have done it.

Court to Rogers. Did he appear to be in liquor at the time?—No, I do not think he was in liquor, he talked very well to me; it was before twelve o'clock.

PRISONER's DEFENCE.

I am innocent, I have no witneſſes.

Mr. Juſtice Willes. What, have you been a ſoldier?——Yes, I was diſcharged about ſix months ago, I was in the 56th regiment.

GUILTY, Death.

Court to Rogers. Who is your father?—He lives in the country.

What friends have you here?—I have no friends here, I live with Mrs. Cox the brewer at Highgate; I am a ſervant lad.

Tried by the ſecond London Jury before Mr. Baron HOTHAM.

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11. MARY MOODY, ANN PARKER, ELIZABETH PARKER, and BRIDGET PRICE were indicted for feloniouſly ſtealing on the 15th of November laſt, two woollen blankets, value 3s. twelve linen ſheets, value 3l. 3s. two bed quilts, value 20s. ſix linen table cloths, value 20s. ſix linen pillow caſes, value 3s. one petticoat, value 12s. two ſtriped window curtains, value 12s. two linen ſhirts, value 10s. one linen ſhift, value 6s. one flowered ſattin ſacque and coat, value 3l. 3s. one ſilk petticoat, value 5s. two ſtew-pans, value 6s. one flat iron, value 2s. twelve china cups and ſaucers, value 12s. one baſon, value 6d. one china tea-pot, value 6s. one bowl, value 2s. one tea-kettle, value 2s. four japanned china jars, value 40s. four ſilver quadrille boxes, value 40s. the property of Henry Lord Teynham: and one ſattin gown, value 10s. two ſtuff gowns, value 4s. one piece of flowered ſattin for a gown, value 5s. two dimity petticoats, value 4s. two ſtuff petticoats, value 4s. one petticoat, value 5s. five ſhifts, value 5s. one linen apron worked, value 3s. one yard of cotton, value 12d. half a yard of ſilk, value 2s. one pair of clogs, value 12d. ſeven ſilver tea-ſpoons, value 7s. one pair of tea-tongs, value 3s. and one plain gold ring, value 3s. the property of Catherine Read, in the dwelling-houſe of the ſaid Henry Lord Teynham.

CATHERINE READ *ſworn.*

I live with Lord Teynham in Clarges-ſtreet, Piccadilly, I am Lady Teynham's maid, I have lived with her thirteen years; my Lord's houſe was robbed laſt month, I cannot tell the day, I came to town the 11th of laſt month, and I miſſed two blankets from up ſtairs, I aſked what was become of the blankets, then I looked after the linen that was brought home from the waſh, containing ſheets and ſhirts, and table-cloths, the things that are mentioned in the indictment; all the clean linen was ſent to the waſh when we went out of town, the waſherwoman's name was White, I cannot tell when ſhe brought them home, as I was in the country, I ſaw the furniture of the bed, and I put down on a piece of paper what I found in the baſket, after the woman had ſhewn me what theſe were, upon looking over that account, I found all theſe things miſſing; I know nothing of the robbery, I only came to ſwear to the things.

Court. Who had the care of the houſe?——The family had been out of town five months, the priſoner Moody had the care of the houſe, and was permitted to have her huſband there.

WILLIAM LUCAS *ſworn.*

I live at Mr. Cooper's a pawnbroker in Great Wild-ſtreet, I produce a ſilk baſket, and two ſilver fiſh pools.

Who brought them to you?—The priſoner Bridget Price brought me one of them, I cannot tell which, for they are all alike, ſhe brought it to me on the 15th of November, I do not know who brought the baſket, ſhe pledged it in the name of Ann Price for ſix ſhillings, the reſt were either taken from her, or as coming from her, ſometimes ſhe uſed to ſend people.

Did ſhe ſay how ſhe came by it?—No, ſhe did not, they had been at the ſhop before and fetched again, and brought again.

(The fiſhpool depoſed to.)

Mrs. Read. There was no mark on them, there were four, and the priſoner Moody confeſſed ſhe took them.

Court. You ſpeak of Moody confeſſing, where did ſhe confeſs, before the magiſtrate?——Yes, before Sir Robert Taylor, it was pawned on the 11th, and taken out again, and pawned again on the 15th.

Court. Is there any confeſſion in writing, Mr. Reynolds?—No, my Lord.

Court to Mrs. Read. Was you preſent when ſhe confeſſed any thing, was any thing ſaid to her to induce her to confeſs, was ſhe adviſed to confeſs by any body?—Not as I know of.

Did any body threaten her, that it would be worſe for her, or better for her?—No, I heard her ſay that ſhe knew there were three pools up ſtairs in my Lady's dining-room, in a large china jar, in a white ſilk bag; and there were the fiſh and counters belonging to them, that was all ſhe ſaid.

Then ſhe did not confeſs ſhe took them?——No.

Mr. Sylveſter, Council for Bridget Price, to the pawnbroker. Do you know this young woman?—Yes.

Do you recollect her telling that ſhe pawned them for ſomebody elſe?—No, I knew her very well, I aſked her no queſtions at all.

To Mrs. Read. This young woman, Price, attended before the magiſtrate, and was let go?—Yes.

She came back again of her own accord?—Yes.

She came back again the ſecond time?—No, not the ſecond time, the third time ſhe came.

She came of her own accord?—Yes, ſhe was not in cuſtody.

Was it mentioned in your preſence by any body who they were pawned for?—No.

JAMES COLLINS *ſworn.*

I am a pawnbroker, No. 5, Little Poultney-ſtreet, I have a ſilk gown, two petticoats, a ſheet, a table-cloth, a pair of clogs, a flat iron, and a tea-ſpoon; the priſoner Elizabeth Parker brought them to me, ſhe made uſe of the name of Frances Freelove, I have known her three or four years, and ſhe always made uſe of that name, ſhe brought them to me the 27th of June.

(The things depoſed to by Mrs. Read, being her property and left in the houſe.)

Collins. This ſattin petticoat was brought to me by the priſoner Anne Parker, ſhe brought it to me on the firſt of September, the remainder part of the property was taken from Elizabeth Parker, to the beſt of my recollection, from the 3d of June to the 12th of September.

Jury to Collins. Did you take in that ſeparate or with the other goods?——I lent eight ſhillings upon it, ſhe told me ſhe had a ſacque of the ſame, or a gown.

Did you believe her?——I did.

Jury. Is the ſpoon marked;——No.

Jury to Mrs. Read. What is that petticoat worth;—It coſt 19s. a yard, there is ſix breadths in it.

JAMES PAGET *ſworn.*

I am a pawnbroker, I live in John-ſtreet, Golden-ſquare; I produce three gowns, two petticoats, and a quilt, I took them from Elizabeth Parker, they were pawned in that name, I had them from the 7th of June to the 20th of October.

(Theſe things depoſed to.)

JAMES SMITH *ſworn.*

I live in Jermyn-ſtreet, I have a black ſilk gown and petticoat, that is all I took in myſelf; there is another ſilk gown, a pair of ſhoes, and a white apron; I took the gown and petticoat from Mary Moody, the 2d or third of October; the gown for 2s. and the petticoat for 1s. 6d. ſhe ſaid ſhe brought them for Ann Price; I knew her before.

(Theſe things depoſed to.)

Priſoner Moody. He knows I pawned them in my own name.

WILLIAM MANSELL *ſworn.*

I live in Piccadilly; here is a pair of tea tongs and five ſpoons, they were brought by Moody.

Mrs. Read. They are my property; I cannot ſwear to the ſpoons, they are new, but to the tea tongs I can; a plain gold ring I loſt.

Manſell. Some of theſe things were brought by Moody, and ſome by Parker the elder; the tongs and ſpoons by Moody, the ſheets by Parker.

JOSEPH DOBEY *ſworn.*

I live with Mr. Cooper in Great Wild-ſtreet; I received theſe from the priſoner Ann Price, ſhe always went by that name in our ſhop; ſhe brought one ſacque, a table-cloth and two ſilver fiſh-pools.

The ſacque depoſed to, being the ſame as the petticoat.

Jury. Do you remember what was lent on that ſacque?—One guinea.

Priſoner's Council. Did you aſk any queſtions?—She ſaid ſhe brought it from an acquaintance.

THOMAS BARRY *ſworn.*

I am a conſtable; on the 12th of laſt month my lady's ſervant came to me at the Rotation Office, and told me my lord had been robbed, that ſhe came to town the night before, and came there for advice; I went with her, ſhe ſaid the woman that robbed her had been there over night, and going along we met Mrs. Moody; ſo ſays Mrs. Read, Mrs. Moody, how well you have got me theſe things in; ſays Moody, I have been with an acquaintance that promiſed to get them in to day; ſays I, is this the woman; ſhe ſaid, yes; I took Moody into cuſtody, I took her into a public-houſe; ſays Mrs. Moody, have you any thing about you; ſhe ſaid, no; ſays I, I will ſee, and in her pocket I found this green bag with eighteen duplicates in it, with ſome in the name of Parker, ſome Price, ſome Moody; and I pulled out of her pocket this key; the ſervant ſeeing the key in my hand, Lord, ſays ſhe, Mrs. Moody, that is my key, I hope you have not been in my trunk; ſhe ſaid, no; I found nothing elſe upon her, I put her into the watch-houſe, and then went to my lord's houſe to ſee what was miſſing, we went up ſtairs and opened the trunk, Lord, ſays ſhe, my things are all gone; we took an account of the articles that were miſſing for me to give an account to the magiſtrate; I enquired where the huſband worked, and went to his apartments and took him up; I ſearched his lodgings, there was nothing of their property: I took them both to the Rotation Office; ſhe ſaid if I would enquire at a little pawnbroker's-ſhop in Knave's Acre, I might find them out; I went to enquire after them, they ſaid they would not tell where they lived; I was directed to the taylor's in St. James's Market; I found the other priſoners two or three days after, and apprehended them, but I found no duplicates but what I found on Moody. About twenty minutes before I apprehended Price, ſhe had pawned the fiſh-pool for 6s.

(The key depoſed to by Mrs. Read.)

Court to Mrs. Read. How came Mary Moody by that key?—I left my key of my trunk in a drawer in the garret when I went into the country.

Where were all theſe things left in the houſe?—Mine was in my trunk, my lady's things were in her drawers not locked, ſhe did not think but the perſon was very honeſt.

When you came home, did you find Moody in the houſe?—Yes.

When did ſhe leave the houſe?—The next morning; I came from the ſtage between ſeven and eight, and miſſed two blankets; then I aſked for the linen that my lady left to be waſhed, and ſhe could not find them, ſays ſhe, I will get them for you; why, ſays I, ſure miſtreſs you have not pawned my lady's ſheets; ſays ſhe, I have, I will bring them to you in the morning; ſhe laid in the parlour, and the next morning ſhe was gone. Not finding her come back, I aſked a gentleman what I ſhould do, he told me to go to the Rotation Office, which I did.

Mr. Sylveſter to Barry. This young woman, Price, was let go upon her promiſing to come again?—Yes, by two people anſwering for her coming again.

And ſhe came voluntarily?—Yes.

ELIZABETH SAUNDERS *ſworn.*

I know nothing but what Mrs. Moody told me the morning ſhe left my lord's houſe; ſhe has lodged in my houſe three years, and I always found her to be a very honeſt woman; ſhe told me, that morning that Miſs Price came to her and ſaid ſhe was in great diſtreſs for ſome money, and begged her to lend her ſomething to make a trifle of money on, and ſhe rather refuſed it.

Priſoner's Council. Price was not there?—No, ſhe ſaid ſhe gave her ſome liquor, and made her rather in liquor, and ſhe had ſome things out of the houſe, and ſhe had been to her that morning, and ſhe had promiſed her to get them that day, that is all I know.

Priſoner's Council. Price was not there?—No.

Court. Is Price any relation of her's?—Not that I know of, I heard her ſay they were country people.

PRISONER MOODY's DEFENCE.

I have not much to ſay for myſelf; I acknowledge that I pledged ſome of the things, and got tickets of them to take them out, and I had wrote down to my brother for ſome money; I ſhould have made up the money, for my lady told me I ſhould have a month's notice, and ſhe came to town and gave me no notice.

PRISONER E. PARKER's DEFENCE.

My ſiſter gave me a trifle to pawn for a ſhilling or two, and I always gave it to her, but I did not pawn half or a quarter of theſe things, only they put them in my name.

ANN PARKER's DEFENCE.

When I went with that petticoat Mrs. Moody was with me; I did not ſee the pattern of the coat, nor know what it was before I went to the pawnbroker's, nor I did not ſee the coat then, I ſtood in a little box in the ſhop.

PRISONER PRICE's DEFENCE.

The things that I carried was a ſacque and a table-cloth, and one of theſe ſilver things, Mrs. Moody gave them to me, and deſired me to carry them.

Priſoner Moody. I lent them her for herſelf.

The priſoner Bridget Price called three witneſſes, who gave her a good character.

Court to Jury. Gentlemen, the four priſoners are all indicted for a capital offence; your conſideration will therefore be, whether, in the firſt place, all or any of them ſtole goods in a dwelling houſe; and if you are of that opinion, you are then to find what the value of theſe goods ſo ſtolen is, if it is leſs than forty ſhillings their lives are ſaved, if it is above forty ſhilling that makes it a capital offence: You are farther to enquire, whether they were ſtolen in the dwelling houſe; now I think if they were ſtolen at all, they were taken in the dwelling houſe; the general ſtory you find is, that Mrs. Catherine Read, who is my lady's woman, ſays ſhe was ſent to town, &c. *(Here the learned Judge ſummed up the evidence and added.)* Upon this evidence you will determine whether you think all or any of them ſtole all or any of theſe goods; and to what amount; if you are all of opinion, that any of them have ſtolen goods to the amount of forty ſhillings (as I told you before) is a capital offence; but then you muſt be ſatisfied that the goods to that value were ſtolen at one time, becauſe unleſs you are, there is no particular theft amounting to that value; and ſo it ſeems to me extremely difficult for you to ſay upon this ſtate of the evidence, that at any one time goods to the value of forty ſhillings were ſtolen.

Mr. Juſtice Willes. What is the value of one of theſe ſilk gowns?

One of the Jury. I can tell you my Lord. (*Looks at it.*) One of them are not worth forty ſhillings.

Mr. Baron Hotham. Under this difficulty there is nothing elſe involved but that flowered gown and coat, which were pawned at two times, and therefore the gown might be taken one day, and the coat another; and where it comes to ſuch a nicety as that, perhaps you will think yourſelves at liberty to ſuppoſe in favour of life, that nothing was taken at any one time to the value of forty ſhillings, and you will then ſave the lives of theſe people; it will then remain for you to conſider which of them you will charge with ſimple felony: Now you find that every one of them has pawned ſomething, there is no evidence againſt any one of them, but what ariſes from the act of pledging theſe goods; but that is an act ſufficient to put the party upon giving an account how they came by them; for at firſt view it is a diſhoneſt thing to have your goods or mine in another perſon's cuſtody, they having nothing to do with them; now they have given no account how they came by theſe goods; and if it was to relieve them in an inſtant neceſſity, they would not want to take ſuch a number of things, eſpecially for five months together; if you ſuppoſe that they really intended to plunder the houſe, and that the fact really was that they were ſurprized by the ſudden return of Mrs. Read, and flattered themſelves with the expectation of this month's notice, which would have given them time to have accommodated matters, either for their excuſe or for facilitating their eſcape, then to be ſure you will ſuppoſe all that they did was with a different purpoſe; and with reſpect to the diſtinction of the different perſons, Moody was the perſon entruſted with the care of the houſe; ſhe is the only perſon that lived in the houſe, therefore it is to be preſumed that ſhe having pawned ſome of theſe things, that ſhe was the hand that took all the goods; and there are theſe two ſtrong circumſtances againſt her more than againſt the reſt, that of making her eſcape in the morning, and when ſhe was taken being found with the key of Mrs. Read's box in her pocket; that key Mrs. Read ſwears was up ſtairs in a drawer in the garret, when ſhe went out of town; therefore it is impoſſible that ſhe could have any buſineſs with that key; another circumſtance is, that ſhe had the poſſeſſion of the duplicates, not only of the things that were pawned in her name, but as the conſtable ſays, ſome in the name of Price, ſome in the name of Parker, ſome in the name of Moody. All of them were in her poſſeſſion; that imports very ſtrongly that they were pledged for her benefit, at leaſt in common with the reſt. With reſpect to the two Parkers, they are relations to her, and they did pledge at ſeveral different times part of this property; if you are of opinion that they were concerned in taking theſe things, and that they knew they were not Moody's property, but the property of Lady Teynham, and were alſo inſtruments of pawning them, you will connect them with Moody, ſo as to include them in the ſame guilt; if on the other hand, you only think them guilty in the light of receivers, then that is a different ſpecies of offence, with which they are not now charged, but which may hereafter ſubject them to other puniſhments; but if you ſuppoſe them principals in the fact, then they are equally guilty, and that involves the caſe of Price alſo, becauſe ſhe pledged ſeveral of theſe things in the name of Ann inſtead of Bridget; ſhe however has this peculiarly attending her caſe, which ſpeaks ſtrongly in her [illegible], that were taken up [illegible] this [illegible] and [illegible] the same volun-tarily again. As for Mary Moody she appears to be the principal in this matter, and as to her, I think there can be no doubt of her guilt, and the only doubt is whether you think the other three were principals or receivers.

MARY MOODY, GUILTY, Death.

ANN PARKER,
ELIZABETH PARKER, } GUILTY
BRIDGET PRICE,

Of ſtealing to the value [illegible]

Ann and Elizabeth Parker to be confined to hard labour twelve months in the Houſe of Correction, and Bridget Price to be privately whipped and diſcharged.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

WILLIAM CROUCH and **WILLIAM HAINES** were indicted for feloniouſly aſſaulting Robert Beckett on the King's highway, on the 1ſt day of December laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one ſhilling and nine pence farthing, in monies numbered, his monies.

ROBERT BECKETT *ſworn*.

I am aſſiſtant to the Hackney poſtman, on the 1ſt of December I was at Fulham at a quarter paſt ſeven, I was attacked by two perſons, when they met me firſt, it was about a quarter of a mile on this ſide the Four-mile-ſtone, they ſaid nothing to me at firſt, I bid them a good night.

Was it a dark night or a light night?—It was moon-light, but very foggy, they ran after me very quick, they told me to ſtop, they unbuttoned my clothes, and they pulled out a bludgeon, the priſoner Haines took me by the collar, and I gave him all the money I had, I gave him about one ſhilling and nine pence, then with a deal of perſuading they let me go, they did not hit me, but they threatened me, and Haines ſwore have you got no more.

Can you ſwear to the perſons of the men?—Yes, I have known Crouch ſome time.

Can you ſwear to Crouch?—Yes, I can.

Do you know his voice?—Yes.

Can you ſwear to Haines?—Yes, I picked him out of a good many people.

Can you ſwear that Haines was one of the men that robbed you?—Yes, I can.

You ſwear to them both?—Yes.

Was it light enough for you to ſee their faces?—Yes.

Where was Crouch while Haines robbed you?—At the ſide.

What did he ſay?—I cannot ſay that he ſaid any thing.

Had he a bludgeon in his hand?—Yes.

He was in company with the other?—Yes, they were taken about three quarters of an hour after, I followed them, I went to Acton, I came to Shepherd's Waſh, and got ſome people to go with me, I found Haines in a publick-houſe, and Crouch near his own door; at the time he ſtood by while I was robbed, I knew Crouch particularly.

Priſoner Crouch. My Lord I am deaf, I never ſaw him nor knew him in my life.

WILLIAM BOYER *ſworn*.

I conduct the patrol belonging to Bow-ſtreet, the priſoners were apprehended by me on the information of the proſecutor, the robbery was about a mile and three quarters on this ſide Acton, near the Four-mile-ſtone, we had information of it, we got to Acton about twenty minutes after eight, we ſearched ſeveral publick-houſes, there were ſeveral people in each houſe, we went into the Red Lion, there were twelve or fourteen people, and the proſecutor picked out the priſoner Haines from them, and ſaid this is one of them that robbed me, I immediately took him into another room, and ſearched him, I found nine penny worth of halfpence on him; we then went to enquire for the priſoner Crouch, upon information that we received at the Red Lion, and within about twenty yards of his door the proſecutor ſaw him in the ſtreet and ſaid, that is the man that robbed me, he ſaid ſo before any body pointed him out; in his pocket I found ſome money and a crooked farthing, which the proſecutor ſaid he believed to be his.

Jury. The proſecutor has not mentioned any crooked farthing.

Court to Proſecutor. What do you ſay as to the farthing?—I cannot be poſitive to it, I had a crookod farthing, it was taken from me, I believe this to be it.

Bowyer. The priſoners both denied it then, but on their examinations before Sir Sampſon Wright you will find they confeſſed the robbery. *(The confeſſions which were taken in writing before the Juſtice ſhewn to him.)* This was Haines's confeſſion which I ſaw him ſign, it was read over to him before he ſigned it, it was free and voluntary; it is ſigned by Mr. Addington: Crouch made the confeſſion firſt, and on Haines being ſent for over, he immediately confeſſed it; they were both read over to them, indeed Crouch read his himſelf; he ſaid he was induced to commit the robbery by Haines, who firſt propoſed it.

(The confeſſions read.)

"The examination of William Crouch,
" charged for a felony on Robert Becket,
" taken before me William Addington,
" Eſq. one of his Majeſty's Juſtices of the
" Peace, the 2d of December 1783; that
" he, this examinant, in company with
" Haines now preſent, robbed the ſaid Ro-
" bert Becket laſt night about half paſt ſe-
" ven, a little on this ſide Acton, of eleven
" pence farthing in copper and a ſixpence,
" and that they parted the money.

(Signed) "William Crouch."

(The confeſſion of Haines read to the ſame effect.)

PRISONER CROUCH's DEFENCE.

I never ſaw the man in my life; I did not know it was a confeſſion that I ſet my name to, they bid me ſet my name to it.

PRISONER HAINES's DEFENCE.

I did not know it was a confeſſion; I do not know any thing of the robbery.

The priſoner Crouch called three witneſſes who gave him a very good character.

The priſoner Haines called two witneſſes who gave him a good character.

Bowyer. My Lord, Crouch bears an extraordinary good character from every body on the road.

WM. CROUCH, }
WM. HAINES, } GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

They were both humbly recommended to mercy by the Jury.

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13. **MARGARET MORING** was indicted for feloniouſly ſtealing, on the 24th day of November laſt, four pair of mens leather ſhoes value 14s. the property of Richard Johnſon, privily in his ſhop.

RICHARD JOHNSON *ſworn.*

I am a ſhoemaker at No. 180, High Holborn; I loſt a great many ſhoes laſt month. On the 21ſt of laſt month the priſoner came into my ſhop, I told her never to come into my ſhop again; on the 24th ſhe came again; ſhe bought nothing: after ſhe was gone we purſued her into Drury-lane, and took the ſhoes upon her.

ELEANOR JOHNSON *ſworn.*

I had been over the way of an errand, and I ſaw the priſoner go into the ſhop and come out again; I ran over to my huſband, and aſked him if he had ſerved any body in a blue cloak; he ſaid, no; I purſued the priſoner down Drury-lane, I ſaw her give ſomething to another woman in Drury-lane, then I tapped her on the ſhoulder, and ſaid ſhe muſt go into Holborn with me; ſhe damned me and ſaid ſhe would not go with me, me; I took thoſe ſhoes from her, and ſhe ſaid ſhe would ſtick me; I held her faſt till my huſband came up, and he took her up.

ANDREW JOHNSON, ſworn.

I ſold thoſe ſhoes to the proſecutor, they came from a factor in the country.

PRISONER's DEFENCE.

I never had any of the ſhoes.

Court. What is the value of thoſe ſhoes?—The four pair fourteen ſhillings.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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14. ELEANOR M'CABE and ANN SHERLOCK were indicted for feloniouſly aſſaulting Roſſiter Linton in the dwelling-houſe of Elizabeth Martin, on the 7th day of November laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will one watch, with the inſide caſe made of metal and the outſide caſe made of ſhagreen, value 10s. and 5s. and 6d. in monies numbered, the property of the ſaid Roſſiter Linton.

ROSSITER LINTON ſworn.

I am a weaver; I met the two priſoners in Drury-lane on the 7th of November, and they aſked me to go with them to their room; it was between nine and ten.

Was you drunk or ſober?—I was ſober.

Really ſober?—Yes; I agreed to lay with one of them for one ſhilling, and I gave it her; that was the priſoner Sherlock.

Did you go to bed?—No, I was not in bed; when I had got ſome part of my clothes off ſhe called the other up, and they threw me down on the bed, and one of them lay over me, and the other took my breeches from me and ran down with them, and took my watch and money out; I had the breeches in my hand at the time they threw me down; there was 5s. 6d. and my watch in my breeches; it was M'Cabe that ran down ſtairs with it; Sherlock ſwore ſhe would take away my life if I made any reſiſtance; ſhe threw me the breeches again, and I put my things on, and went down; ſomebody without cried lock the door, and the ſtreet-door was locked on the outſide; and they ſtopped me at the ſtreet-door, and ſearched if I had any more money about me, and they pulled off my ſhoes.

What did they do with your ſhoes?—They let me put them on again when they ſaw there was no money in them; they ſearched all my pockets, and took my breeches down the thigh to ſee if there was any money in the breeches; then they let me go.

How long might you be kept in the houſe?—About a quarter of an hour from firſt to laſt. There were only theſe two up ſtairs; M'Cabe had gone down ſtairs, and then Sherlock called her up again.

Had you any candle in the room?—Yes.

Could not you make any thing of a ſtruggle againſt theſe women?—I dare not do it, they ſwore they would take my life if I did, and there were more of them at the door.

Jury. What ſtreet was it in?—In Croſs Lane.

Did you ſee any knife, or any thing of that ſort?—No.

Are you poſitive them were the two women?—Yes.

You are poſitive?—Yes.

When were they taken up?—About an hour after; the watch was found upon them the next day.

Priſoner Sherlock. The next morning when he took us up to the juſtice, he ſaid if I could raiſe five ſhillings and ſixpence he would make it up; I ſent this handkerchief and an apron to pawn, and a gown that I had, and I made up five ſhillings and ſixpence.

Proſecutor. No, my Lord, ſhe kept hugging me and pulling me about in the room, but I had nothing to ſay to her.

(The remainder of this Trial in the next Part, which will be publiſhed in a few days.)

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 10th of DECEMBER, 1782, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Eleanor M'Cabe and Ann Sherlock.

EDWARD LUCAS *ſworn.*

I am conſtable of St. Giles's; the priſoners were taken up by the watchmen, I believe the very night the man was robbed; I was at the Public Office in Hyde-ſtreet, the next morning, and the magiſtrate ordered me to ſearch them; I ſearched Sherlock, and under her arm-pit I found this watch.

To Proſecutor. Is that your watch?—Yes.

How long had you had it?—Not above five or ſix hours, I only bought it that afternoon.

Are you ſure it is your watch?—Yes.

Who did you buy it of?—I changed it with a young man a companion of mine.

THOMAS WELLS *ſworn.*

I am a watchman; as I was attending the priſoners in the juſtices yard, I ſaw Mr. Lucas take a watch from the priſoner Sherlock.

PRISONER M'CABE's DEFENCE.

As I was going down Croſs-lane I heard a great noiſe, and I went in, and the proſecutor was ſtanding, and he ſaid he was robbed; I went to a public-houſe, and the conſtable came and took us.

PRISONER SHERLOCK's DEFENCE.

I met the proſecutor, he aſked me if I would have any thing to drink, and we went together into Croſs-lane; I told him I had no apartment, but I would take him to a place I knew, and I took him to one Mrs. Martin's; he ſaid he had no money; he ſaid, if I would let him ſleep all night he would let me have his watch for a crown; I ſaid then I will call up the woman of the houſe. We had not been [illegible] quite an hour before he demanded the watch, and I would not let him have it without the five ſhillings; the watchman took us both to the watch-houſe, and the next morning he ſaid if I would give him five ſhillings and ſixpence and his watch he would make it up; I ſent my handkerchief and gown to pawn, and when the five ſhillings and ſixpence came and his watch, that watchman [illegible] went out to him and told him not to make it up at all. We have no witneſſes.

Court to Wells. You took them up that night?—Yes.

What time of night was it that you took them up?—Eleven o'clock.

Was the proſecutor ſober?—Yes, to all appearance.

What did he tell you then?—He told me he had loſt a watch and five ſhillings and ſixpence.

Court to Jury. Gentlemen of the Jury, this is a very ſerious ſtory, becauſe the priſoners ſtand charged with a capital offence;

and if you are ſatisfied with the evidence, there ſeems to be nothing in the caſe that authorizes me to wiſh you to reduce the offence from what the law deſcribes it to be; for a robbery, you well know, is a taking by force and violence the property of another, from his perſon; it is not often indeed that we meet with robberies of this kind committed under circumſtances of violence on the perſon; but when we do meet with caſes of this ſort, they certainly deſerve puniſhment; though women of this bad character muſt of neceſſity be in ſuch a country as this, yet they ought to confine themſelves to their trade, bad as it is; and in this caſe undoubtedly they have committed a plain robbery on this man, and if you are ſatisfied as to the evidence you are bound to find them guilty.

ELEAN. M'CABE, }
ANN SHERLOCK, } GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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15. **JOHN HARVEY, otherwiſe SEAGRAVE,** was indicted for feloniouſly ſtealing, on the 25th of November laſt, one gold pin with a diamond ſet therein, value 40l. one linen ſhirt value 10s. one pair of leather breeches value 20s. one pair of leather boots value 15s. one pair of cotton ſtockings value 3s. one woollen cloth dreſſing gown value 3s. one pair of ſilver knee buckles value 3s. the property of Sir George Oneſiphorus Paul, Baronet, in the dwelling houſe of Benjamin Harden.

JOHN HARDING *ſworn.*

I am butler and valet to Sir George Oneſiphorus Paul.

Court. Does your maſter live in a houſe of his own, or does he take lodgings when he comes to town?—He rents a houſe, and theſe things were at Mr. Harden's club-houſe, which goes by the name of Boodle's club-houſe, he dined there on the 25th of November, he loſt his pin while he was in the houſe; it was a diamond pin ſet in gold, a pin he always wore in his boſom when he was dreſſed; he had it not in his boſom then; he ſent there for his things to dreſs after dinner; he lives in Charles-ſtreet, Berkley-ſquare; I carried to Mr. Harden's the things mentioned in the indictment, except the leather breeches and boots, which he changed; he changed the leather breeches for ſattin ones, and the boots for ſhoes.

Court. I ſuppoſe theſe things, excluſive of the pin, are worth more than forty ſhillings?—Yes, my Lord, for they were almoſt new; I carried the things to dreſs my maſter a little before night, and they were loſt between ſeven and eight; I aſked for a room for Sir George to dreſs in, and I was ſhewn into a room up one pair of ſtairs, I put the things there, and there he dreſſed all he did dreſs; there was a fire made on purpoſe; he only changed the breeches and boots, and the cotton ſtockings for ſilk ſtockings, and put on a clean neckcloth; he was not long dreſſing himſelf, and then he went into the room again where he dined: I packed his things up directly after, and put the pin in the coat; I pinned the diamond pin in the coat, and I brought the things all out of that room, and put them into the porter's hall; the boots were dirty, I wrapped them up in paper, and put them inſide; I went down the ſtreet for ſome tea, a little lower, which was for my own uſe; I intended to take the things home myſelf, I thought I would not take them to the tea warehouſe, but call for them as I came back; I was abſent about ten minutes, and when I returned, the things were all gone; they were wrapped up in a linen packing-cloth; I immediately enquired after them, and aſked the waiter; there is an outward door and a door within that door; all the family of the Harden's lay in the houſe; when I miſſed them I immediately informed Sir George. I have ſeen part of the things ſince. I firſt heard of them on the 28th of November; I was at home at Sir George's own houſe, and there came a man from the Office in Bow-ſtreet, and informed us of them; I do not know his name.

JOHN ATKINS *ſworn.*

I belong to Bow-ſtreet; I believe there were hand-bills of theſe things of Sir George Paul's; I firſt heard of them on the 28th, when I came to the Brown Bear in Bow-ſtreet, I had been home with ſome priſoners, and I found the priſoner in cuſtody, he was ſtopped about a pin, we ſent to let Sir George know.

Court. How came you to think of Sir George?——Becauſe the pin anſwered the deſcription of Sir George's; I took him back and ſearched him, and he had a ruffled ſhirt on, and it was marked G. P. No. 14, the ſame that was in the advertiſement; I found nothing elſe upon him.

Court to Harding. Look at that ſhirt.—This is my maſter's ſhirt, I marked it myſelf, I have another of the ſame ſet in my pocket.

Can you recollect whether it was the ſhirt you carried that day to Boodle's?—Yes, I carried it clean, that mark will not wear out.

Mr. Shepperd, Priſoner's Council. As to this pin you pinned it in that coat.—Yes, I put the pin in the coat again.

This porter's hall, I believe, is at the entrance of the houſe?—Yes, there is a door which goes with a ſpring, any body may open it on the outſide.

Was there any porter in the hall when you left it?—There was not.

There are a vaſt number of waiters and ſervants in this houſe?—A good many.

You left this bundle behind the door without any body to take care of it?—Yes.

Jury. Do you ſwear that you marked both theſe ſhirts yourſelf?—Yes.

How do you account for the one ſhirt and the other being marked differently?—They are not.

Yes they are, there is a dot in the one ſhirt between the names, and not in the other.

Priſoner's Council. What makes you ſo ſure that was the ſhirt you carried that day?——That was the only ſet of ſhirts I had in town.

JOSEPH CLARKE *ſworn.*

I am a pawnbroker in Wild-ſtreet, on the 28th of laſt November, between two and three; the ſhirt-pin was brought to my ſhop by a woman, ſhe came to offer it to pawn to my wife, I was not within, ſhe wanted to pledge it for eighteen pence, I came in as ſhe was going away, we do not take in any thing but wearing apparel, therefore my wife did not look at it, and I aſked the woman what ſhe wanted, ſhe ſaid ſhe wanted eighteen pence on that pin, I told her we did not take in thoſe things, I then took it out of her hand, and threw it along the counter to my wife, telling her if ſhe had a mind to have ſuch a thing, I would give a ſhilling for it, not imagining it to be of any value, the woman ſaid ſhe could not ſell it, for it was not her property, I deſired her to ſend the perſon who did belong to it, ſhe ſaid ſhe would, ſhe was gone about three minutes and brought in the priſoner, I aſked him what he aſked for that pin, he ſaid ſix ſhillings, I pretended not to know whether it was gold or no, I told him to leave it ten minutes or a quarter of an hour, till I ſaw whether it was gold, he did ſo, I then took it to Mr. Heather's in Long-acre, he is a pawnbroker, and he deſired me to leave it and bring the perſon that brought it, when I came back to my ſhop the priſoner was not come, but he came in a few minutes, and I went with him to Mr. Heather, who aſked him how he came by it, and to the beſt of my remembrance, the man ſaid he took it for a bad debt, for ſeven ſhillings and ſixpence, a man came from Bow-ſtreet, and he was ſtopped and taken to the Brown Bear, we went with him.

Priſoner's Council. A woman came with this pin firſt?—Yes.

The priſoner aſked only 6s. at firſt?—Yes.

She left it very readily?--Yes, and he went vrey readily with me to Mr. Heather's.

JOHN HEATHER *ſworn.*

I am a pawnbroker the corner of Broad-ſtreet Long Acre. on the 28th of November about three o'clock in the afternoon Mr. Clarke brought this pin to my houſe, to value it, I knowing Clarke and ſeeing it a valuable pin, I aſked him how he came by it, he told me a cuſtomer wanted to pawn it with him for one guinea, I told him, I ſhould ſtop the pin, and I bid him go back immediately and ſtop the party that offered it to him, he did not return quite ſo ſoon as I expected, and I went after him to his houſe, I was rather uneaſy for fear the perſon might not come along with him, when I came to his houſe, Mr. Clarke and the priſoner were gone to my houſe, I miſſed them, they came thro' the court: The priſoner at the bar appearing to me not to own ſuch a valuable pin, I immediately ſent down to Bow-ſtreet for a conſtable, and took him into cuſtody.

What did the priſoner ſay?—The priſoner told me he had it of a man for a bad debt of ſeven ſhillings and ſixpence, but I did not believe that; I am a judge of things of this nature, I believe it to be worth forty pounds, I would give forty pounds for it; it is a diamond ſet in gold, that is the pin I received from Mr. Clarke.

Court to Clarke. Is that what you received from the woman and then from the man?—Yes, it is.

What was the meaning that you ſaid to Heather that a cuſtomer of yours wanted to borrow a guinea upon it?—I wanted to know how to act, and aſcertain ſome ſort of a value on it.

(The pin depoſed to.)

Court. Is not that a very fine brilliant Mr. Heather?——Yes, my Lord, a very fine brilliant.

(The pin ſhewn to the Jury.)

WILLIAM BERRY *ſworn.*

I am a waiter at Boodel's, I know Sir George's ſervant Mr. Harding; I remember his leaving ſome things at the Porter's Lodge on Tueſday the 25th of November, I ſaw the bundle there in the Porter's Lodge, and I ſaw the ſervant coming down ſtairs, as I was coming up ſtairs, I ſaw them there about four or five minutes after Harding went away.

Did you ſee the priſoner there?——No: there is a little room above the Porter's Lodge for gentlemen to dreſs in, the bundle was left behind the door, there is an outſide door towards the ſtreet which is always open, then there is a door that goes into the Porter's room, and is generally ſhut, it ſhuts of itſelf.

Priſoner's Council. How long was it between the time you ſaw the things there, and the time they were loſt?—The value minute.

I think you ſay you never ſaw the priſoner about the houſe?——No.

You do not know him?——I do not.

PRISONER's DEFENCE.

I met one Paterſon that I lent ſeven ſhillings and ſixpence to in March laſt, at Margate, this day week about one o'clock, and he aſked me to drink, I ſaid, I would with all my heart: we walked a little diſtance, ſays he, I want to go in here, and he went to a pawnbroker's ſhop, and aſked ſeven ſhillings and ſixpence on this breaſt pin; I ſtood the outſide of the door, and the pawnbroker examined the pin, he ſaid, it was not gold, he could buy as good a pin for eighteen-pence, he would lend him a ſhilling: Paterſon ſaid he gave twelve ſhillings for it at Margate, he then came out and went to another pawnbroker's, he ſaid to me, I have no money but he pulled out this ſhirt and gave it and the pin to me, and ſaid, get the ſhirt mended, it was tore in the collar, and pawn the ſhirt and the pin and bring me a duplicate: I then went to another pawnbroker's, and he ſaid, it was of no ſervice to him, then we went into a public houſe, and a woman came in, I aſked her to drink; he then aſked me, to aſk the woman to go pawn it, ſhe went, and the pawnbroker offered her a ſhilling to ſell it right out; with that ſhe came back for this Paterſon, and he deſired me to go in his ſtead; I went and told Clarke I would not ſell it for ſix ſhillings; ſays Clarke the pawnbroker, if you leave it for the ſpace of a quarter of an hour I will get it examined; I ſaid, I would; I left it, and in half an hour afterwards I called for the pin, he then told me, the pin was in Long Acre ſtopped; I ſaid, I did not care who ſtopped it; they ſent for a conſtable, I was in the ſhop for the ſpace of five or ten minutes and no ſoul there but himſelf.

Court. What is become of Paterſon? —I cannot find him, he told me to bring a duplicate to him to No. 5, Charles Court, Strand.

How long might you be with Paterſon, before ſuch time as you ſent this woman to pawn the pin?——About half an hour.

How came you to have this ſhirt on your back?——I was going to ſee a friend, and this ſhirt was rather cleaner than my own, I took the ſhirt off and put that on.

Mr. Heather. You will hear my Lord from Mr. Macmanus how the ſhirt became torn, it was by the priſoner making a reſiſtance, for I had ſent Macmanus to ſee if he could find any ſuch a man as Paterſon.

Court to Harding. Was the ſhirt tore when you carried it to Boodle's?——No.

PATRICK MACMANUS *ſworn.*

I took the priſoner at Mr. Heather's, he ſaid, he had it of one Paterſon, who lived at No. 7, Charles Court, in the Strand, and that he took it for ſeven ſhillings and ſixpence, I went to enquire, and there was ſuch a man lived there near four years back; then he was preſſed very hard to know where he lodged, he did not like to tell his lodgings, at laſt he ſaid at Ratcliffe Croſs; I took the directions, I went there the ſame night, and no ſuch man ever lodged at the place, nor they did not know ſuch a man: Harding went with me, I think the ſhirt was tore in ſtruggling to get away from Mr. Heather, and Clarke, and me, in Broad-court.

Court. Did he endeavour to get away?——Yes.

Priſoner's Council to Harding. Had you examined the ſhirt before that time?——No, Sir.

Then you do not know it was torn before?——No, I do not.

Court to Atkins. What account did he give of this ſhirt?——I took the ſhirt off his back, and I ſaw it anſwered; I ſaid to him this will affect you, and he ſaid you need not take it over the way.

(Mary Stewart called who went to pawn the pin. She did not appear.)

Court to Clarke. Did the woman that came to pawn this pin tell her name?——She went by the name of Sarah Warrington.

Court to Priſoner. Have you any witneſſes to your character?——No.

GUILTY, **Death**.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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16. JOHN OLDFIELD and RICHARD PHILLIPS were indicted for feloniouſly ſtealing, on the 27th of October laſt, ſixteen pounds weight of lead, value 4s. belonging to Abraham Adams, and affixed to a certain building of the ſaid Abraham, againſt the form of the ſtatute.

SAMUEL WILD *ſworn.*

I am clerk to Mr. Abraham Adams, he is a builder, he loſt ſome lead on the 27th of October, off a new houſe in the Circus by Portman Square; it was an unfiniſhed houſe, it had been laid on ſometime, there were to the amount of upwards of two hundred pounds ſtole in the whole, but there was about eighteen pounds fixed to the dwelling, the piece of lead that I took from the priſoner Phillips, I matched it and it exactly fitted, this was the 27th of October in the evening, he was in the houſe.

How came the priſoner in the houſe?—Some part of the area was broke down and he went in that way, I ſuppoſe or elſe at the door way; it was about ſix o'clock in the evening, it was quite dark, nobody was with the priſoner, he had the lead on his ſhoulder.

(The lead produced.)

Court. What may the value of it be?——It coſt when it was laid on twenty-two ſhillings a hundred, here is about twenty-eight pounds.

That is about two or three ſhillings for theſe pieces?——Thereabouts.

How was it ſeparated from the gutter?——It ſeems to be cut by a knife, I found a part of a knife in the gutter.

What did he ſay for himſelf?——He owned himſelf guilty; he ſaid, he was going to take it to a public houſe, to the priſoner Oldfield, who was to ſell it for him. I ſaw the lead there before.

EDWARD WALKER *ſworn.*

On the 27th of October a little after ſix o'clock, Mr. Wild aſked me to go with him to this houſe, I waited within the houſe a few minutes, and the priſoner came down, and I took him with the lead on his ſhoulder.

PRISONER PHILLIPS's DEFENCE.

I was going by there between ſix and ſeven o'clock, and ſaw a man go along with a ſack on his ſhoulder, I followed him and he ran away, and I found this lead at the bottom of the ſtair-caſe.

Proſecutor. He owned to me he took it himſelf, and he went up with me to the gutter, and ſhewed me where it was taken off.

RICHARD PHILLIPS, GUILTY.

Tranſported for ſeven years.

JOHN OLDFIELD, NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

17. **JOHN TAYLOR** was indicted for feloniouſly ſtealing, on the 4th of October laſt, one copper tar kettle, value 4s. the property of Griffith Hoare.

GRIFFITH HOARE *ſworn.*

I am a ropemaker, I uſe a good deal of tar, I loſt a copper tar kettle, ſometime in September; the priſoner worked with me as a carpenter in the repairs of the building: I ſaw my kettle afterwards by accident at the Rotation Office in Whitechapel, ſometime the latter end of September, I went there on other buſineſs, the priſoner had long worked for me.

(The tar kettle produced and depoſed to.)

Court. What is the value of it?——More than twenty ſhillings I ſuppoſe.

How had the priſoner behaved?——He was rather idle, he worked for me two or three years backwards and forwards.

Is he a married man?——Yes.

Has he any family?——I believe he has.

Did you ever know any harm of him before?——No.

JOHN ORANGE *ſworn.*

On the 15th of September, I was called up in the morning between five and ſix, and informed two men had got a large copper: I purſued them, the priſoner was one of the men, the other man is at large, his name is John Wakefield, I purſued them into one Mr. Wingfield's, in the highway, when I came into his yard I ſaw the priſoner and the other man, they were going to ſell Wingfield the kettle: They both ſaid it was their property, and that they brought it from Whitechapel: The other man ſaid, he was hired as porter by the priſoner, and was to have two ſhillings, I apprehended them both, they were committed for further examination, and no proſecutor appeared, I advertized the copper and then the proſecutor came to the office, I am ſure this is the ſame kettle, the priſoners were at large three or four days, they were diſcharged for want of proſecution : after that I took the priſoner when I found a proſecutor, and the other man Wakefield has *flew* ever ſince.

PRISONER's DEFENCE.

I was going to work in the morning, and I met Wakefield, and he aſked me to go and have part of a pot of beer, and I went with him, and he and I were ſtopped with this property, I do not know how he came by it.

Court to Proſecutor. Did the priſoner work with you after the 15th of September ?——I believe he did.

Orange. The priſoner came to the office and demanded the copper, and ſaid, his maſter had left it him four years back.

Proſecutor. My Lord, Wakefield worked for me as well as this man.

The Priſoner called one Witneſs to his character.

GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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18. **JOHN BARNETT** was indicted for feloniouſly ſtealing, on the 13th day of May laſt, one man's ſaddle, value 10s. one woollen girth, value 6d. and one leather ſurcingle, value 6d. the property of William Haley.

The witneſſes examined apart at the requeſt of the priſoner.

WILLIAM HALY *ſworn.*

Court. What are you ?——A *baggler* by trade.

What do you ſell ?—I have a green cart, I buy greens at Covent Garden, I loſt the things mentioned in the indictment, but I cannot tell the day, it was ſometime in May, I was riding on the ſaddle on horſeback, and I called at one Mr. Matthews's, a publican in St. Giles's ; I alighted from my horſe and had a pint of porter : When I came out I miſſed the ſaddle, it was valued at fifteen ſhillings ; I found it four months afterwards, I offered half-a-guinea reward for it : The priſoner was in the houſe at the time I loſt it, but he was not in company with me ; I was ſober ; on the Monday morning I took up the landlord and another man, on ſuſpicion : And about three months after I heard from the priſoner, that he knew the perſon that had my ſaddle, he ſaid, he was ſomething indebted to Matthews, and if he would not trouble his head with him, he would not trouble his head with Matthews ; I found the ſaddle afterwards in a cellar belonging to Matthews, next door to his dwelling houſe, and I took Matthews up again.

Court. What have you to charge the priſoner with ?——Only what Mary Daly ſaid.

What is ſhe ?——She lives along with Mr. Matthews, he calls her a houſe-keeper.

MARY DALY *ſworn.*

You live with Mr. Matthews ?——Yes.

What are you, his wife ?——No.

His houſe-keeper ?——Yes.

Do you remember this ſaddle being found in your maſter's cellar ?—I know nothing at all about it, any further than the priſoner came to me in the kitchen, and aſked me for a knife to cut ſome ſtirrups.

Did you ever ſay Barnett was the man that ſtole this ſaddle ?——No.

Court to Proſecutor. What do you call this woman for ?——She ſwore before the juſtice that the priſoner was the man that ſtole the ſaddle.

Daly. I never ſwore any ſuch thing in my life, I know nothing of it.

JOHN CROSS *ſworn.*

I was conſtable at that time, I found a ſaddle in a cellar belonging to Mr. Matthews in Bambridge-ſtreet, St. Giles's.

Do you know any thing againſt the priſoner?——No. I was at the Juſtice's when Mrs. Daly ſwore he took the ſaddle off the horſe's back.

Court to Mrs. Daly. How is this?

Mrs. Daly. I never ſwore ſuch a thing in my life.——

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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19. JOHN HUDSON *(A child of nine years old)* was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Holdſworth, at the hour of one in the night, on the 10th of October laſt, and feloniouſly ſtealing therein, one linen ſhirt, value 10s. five ſilk ſtockings, value 5s. one piſtol, value 5s. and two aprons, value 2s. the property of the ſaid William.

Court to Priſoner. How old are you?—Going in nine.

What buſineſs was you bred up in?——None, ſometimes a chimney ſweeper.

Have you any father or mother?——Dead.

How long ago?——I do not know.

Court. I wanted to ſee whether he had any underſtanding or no, we ſhall hear more of him by and by.

WILLIAM HOLDSWORTH *ſworn.*

I live in Eaſt Smithfield, I am a chymiſt: On the morning of the 17th of October, about eight o'clock, the maid informed me we were robbed; we have parted with her ſince; I got up and went to a back dining-room and found the ſhutters ſecure, but on opening them I found the ſaſhes had been thrown up to the top, the ſhutters were faſtened within-ſide, I immediately went down into the parlour and found ſome glaſs on the floor, and one of the panes in a narrow ſky-light on the top of the ſaſh was broken, part of the glaſs had been carefully taken out, and laid on ſome leads; the other part had fallen down into the parlour; I found upon the window ſhutter the marks of toes, as if ſomebody had ſlided down the window, in the inſide of the ſhutters.

Court. Were they ſmall toes or large toes?——They were ſmall toes, I obſerved a table that ſtood very near the window, there I found the mark of ſooty feet, I ſaw a bar bent that went acroſs the window curtain; I took the impreſſions of the foot and toes that were on the table upon a piece of paper as minutely as I could.

(The paper produced.)

Court. What reaſon have you to ſuſpect the priſoner?——None, I did not hear till the next day any thing about him: We found the things were loſt that were mentioned in the indictment, which were my property. On the next day I ſent to the pawnbroker's: The boy denied the robbery till the time that his foot was examined by this piece of paper, and then he acknowledged it.

Court. How do you apprehend the boy got out again?——He ſaid there was another boy with him.

Court. I do not much like the confeſſion of a boy of nine years old, I would rather do without it if I could. How high was your ſky-light?——About three yards from the ground, it was impoſſible for him to get out by himſelf.

SARAH BAYNES *ſworn.*

I lodge in Eaſt Smithfield at a ſhoe ware-houſe at Mr. King's, going down on Friday morning the 17th of October about ten into the yard, into a little place that belongs to the lodgers, I ſtaid there about five minutes, and coming out I found the priſoner at the water-tub, which was too high for him to reach without getting to the edge of the tub, I aſked him what buſineſs he had there, he ſaid, he was going to waſh himſelf; he was all ſooty: I told him it was water we made uſe of for drinking, and I did not chuſe he ſhould waſh himſelf there; on putting him away; there is a place that formerly been a kitchen, and there are ſtairs that go up either into the ſtreet or into the lodging place; in this place where dirt is kept, I found a damaſk table cloth: I called to the boy, for nobody had been down but the boy and me, he ſaid, he knew nothing of it: I found afterwards a parcel of ſilk ſtockings in the ſame place, I believe there were five tied up in a parcel: I then called in two men who found a parcel of things in the ſame place: Two aprons and a black ſilk ſtocking; upon the ſink in the ſame place there was a piſtol put in a thread ſtocking: One of the men going up ſtairs ſaw the priſoner coming out of the yard, and they fetched him back, and ſaid he was the ſame boy: At firſt he ſaid he knew nothing of them. Then Mr. King ſaid, he would fetch ſomebody that would make him know, then the boy ſaid, that there was another boy.

Court. That is threatening him, I cannot take a boy's confeſſion after that.

JOHN SMITH *ſworn.*

I am a pawnbroker, on the 17th of October, the boy at the bar brought this ſhirt to pledge about ſeven in the morning; he ſaid it belonged to his father, I aſked him who ſent him with it, he ſaid, his mother, I ſtopped him.

(The ſhirt depoſed to by proſecutor who ſaw his daughter making it: It had never been waſhed.)

JOHN SADDLER *ſworn.*

I apprehended the priſoner.

Court to Proſecutor. What paſſed before the Juſtice, were there any promiſes or threats made uſe of?——He firſt denied it, and then he told the Juſtice that there was another boy with him, and that the other boy broke through the window and got into the room; after the foot was meaſured by the paper he then confeſſed he had been in the houſe.

(The piſtol and ſtockings depoſed to.)

Court. Did the boy ſeem to want underſtanding before the Juſtice?——He ſaid very little.

Court to Baynes. Did he appear to you to want underſtanding?——No; the runners ſaid it was the third time they had had him within ten days.

Court to Jury. The boy's confeſſion may be admitted, in evidence, but we muſt take it with every allowance, and at the utmoſt it only proves he was in the houſe; now he might have got in after daybreak, as the proſecutor was not informed of it till eight the next morning. The only thing that fixes this boy with the robbery is the piſtol found in the ſink; that might not have been put there by the boy: his confeſſion with reſpect to how he came there, I do not think ſhould be allowed, becauſe it was made under fear; I think it would be too hard to find a boy of his tender age guilty of the burglary; one would wiſh to ſnatch ſuch a boy, if one poſſibly could, from deſtruction, for he will only return to the ſame kind of life which he has led before, and will be an inſtrument in the hands of very bad people, who make uſe of boys of that ſort to rob houſes.

Court to Proſecutor. Could the boy go through this hole without ſcraching himſelf?—The glaſs was taken perfectly out.

GUILTY.

Of the felony, but not of the burglary.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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20. JAMES GODFREY was indicted for feloniouſly ſtealing on the firſt day of December inſtant, thirty yards of ſcarlet woollen cloth, value 14l. the goods of Edward Shepherd, privately in his warehouſe.

ROBERT

ROBERT BLADES *ſworn.*

I am clerk to Mr. Shepherd, a Blackwell-hall factor; on the firſt of December he loſt this cloth.

Court. Is his warehouſe the place where his goods are uſually expoſed to ſale?—Yes.

Does he ſell by retail?—No, by commiſſion.

Was you in his warehouſe any time the firſt of December laſt?—Yes, on the firſt of December, between eleven and twelve in the morning, I ſaw the priſoner with this piece of cloth on his ſhoulder.

What quantity?——About thirty-four yards, or thereabouts, I cannot ſay to half a yard.

How far might that be from your warehouſe?——Juſt outſide the door.

Had you ſeen him in your ſhop before?—Upon ſeeing him with the cloth, I ſuppoſed he had taken it out of our ſhop, he was going off with it in Baſinghall-ſtreet, and I followed him, at the corner of Baſinghall-ſtreet, he looked to ſee if any body purſued him, he attempted to run away from me when I collared him, he pitched down the cloth when he ſaw me come up, I aſked him where he was going with it, he ſaid a man ſent him for it, I aſked him what man, I told him it was Mr. Shepherd's cloth, and took him back to Mr. Shepherd's.

Court. In this warehouſe your maſter ſells goods by commiſſion?—Yes.

They are never expoſed to ſale in this warehouſe?——Not till a perſon aſks for them, we ſell none by retail, it is for home trade or exportation.

Court. You do not know at all how the cloth was taken out of your warehouſe?—No.

How near the water ſide was your warehouſe?—It is in Baſinghall-ſtreet, juſt by Guildhall, I ſaw the cloth about half an hour before, it ſtood upon its head.

(The cloth depoſed to.)

Priſoner. I have had the drum of my ear broke, I have not heard a word of what the Gentlemen have ſaid.

Jury. Did the priſoner return with you?—I led him back, I never loſt ſight of the priſoner till I took him, nor of the cloth.

(The cloth depoſed to by Mr. Shepherd.)

EDWARD SHEPHERD *ſworn.*

I am a Blackwell-hall factor, I never ſell any goods by retail.

Do you break bulk before you deliver the goods?——No.

Some of your goods are diſpoſed of to home cuſtomers, and ſome to foreign?—Yes.

Are theſe locked up or open?—They are put up in papers and done upon ſhelves.

Are theſe ſhelves open?—Yes.

You never expoſe any of your goods on the outſide of your ſhop?—No, I was from home, the cloth is my property, conſigned by a clothier in the country upon commiſſion.

Court to Blades. Is that the piece of cloth you took from the priſoner?—Yes.

Had you examined that piece of cloth before you delivered it to the other perſon?—When I purſued the priſoner up Baſinghall-ſtreet, the number was towards me, it never was out of my ſight, it was about three times the diſtance from here to your Lordſhip.

(The cloth ſhewn him.)

By what do you know it?—By the mark and the number upon it.

Had you ſeen that piece of cloth before?—Yes.

Whoſe mark is it?—It is the mark of the clothier that manufactured the cloth.

But may not other people employ the ſame clothier?——No, my Lord, not the ſame number.

Jury to Blades. Do the doors in your warehouſe ſtand open?—Frequently.

PRISONER's DEFENCE.

As I was walking along as another perſon may do, I ſaw another man come along with the ſame coloured coat as mine, with a piece of cloth, he put it down, and he began to run, I heard a cry of ſtop thief, this gentleman came and laid hold of me, my friends are not here, I work hard for my living.

Court to Jury. I think gentlemen it is a doubt whether this is a warehouſe within the act of parliament of the tenth and eleventh of William the third, chapter twenty-third. There was a caſe determined here in 1751, before Juſtice Parker and others, for ſtealing goods in a warehouſe; the proſecutor kept a warehouſe by the water ſide, where merchants uſually kept goods till they could be put on board, that was held not to be a warehouſe within the meaning of the act. In this caſe, gentlemen, there are two reaſons why the priſoner ſhould be acquitted of the capital part; firſt, he was not ſeen in the warehouſe, and ſecondly its being a doubt whether this is a warehouſe within the act.

The priſoner called three witneſſes who gave him a good character.

Court to Taylor, one of the Priſoner's witneſſes. Did the priſoner's wife lodge at your houſe?—Yes, your honour, and ſhe is with-child.

GUILTY.

Of ſtealing, but not privately.

To be confined to hard labor ſix months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. Juſtice WILLES.

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21. JOHN JONES was indicted for that he with Walter Ballington, and John Foſter, on the 5th of February laſt, falſly and feloniouſly did make, forge, and counterfeit, and cauſe and procure to be falſly made, forged, and counterfeited, a certain paper writing, purporting to be a receipt and acquittance for payment of money, to wit, for the ſum of 759l. 14s. under the hand of William Creſſall, and which ſaid receipt is in the words and figures following, that is to ſay, "Received the 5th of "February 1783, of Mr. Walter Bal- "lington 759l. 14s. in full for goods ſold "and delivered, which is in full of all de- "mands, William Creſſall. Witneſs Wil- "liam Dixon." with intention to defraud the ſaid William Creſſall.

A ſecond count for uttering the ſame, knowing it to be forged, with the like intention.

William Creſſall, Charles Grubb, and Abraham Parſons, were called on their recognizances, and not appearing, the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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22. JAMES MANNIKAY was indicted for feloniouſly ſtealing on the 23d of October laſt, fifty-four pounds weight of lead, value 4s. belonging to Jacob Jammett, and affixed to a certain building of his, againſt the form of the ſtatute.

LEFEVRE *ſworn.*

I am ſervant to the proſecutor in Spitalſquare, on the 25th of October, going to examine the gutter, I diſcovered ſome lead had been ſtolen, I informed ſome of the neighbours, and on the Monday following I was informed a man was in cuſtody for ſtealing lead, which lead was brought to our houſe the next day, and examined with what remained there, and three pieces exactly correſponded in three particulars; firſt that one of the pieces that was indented fitted exactly, ſecondly, that the hole that was driven through the lead was ſo plain in the wood to which it was faſtened, that I ſaw the hole in the wood, by looking through the hole in the lead; thirdly, part of the letters of the name of Jammett were on theſe pieces of lead, and the remaining part of the letters on that which was left on the roof.

SAMUEL YARDLEY *ſworn.*

I met the priſoner in Spitalfields pariſh, within a few hundred yards of where the lead was ſtolen, with a ſack on his ſhoulder, on the 25th of October, about nine in the morning, I aſked him what he had got there, he ſaid ſome lead he had found that morning; I took him before the magiſtrate, and marked the lead.

THOMAS JACKS *ſworn.*

I went after the priſoner was in cuſtody and ſearched his lodgings on the 24th of October, and I found concealed in a little back place adjoining the room where he lives, a parcel of old lead, I ſuppoſe about thirty or forty pounds weight, covered over with different cloths and rags, and I brought it away with me, and in his box I found a thing that the brewers uſe to pull out bungs with; this piece of lead has the letters on it.

(The lead produced, being the ſame that was marked by Yardley.)

Lefeure. My Lord, part of theſe premiſes have been in the poſſeſſion of a brewer.

Court. What may the value of that lead be?—Four or five ſhillings.

PRISONER's DEFENCE.

I found theſe four pieces of lead in a ſack ſtanding againſt a door, and I kicked againſt them, and I thought I had a good right to go and ſell them, Yardley met me and took me.

Court to Priſoner. Was all the lead you found in a ſack?—Yes, I took two pieces to ſell, and left the other at home, I know nothing of their being covered over.

The priſoner called five Witneſſes who gave him a very good character.

Court to Jury. You obſerve nobody has told us when this theft was actually committed, and nobody ſays the priſoner was ſeen actually on the premiſes, but the conſtable ſays he took him about two hundred yards from the houſe.

Not Guilty.

Tried by the firſt Middleſex Jury before Mr. Baron Hotham.

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23. MARGARET DUVALL, otherwiſe HENSHAW, was indicted for feloniouſly ſtealing on the 2d of September laſt, one pair of linen ſheets, value 8s. two pillow-caſes, value 2s. the property of John Hibbett, in a certain lodging let by him the ſaid John to her the ſaid Margaret againſt the ſtatute.

A ſecond count for ſtealing the ſame things at common law.

MARY HIBBETT *ſworn.*

I am the wife of John Hibbett, I live at No. 1, in Poland-ſtreet, we let a lodging to the priſoner on the 2d of September, ſhe did not ſleep there, ſhe took it on the Tueſday morning, and on the Tueſday night ſhe came in with a band-box tied up in a handkerchief, ſhe went up and came down and aſked me where we had our beer from, I told her at the corner of the ſtreet, ſhe went out of the ſtreet-door, and I bid her ſhut the door after her, I told her it was always ſhut, ſhe did not return, ſhe had not been at the publick-houſe, at about half paſt ten I went up and ſhe had taken the ſheets and the pillow-caſes, and left the band-box empty behind her.

Had you ſeen the pillow-caſes and the ſheets there that day?——Yes, I put them on myſelf, I gave her a clean one, and ſhe took away the dirty one and the clean one.

Was there any body elſe in the room from the time you ſaw them there, till the time ſhe came in and went out again?—No.

What was the value of theſe ſheets and pillow-caſes?—Half a guinea.

Were they new?—One of them had been waſhed but twice.

Did you know the woman before?—No.

When did you take her up?—The Wedneſday month after.

Where did you find her?—She came by the end of the ſtreet again.

Priſoner. I am a Swiſs, I cannot underſtand properly.

Court to Priſoner. If you do not underſtand what the witneſs has ſaid I will repeat it to you?—*Priſoner.* If you pleaſe.

(Repeats it.)

HANNAH MADAN *ſworn.*

I lodge with the proſecutrix, ſhe keeps a ſhop, I went in to buy ſome butter, and the priſoner was enquiring for a lodging, the proſecutrix ſhewed her a lodging, ſhe liked it very well, I ſaw her return a little after ſeven, and ſhe went out again, as Mrs. Hibbett has mentioned, when ſhe was taken up I knew her to be the ſame perſon.

PRISONER's DEFENCE.

I never was in the houſe in my life, this gentlewoman muſt have taken me for another perſon, ſhe ſaid if I would pay her for the ſheets, ſhe did not wiſh to proſecute me, ſhe ſaid it would be very hard for me to be in gaol five weeks, and it is now three months ſince I have been in gaol.

Court to Mrs. Madan. Did you obſerve her to be a foreigner?——Yes, my Lord, her tongue will betray her.

Court to Priſoner. Have you any witneſſes?—I had laſt ſeſſions.

How long have you been in England?—Three years laſt March.

What buſineſs?—I was a ſervant for one twelvemonth, and a mantua-maker for two years.

Mr. Juſtice Willes. She has been a good while in gaol.

GUILTY.

On the recommendation of the Jury to be confined in Newgate one month.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

24. ANN THORNTON was indicted for feloniouſly ſtealing on the 2d of September laſt, a linen ſhift, value 10d. a huccaback table-cloth, value 6d. a pair of ſtockings, value 6d. a petticoat, value 6d. and two aprons, value 1s. a linen gown, value 5s. and a checque apron, value 1s. the property of Sarah Tomkins, widow.

GUILTY, 10d.

To be privately whipped and diſcharged.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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25. RICHARD CLARIDGE was indicted for feloniouſly ſtealing on the 21ſt of October laſt, four quart pewter pots, value 5s. the property of Benjamin Cracknell.

GUILTY, 10d.

To be whipped.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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26. ELIZABETH ASKEW was indicted for feloniouſly ſtealing on the 23d of September laſt, one boy's cloth coat, value 4s. a pair of cotton ſtockings, value 2s. one pair of ſilk and cotton ſtockings, value 12d. one other pair of ſilk and cotton ſtockings, value 12d. one linen ſhift, value 12d. one linen ſhirt, value 12d. one linen ſkirt, value 6d. one linen handkerchief, value 2d. the property of Patrick Dodd.

MARY DODD *ſworn.*

I live in Wych-alley, Wych-ſtreet, the priſoner came to aſk me leave to waſh a gown, as I take in a little waſhing, I was very ill at the time, I had the yellow jaundice, I gave her leave to waſh the gown, and ſhe ſaid if I had any thing elſe to waſh ſhe would waſh it for me, I gave her ſome cloathes to waſh, and then I miſſed a ſmock which was gone out of the waſhing, ſhe came to me the month before laſt, ſhe ſtaid with me the courſe of a week, on the firſt or ſecond day I miſſed a ſmock, I was afraid of my huſband; next I miſſed a handkerchief, I told her I ſhould have a great noiſe if I did not have it againſt Sunday; on Sunday my boy came in and undreſſed himſelf, and his coat and waiſtcoat, and three pair of ſtockings were gone, ſhe bid us all a good night and came back no more, we found her afterwards, the things are here, ſhe ſent to me afterwards to let me know where the things were, after we had a warrant for her; ſhe went with me to the pawnbroker's in Drury-lane, with the conſtable, there I found a handkerchief of mine pawned for ninepence.

Had that handkerchief any mark on it? —None but the ſelvage, I alſo found my boy's coat and ſhirt, and three pair of ſtockings, and a handkerchief; the priſoner would not own to them, I did not ſee her afterwards.

Mr. Tomlins, Priſoner's Council. There are two handkerchiefs as I underſtand?—Yes.

What ſort are they?—One is a blue and white, and the other is a purple and white.

Where was the blue and white one found? —With the bundle.

What name were they pawned in?—She pawned them in the name of Mary Jordan, as the pawnbroker ſaid.

Did you ever know the priſoner by that name?—I heard ſhe went by that name, I did not know her by it.

You miſſed theſe things on Monday morning?—Yes.

What time did you go to bed on Sunday night?—Soon, I bolted my door, nobody came in.

Do you never leave your door open to let lodgers in?—My huſband gets up to let them in.

How long did the company ſtay that night after the priſoner went away?——I cannot ſay.

Did they ſtay in the room where theſe goods were?—They did.

WILLIAM NORRIS *ſworn.*

I am ſhopman to Mr. Rochford the pawnbroker; to the beſt of my knowledge the priſoner brought the things to me, but I cannot be poſitive, they were pledged in the name of Mary Jordan.

Priſoner's Council. Was there any handkerchief pawned with theſe things?—Yes, a blue and white handkerchief.

Had you ever any goods pawned in that name before?—I remember the name of Mary Jordan, but not goods pawned by the priſoner.

ANDREW DICKSON *ſworn.*

I am ſhopman to Mr. Manning in Drury Lane, I received a handkerchief from the priſoner at the bar on the 9th of September, I am ſure it was the priſoner, I took notice of the handkerchief.

Mr. Tomlins. What ſort of handkerchief was it?—A white handkerchief with red ſpots, a common pattern.

(The things depoſed to.)

PRISONER's DEFENCE.

I have known the proſecutrix a long time, and about ten or twelve days before the robbery I called on her, and found her very ill; I offered my ſervice to ſtay with her till ſhe could get ſomebody elſe; I ſtaid with her till ſhe took me up on ſuſpicion, on the evening I went out and left ſome company, I returned about ten o'clock and found the door open as it always uſed to be, the next morning ſhe charged me with the robbery, and I and another perſon were ſearched: I have been between eleven and twelve weeks in priſon, and ſo ill I did not expect to live.

The Priſoner called one Witneſs who gave her a good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

27. **JOHN CODD** was indicted for feloniouſly returning from tranſportation, and being found at large, before the expiration of his ſentence, on the 25th of September laſt, without any lawful cauſe.

(The Record of the conviction read by Edward Reynolds, Eſq; Clerk of the arraigns, and the indictment examined at the ſame time by the Court.)

CHARLES JEALOUS *ſworn.*

Do you know the perſon of the priſoner? —Yes.

Was you preſent when the priſoner received ſentence?—I was not.

Where did you find him?—I found him in the pariſh of St. Clement Danes, on the 25th of September about eight o'clock, he was then at large: I laid hold of him, and he behaved extremely well indeed, he fell a crying directly, and made no reſiſtance.

JOHN TOWNSEND *ſworn.*

I was preſent when your Lordſhip paſſed ſentence of tranſportation on him.

Priſoner. My Lord, I would not wiſh to give the Court any trouble, I own myſelf to be the perſon.

Guilty, Death.

Tried by the ſecond Middleſex Jury before Mr. Recoreer.

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28. **JOHN JONES** was indicted for feloniouſly returning from tranſportation, and being found at large, before the expiration of his ſentence, on the 19th of September laſt, without any lawful cauſe.

(The Record read and examined as before.)

SAMUEL YARDLEY *ſworn.*

Do you know the perſon of the priſoner? ——Yes, very well, I found him in the pariſh of Whitechapel, on Friday the 19th of September, he was then at large, his behaviour was extremely well when I took him.

JOHN OWEN *ſworn.*

I was preſent in July ſeſſions, when the priſoner received ſentence of tranſportation, he is the ſame man.

Priſoner. I have nothing to ſay.

Guilty, Death.

Tried by the ſecond Middleſex Jury before Mr. Recorder.

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29. **JOHN HALL** was indicted for feloniouſly returning from tranſportation, and being found at large, before the expiration of his ſentence, on the 23d of September laſt, without any lawful cauſe.

Priſoner. I would not wiſh to give the Court any trouble; I am the man.

Court. There can be no harm in recording his plea, becauſe there can be no doubt of his conviction.

Priſoner. I humbly beg for the mercy of the Court.

Court. It reſts entirely with the King, whether the ſentence ſhall be carried into execution or not; it is not in my power to mitigate the ſentence of the law.

Guilty, Death.

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30. **ELIZABETH KNIGHT** was indicted for feloniouſly ſtealing, on the 24th day of July laſt, one ſtuff window curtain, value 6s. one pair of linen ſheets, value 5s. one copper ſaucepan, value 2s. one braſs candleſtick, value 18d. two flat irons, value 1s. one linen napkin, value 6d. two prints in frames, value 2s. twenty pound weight of feathers, value 10s. and three delf plates, value 1s. the property of William Davis, the ſame being in a certain lodging room, in the dwelling houſe of the ſaid William, and let by him to her, againſt the ſtatute.

ELEANOR

ELEANOR DAVIS *ſworn.*

I live in Dean-ſtreet Red Lyon Square, laſt July I lived in King's-gate-ſtreet; I let the priſoner a one pair of ſtairs back room at three ſhillings per week; ſhe was with me a fortnight and two days, I inſiſted on ſeeing my property on the 24th of July, and as ſoon as I ſaid that, the priſoner ſaid, ſhe would go and get a penny-worth of beer, her ſiſter lay with her, ſhe gave her ſiſter the key and went out, ſhe never returned; I went up directly with the priſoner's ſiſter and another woman, and miſſed the things mentioned in the indictment, the things were never found again, they were in the room when I let it to her.

MARY KNIGHT *ſworn.*

I am ſiſter to the priſoner, I lay with her at night, on the 24th of July I went home to go to bed, and the priſoner was at the public houſe next door, ſhe ſaid, ſhe was coming home preſently.

Priſoner. My ſiſter knows I complain often about the key, and ſhe has often got in without the key; that night I met an acquaintance whoſe wife was in labour, and I went with him and his wife died: I have got in myſelf without the key.

Mary Knight. I never got in without the key.

Jury to Proſecutrix. Were there other lodgers?—Yes, people of character.

Court. When was this woman taken up?—The 3d of Auguſt, and ſent to gaol the 7th.

GUILTY.

To be impriſoned one month in Newgate.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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31. **WILLIAM BRANSBY** was indicted for feloniouſly ſtealing, on the 2d of December inſtant, twenty-one yards of printed callicoe, value 5l. the property of Clement Bellamy.

BENJAMIN HOWELL *ſworn.*

I was going with a knot load to Ratcliffe Croſs, and under my right-arm I had a piece of Britiſh callicoe, containing twenty-one yards.

Court. Is that the ſame thing as printed cotton?—The ſame thing, I put the bundle on the bulk where I pitched my other load, the corner of Lime-ſtreet, I ſaw the bundle as I was taking the other load on my head move on my right-hand, I did not ſee who was moving it at that time, I looked round me and ſaw the priſoner with the bundle under his right-arm, he walked up Lime-ſtreet, and I went after him, I left my load at the corner, I caught the priſoner, and he threw the parcel down in the kennel, I ſaw him throw it down, I had hold of him at the time he threw it down, I ſtooped to recover the piece of goods and let him go, I called ſtop thief, and he was ſtopped, he was about a minute out of my ſight, I am ſure it is the ſame man, there was a lamp gave me a great oppprtunity of ſeeing him, I never ſaw him before, it was about half after five on the 2d of this month, the day-light was pretty near gone, he turned again on the left-hand, and I then came upon the ſide of him and ſaw his face, I am ſure it is the man.

Jury. Was he dreſſed then as he is now?—He had a brown great coat, and a green coat, and a red pluſh waiſtcoat, I had the bundle in my own care all the time, till the priſoner was committed, then it was in the poſſeſſion of the conſtable, I wrote my name upon it, it is now in Court.

Was the bundle that you gave to the conſtable the ſame bundle that you picked up?—Yes.

Priſoner's Council, Mr. Sylveſter. The man turned up Lime-ſtreet immediately?—Immediately.

Then you purſued him behind?—Yes.

You had not then an opportunity of ſeeing his face?—No.

Then you laid hold of a man and the bundle, and the man inſtantly got away?—He croſſed over and went about the length of this place, I ſaw him by the light of the lamp, I ſaw him particularly and his clothes, I can ſwear to his face.

Had he a hat on?—Yes.

Round or cocked?—I cannot poſitively ſay.

You could not obſerve him for a ſecond?—I ſaw the ſide of his face when he croſſed over, and I particularly took notice of the waiſtcoat, and the brown coat with the yellow buttons.

Who took the man?—A taylor, his name is Bull, he gave a falſe direction, he ſaid, he lived in Hare Court, Alderſgate-ſtreet, and he had not lived there for ſame time.

How was Bull dreſſed?——I do not know.

Why you had longer time with him than the priſoner?—He had a rough head of hair, I did not ſee the man when he was taken, they brought a man to me.

Which man you never ſaw before nor knew nothing of him?—I ſaw him plain enough that night.

Not plain, friend?—I ſaw the ſide of his face, I ſaw it plain enough.

You never ſaw but half of his face?—Yes, I met him in front.

Court. Do you mean that Bull gave you a falſe direction or that you could not meet with him?—He gave a direction that he lived No. 9, Hare Court, Alderſgate-ſtreet, he had lived there about eight or nine weeks, he was a ſtout thick man, he had no great coat on.

Could you miſtake Bull for the priſoner?—No, they are as different as any two in the world could be, Bull had a rough head of hair, and the priſoner's hair was tied, I obſerved that at the time.

——— HOTINE *ſworn.*

I am the conſtable, I produce the bundle.

(The bundle depoſed to by Howell who wrote his name on it.)

(The things depoſed to by Clement Bellamy as his property.)

The Priſoner called one Witneſs who gave him a good character.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

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32. RICHARD BULL was indicted for feloniouſly ſtealing, on the 4th of October, three ſilver table ſpoons, value 15s. two ſilver tea ſpoons, value 2s. one ſilver muſtard ſpoon, value 6d. one ſilver pepper box, value 8s. one cream pot, value 6s. the property of Sarah Woodman, widow.

SARAH WOODMAN *ſworn.*

I live at Southall, I keep a public houſe near Uxbridge, in October laſt about the 3d or 4th, I loſt the things mentioned in the indictment, we had between forty and fifty people to dinner, we laid down the things in a hurry, and this man was drinking, and we ſuppoſed he might take them, there were many other people in the houſe.

Who was in the room where you put them down?—I cannot ſay.

How long might it be that you miſſed them after you laid them down there?—Ten or twenty minutes.

I ſuppoſe in that time a good many people might have gone backwards and forwards?—I cannot ſay, this man was writing a letter, he was a good deal in liquor, he went away, and we miſſed them in about ten minutes after, it was about three o'clock in the afternoon, I immediately ſuſpected him, he was purſued and taken in a field, and brought back, the things were found upon him.

JOHN SYMONDS *ſworn.*

I was a conſtable, I had the priſoner in my cuſtody, he was taken between two and three o'clock, in the road to Greenford, at a little diſtance from the houſe in a field, he had been drinking, I found upon him 3 ſilver ſpoons, and a pepper box; the things were taken out of his waiſtcoat pocket.

Did he ſay at that time how he came by them?——He confeſſed before the Juſtice that he took them out of the room.

Was there any confeſſion taken in writing before the Juſtice?——No.

(The things produced and depoſed to.)

PRISONER's DEFENCE.

I went in to have a pint of beer, I aſked to write a letter, ſeveral men came in while I was there, I paid for the beer, I was there about twenty minutes, I aſked my way to Greenford, they directed me down the lane oppoſite to the houſe, I ſaw two men before me, I looked back, and ſaw a man throw ſome things out of his pocket, I picked them up, I was ſurrounded with five or ſix men. I ſaid I had picked them up; this is the firſt charge that was ever brought againſt me.

The priſoner called two witneſſes, who gave him a very good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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33. MARY MURRELL was indicted for feloniouſly ſtealing on the 24th of October laſt, ſixty-eight yards of black ſilk lace, value 15l. the goods of John Brown, and ——— Pope, privily in their ſhop.

JOHN BROWN *ſworn.*

On Friday the 24th of October, about eight in the morning, William Podd, another witneſs, came to my houſe to receive ſome money, he brought with him a piece of black lace, and aſked me the value of it, Podd deals in china and other things, I do not know what buſineſs he calls himſelf; when he ſhewed me the lace, he had ſeveral times before brought laces to me to aſk me the value of them, and when I have told him, he ſaid he could buy them much cheaper, I thought he might have bought this on the ſame ſcore, I told him it was worth ſix ſhillings and ſixpence per yard, he then told me he could ſell it for five ſhillings, and if he bought it for four ſhillings and ninepence, whether it would be a bargain, I told him it really would, the matter dropped for the preſent, I mentioned it at breakfaſt to my partner, that Mr. Podd had been there with a piece of the ſame lace we had ſome of, I aſked him if he ſhould buy it of him, he ſaid why ſhould we, we had a piece of it in the box; Podd did not receive the money when he came before, and he came again between eleven and twelve, and Mr. Pope and me were both in the ſhop, I deſired Podd to ſhew the lace to Mr. Pope, he ſaid he had left it at home, but he would go and fetch it, I ſaid he need not, I would ſhew Mr. Pope the ſame, I ordered one of my ſervants to give me the box of black lace, I took it up, and then miſſed this piece of lace.

Court. Then you ſuppoſed that you had in your box a piece of the ſame ſort of lace with that Podd had ſhewn you, but upon looking into the box you miſſed it?—Yes, I then ſaid to Podd, this is our lace, if it is ſays Mr. Podd, I will tell you the length of it, O ſays I, I will tell you the length preſently, I went to the invoice book and ſaw the length of it correſponded with the lace, Podd then fetched that lace, he lives in Bell Savage-yard, Ludgate-hill, he brought it to our houſe, the piece of lace he fetched was ours; Mr. Pope ſays this is our lace, you muſt tell us where you got this lace.

Court. Did you charge Podd as ſuſpecting him?——No, my Lord, we called upon him to declare where he got it.

WILLIAM PODD *ſworn.*

I live in *Bell Savage-yard*, I am a haberdaſher and dealer in china, I ſell to the china trade, I do not keep any ſhop, I keep my goods at home, I was apprenticed to the haberdaſhery, and my wife minds the millinery buſineſs; on the 16th of October I went to Mrs. Banks's ſhop behind the New Church in the Strand, ſhe keeps an open piece broker's ſhop, with a deal of lace in the window, and I [illegible] in there, and ſhe ſhewed me a pattern of a very fine grounded black lace, ſhe aſked me what I thought I could give for it, I told her I could not tell unleſs I ſaw it, ſhe ſaid ſhe had ſeen it, and it was a very good made one, and ſhe ſaid ſhe would ſell it to me for a penny a yard profit, ſhe ſaid ſhe would ſhew it me in the afternoon, I ſaw this piece of lace, and from the deſcription ſhe gave of it, I thought I might buy it, I gave her four ſhillings a yard, ſhe ſaid ſhe gave three ſhillings and eleven pence, or near it, and for the ſake of turning a penny ſhe could ſell it for that ſmall profit; I bought another piece of her that ſame day, and gave her twenty pence a yard for that; I have frequently ſeen laces in the window with a ticket to them, which led me to go into the ſhop, ſometimes I thought them very dear, I have been in that line, I travelled for a capital ſhop ſome years ago.

Did not this appear to you extremely cheap?—No, it did not, I ſhewed it to the trade, and I offered it for five ſhillings, I offered it to Mr. Collier in Holborn, at the bottom of the hill, he keeps a large haberdaſher's ſhop; on the twenty-fifth, I went to Mr. Brown's houſe at eight in the morning, and told him I had got a fine lace, and ſhould be much obliged to him to tell me the worth, I aſked him if he thought it dear at four ſhillings and nine pence, he ſaid he thought it cheap. I ſaid if he would give me five ſhillings, for three pence a yard profit, I would ſell it him.

Court. Was that true?—No, it was not true, but I did not know that a tradeſman was obliged to tell his profits.

No, but you was not obliged to tell him falſe, every man is bound to tell the truth if he tells his profit at all.

How long have you dealt with this Mrs. Banks?—Not a great while, ſometimes I have looked at the window and ſeen lace with a ticket to it at ſuch a price, ſometimes I have bought ſome twelve or fourteen yards, no particular length.

You have had this lace in your poſſeſſion then from the 16th of October to the 24th.

Court to Mr. Brown. It ſtruck you when this lace was produced by Podd that it was a lace of the ſame ſort that you had in your box, how long before had you ſeen this lace in your box?——The 4th of October my partner had it with him on a journey, and returned to town on the 3d with this lace, it was then in that box, I did not tell your lordſhip that the lace coſt me eight ſhillings per yard.

Had Podd been at your houſe between the 4th and 24th of October?——I had not ſeen him.

Do you know any thing of the priſoner?—I do not of my own knowledge.

Do you know any thing of this Mrs. Banks?—Not till I went to her houſe.

The lace that was ſo produced by Podd, have you it here?—Yes.

By what circumſtance do you know it to be yours?—It is a lace of a particular texture, and a particular pattern, and very uncommon.

Was there any ſhop mark or private mark upon it when it was brought to you by Podd?—Not that I ſaw.

Might there not be other lace of the ſame texture and pattern at other ſhops?—It is poſſible the length and pattern and texture correſponded with my own lace.

You examined your books, I think you ſay, to ſee that the length correſponded, and the length correſponded exactly?—Yes, it was twenty-ſeven yards and an half.

Do you mean it was nearly about that meaſure or exactly that meaſure?—It was either twenty-ſeven yards and an half or three quarters.

The remainder of this Trial in the next PART which will be Publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO
The Gaol Delivery for the County of *Middleſex*;

HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 10th of DECEMBER, 1783, and the following Days;
Being the FIRST SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Mary Murrell.

What meaſure was that lace that was brought to you by Podd?——It was ſomething more than twenty-ſeven and an half.

Now, though the reſemblance of the pattern ſtruck you, you had no ſuſpicion of its being your lace till you miſſed your lace?——I had not, having known Podd ſome years.

You have had it in your poſſeſſion ever ſince it was bought by Podd?—Mr. Pope has it.

Had you ever any lace of the like pattern and fabrick in your poſſeſſion before?——Never.

Are black laces of the ſame length commonly, or do they vary in length?—They vary, there is no certainty at all.

——— POPE *ſworn.*

I was preſent when Podd produced the lace the ſecond time, this is the ſame piece. I brought it home with me on the 3d of October, I had it in my poſſeſſion ſix weeks before that.

Had Podd been at your ſhop from the time you came home to the 24th?——Not that I know of.

Had you ſeen Mrs. Banks?——I never ſaw her before.

Have you ever ſeen the priſoner before?——I think I have ſeen her in the ſhop, I cannot be poſitive, but it muſt have been ſome months back.

Then you do not recollect having ſeen her between the time of your coming home and this lace being brought by Podd?—No, Sir.

Do you know that lace?——I have no doubt in the world but it is our lace, it is a remarkable fine lace, I am well acquainted with the pattern, and the length exactly correſponds with our invoice-book.

Is there any private mark on it?—It is not upon our card.

Jury. I preſume more of the ſame pattern and fabrick may have been made?——Very likely.

I underſtood this piece of lace was not ſeen either by you or your partner, later than the 3d of October, and on the 24th of October Podd brought you this lace, a ſpace of twenty days, is it uſual for goods of that nature to lay ſo long?—O yes Sir! frequently.

Podd. My Lord, Mr. Brown ſaid he had the lace on the 18th, I therefore told him, I ſuppoſed it could not be his lace.

Court to Podd. Have you ever taken it off the card, ſo as to ſee whether there is any mark on the card.

Podd. I put it on that.

What was upon it when you bought it?—I believe it was on a card covered with paper.

Why did you take it off one and put it on another?—I believe it was too large to put in my pocket, I believe there was more lace on it, I left it at Mrs. Banks's.

Court to Pope. What paſſed then?——Podd heſitated, he ſaid, he came by it very honeſtly, he had bought it at a very reputable ſhop, he would not tell us the name of that ſhop, he had no right; we went to go to this ſhop, and we never knew where we were going till we came into Fleet-ſtreet; this is the ſame I had of Podd, it has been in my poſſeſſion ever ſince.

Podd. I likewiſe told Pope and Brown, I had bought lace that morning, if they had loſt lace, I would ſhew it them.

Court to Podd. When did Brown ſay he had ſeen the lace?——On the 24th; I think on the morning, or on the next evening, I am not quite clear, I told him I ſuppoſed it could not be his lace, for he ſaid, he had it in his ſhop on Saturday, and ſhewed it to a lady on Friday; I told him I had had it in my poſſeſſion ever ſince the 16th: On the 26th in the morning, he ſent his apprentice to my houſe, to meet him in Bow-ſtreet about the fine lace; the boy ſaid, Mr. Brown ſays, he had it in his houſe on Saturday, and ſhewed it to a lady on Friday; Miſs Royle, who is now in Court heard Mr. Brown ſay ſo.

Court to Brown. Is this true what this man ſays?—I do not know whether I might not ſay, I believe I ſaw it on the Friday.

JANE BANKS *ſworn.*

Court. What are you?—A milliner and piece broker behind the New Church, in the Strand.

Do you know William Podd?—Very well, I have ſeen him ſeveral times.

Do you remember ſelling him a piece of lace on the 16th of October?—I did.

What price did you ſell it at?—For four ſhillings, I bought it for three ſhillings and elevenpence.

You have dealt in that buſineſs for ſome time?——Twenty-five years: I bought ſome fine lace of the priſoner, I was buſy, I told her I had not time to look at it, I was afraid it was a died blond, and ſhe left me a pattern.

What is the priſoner?——She has ſome time dealt in lace and other articles.

Where does ſhe live?——Somewhere by Alderſgate-ſtreet, I have known her about ten months, I have bought ſeveral things of her; I can make lace on a pillow, and I have dealt theſe many years in lace, I thought it was a fine lace but not a ſerviceable one, ſeveral ladies loooked at it, and did not like it.

Did not you know at the time you bought it, that it was worth a great deal more than that price?—I abſolutely did not, and I have dealt a great deal in lace. When the priſoner brought it it was put up in half yards, I put it on a large card, which is half a yard long and a quarter broad, which I keep on purpoſe that the thieves ſhould not rob me.

THOMAS WILKINSON *ſworn.*

I ſold the piece of lace to Mr. Pope and Brown, that very piece of lace, for eight ſhillings a yard; I believe it to be the ſame, it was lace of the ſame pattern and quality.

Whoſe manufacture is it?——I cannot ſay, I bought it in the trade.

Is not it very common when anew pattern is made to make a number of pieces of the ſame pattern?——A number of pieces cannot be made in a ſhort time of that pattern.

Court to Jury. Gentlemen: It ſeems that you can hardly have ſufficient certainty, that this is the ſame lace, without which, there is nothing at all to affect the priſoner; if I thought there was a ſufficient ground to put the priſoner on her defence, I would then hear what ſhe has to ſay.

Jury. My Lord, we are by no means ſatisfied as to the identity.

Court. I did not think you would, it is too ſlight evidence, even to put the priſoner upon her defence, in my opinion.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

34. CHARLOTTE WARE and ELIZABETH FAGAN were indicted for aſſaulting George Holland, on the 29th of November laſt, in the dwelling houſe of William Saunders, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, five pair of worſted ſtockings, value 10s. the property of the ſaid William Saunders.

A Second Count for feloniouſly ſtealing, on the ſame day, and at the ſame place, five pair of worſted ſtockings, value 10s. the property of the ſaid William Saunders, privily in his ſhop.

GEORGE HOLLAND *ſworn*.

How old are you?——Sixteen.

Do you live with Mr. Saunders?——Yes.

Did you ever ſee theſe two women before?—Yes, I ſaw them both in my maſter's ſhop the 29th of November, about five o'clock in the evening, they came and aſked me to ſhew them ſome ſtockings at fifteen pence, my maſter and miſtreſs were in the ſhop, I went backwards to fetch them ſome, and as I was returning, the priſoner Ware was endeavouring to conceal a bundle containing three pair of worſted ſtockings, under her cloak; my miſtreſs ſaw her, and ſhe took the paper up; then I ſhewed her ſome woman's black, ſhe put her leg on the counter to ſhew me how bad her laſt were; and with her other hand ſhe ſhoved two pair down: She put her ſhoe on, and ſhe put theſe two pair up her petticoats.

Did you ſee her do this?——Yes, ſhe ſaid then, the ſtockings would not do for her, and was going out, I told her, ſhe had ſtole two pair; ſhe ſaid, ſhe had not, ſhe then pulled her apron off and ſhook her petticoats, and they fell from her: I locked them both in the ſhop, I put the key in my pocket for ſhe wanted to go out; my maſter ſent the maid for a conſtable; The priſoner Fagan, then aſked me to let her go out, I told her I would not, for ſhe was as bad as the other: Fagan then ſtruck me and knocked me down againſt the ſtairs, and Ware ſtruck me ſeveral times: I ran up ſtairs and called one of the journeymen down, and went down ſtairs again, then Charlotte Ware ſtruck me again, and ſwore ſhe would rip me up with a knife, which ſhe was feeling for in her pocket, I then ran backwards where there were piſtols loaded, I told her if ſhe came near me I would blow her brains out? my maſter and miſtreſs cried out do not ſhoot, and they were very much frightened; I held my hand down then, or elſe I had it pointed up to ſhoot her: Then I threw the piſtol down the cellar, then ſhe knocked me down and pulled my hair, and tried to choak me: then one of the men came down and got me from her: She then ſtruck one of the men, and when the conſtable came, the priſoner Ware ſtruck the conſtable and ran away; ſhe was taken again: The other woman ſtruck the conſtable ſeveral times, and they were both ſecured, and we went to the Juſtice's, and then ſhe told me ſhe would finiſh me.

WILLIAM SAUNDERS *ſworn*.

Theſe two women came into the ſhop, and aſked for ſtockings, they walked to the upper end of the ſhop where they had no right, and one took up a paper with three pair of ſtockings, I obſerved her, and when ſhe ſaw I took notice of her ſhe dropped the paper: Then they aſked to ſee ſome black ſtockings, the boy ſhewed them ſome, and one of them clapped her leg on the counter, and with one hand ſhewed the ſtockings ſhe had on: and ſhe put two pair under her petticoats. Then a hamper of wine and brandy came in, I went backwards, and the priſoner Ware followed me and took up a bottle, I do not know whether it was full or empty, ſhe ſaid, damn your eyes you old blood of a bitch! If you do not open the door and let me out, I will daſh your brains out! She held me by the collar at arm's length, and ſtood over me with this bottle, and ſwore ſhe would knock my bloody brains out! I was frightened very much indeed: There were two men at work in the garret, and one of them was called down, and he ſaid, you ſhall not kill my maſter, and he took her away, and juſt then the conſtable came to the door, what became of the bottle I cannot ſay, I expected nothing but to be knocked on the head.

Court to Proſecutor. I hope you will be exceeding good to that little boy, for he ſeems to have conducted himſelf, not only with a great deal of prudence and propriety, but alſo with a great deal of perſonal courage.

Priſoner Ware. The proſecutor ſaid, when he took me up, he had tranſported four or five, and he would hang me for an example.

Court to Proſecutor. Did you ſay ſo?—I never ſaid any ſuch thing, ſhe was the terribleſt woman I ever ſaw in my whole life, but I never ſaid any thing about hanging or tranſporting.

THOMAS ELLIOTT *ſworn.*

I was up ſtairs at work, the boy came up ſtairs and called for aſſiſtance; I came down behind him, when I came down, he ſaid, I have detected theſe women in ſtealing ſtockings: The priſoner Ware ſaid, you little ſcoundrel, if you ſay ſo, I will knock you down: Then ſhe knocked the boy down, and I went to his aſſiſtance: after that I was ſtanding on the foot of the ſtairs, and ſhe came forward, and ſtruck me in the forehead and the eye, and cut me in three places: She then took up a bottle that was ſtanding on the back counter, and held it over my maſter, and ſwore ſhe would knock his bloody brains out: Then the other man came forward and laid hold of her and pulled her down, and ſaid, ſhe ſhould not hurt his maſter: Then the conſtable went out, and ſhe got from him and was retaken.

GEORGE PEDLEY *ſworn.*

I was at work with this man up ſtairs, and George came up ſtairs and called us down, I ſaid, run Tom, he ſeems frightened, I thought there was ſome fire; when I came near the bottom of the ſtairs I ſtopped, and he was telling Tom how ſhe had ſtole ſtockings: She then put her hand to her pocket, and ſwore ſhe ſhould rip him up; then the boy went to the back part of the ſhop and took up a piſtol, and I heard my maſter ſay do not ſhoot, and afterward I ſaw her go to the back part, and there was a ſcuffle enſued, I went to their aſſiſtance; the woman had got the laſt witneſs by the throat, with the finger and thumb; and the other had hold of his ear: I was forced to uſe all the ſtrength I had to open her hand, ſhe was very ſtrong indeed: We pulled her off of him, and he run up ſtairs; then my maſter went backwards, and ſhe got hold of a bottle, and ſwore ſhe would knock his bloody brains out, if he did not let her out, I ſaid, ſhe ſhould not ſtrike my maſter; then the conſtable came, and he deſired me to go with him to priſon, and while I put on my coat Ware got away from the conſtable, and the other was ſtriking him: Ware was found in a public houſe, and the conſtable ſaid, I durſt not meddle with her, for there is a great number of thieves, ſo ſhe got away once or twice, and I fetched one Collins and Mitchell from another houſe, and ſhe was taken.

JOHN BARNARD *ſworn.*

I was the conſtable, I took the two women in the ſhop.

(*The ſtockings depoſed to by Saunders and Holland.*)

PRISONER WARE's DEFENCE.

I was coming down Drury-lane, I met with Fagan, and we went into the proſecutor's ſhop, and I kicked the paper before me, and I gave it to the gentleman, he kindly thanked me, I offered him ſixteenpence for a pair of ſtockings, and that little boy jumped over the counter, and he made uſe of a very bad expreſſion, and at a diſtance behind him, there lay them two pair of ſtockings, they muſt have come off with his coat, he then locked the door, and ſaid if I went he would ſhoot me, I went to take the piſtol out of his hand, and his foot ſlipped, and he fell down; I was beat and ill-uſed in a mercileſs manner, I have a poor fatherleſs child, left to the mercy of the neighbours, I have not a friend in the world.

PRISONER FAGAN's DEFENCE.

I went with the young woman to buy a pair of ſtockings, the boy aſked eighteen-pence, ſhe offered him ſixteen pence, he ſaid, ſays he, you bitch you have got ſome ſtockings under your-apron, ſhe ſaid ſhe was willing to be ſearched, and behind him, juſt where he came from over the counter, there were two pair of ſtockings lay; he ſaid, what have you chucked them here, ſo he went and locked the door, and put the key in his pocket, ſays I, may not I go out, no ſays he, you bitch, you are as bad as her, ſays he, if ever a one of you offers to ſtir, I will blow your brains out, I might ſhove him I was ſo frightened, ſays he, you bitch, you ſhall not go, he ſtruck me ſeveral times on my breaſt, I have it to ſhew what a ſhocking breaſt I have got.

Court to Jury. With reſpect to the two capital charges, I think you can have no difficulty at all about them, you muſt acquit both the priſoners of both the capital charges, for there is no evidence at all of any robbery having been committed on George Holland the boy, and there can be no evidence of the goods being privily ſtolen in the ſhop: after you have heard both the witneſſes ſay they ſaw them taken at the moment, but yet you are at liberty to find them guilty of the ſimple felony, if you are ſatisfied that they took the ſtockings.

CHARLOTTE WARE, GUILTY.

Tranſported for ſeven years.

ELIZABETH FAGAN, GUILTY.

To be confined to hard labor twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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34. JOHN FENDLOW was indicted for feloniouſly aſſaulting Ann the wife of John Roots, in the King's highway, on the 1ſt of November laſt, and putting her in fear, and feloniouſly taking from her perſon, and againſt her will, four pair of cotton ſtockings, value 4s. three linen ſhirts, value 15s. one white corded dimity waiſtcoat, value 4s. three linen handkerchiefs, value 3s. four linen ſtocks, value 3s. and two pair of lawn ruffles, value 4s. the goods of the ſaid John Roots.

ANN ROOTS *ſworn.*

I am wife of John Roots, I was going through High-ſtreet, St. Giles's with two bundles of clean linen, and a boy ſnatched one out of my hand, the top-one was ſnatched off, I gave a ſcream out, I was very much frightened.

Court. Did the boy ſay any thing to you before?—No.

Who was the boy?——I believe it to be the priſoner, but my fright was very great, I cannot ſwear poſitively to him, but that is him to the beſt of my knowledge, I ſcreamed out, a man cried out ſtop, and he dropped ſome of the linen, and I picked it up, and he threw down the remainder, and the man picked it up; I got all the linen again, and the boy was taken.

JOHN PRICE *ſworn.*

I live in the ſame ſtreet where the robbery was committed, I went to order a pint of porter acroſs the way, and I ſaw the proſecutrix with two bundles of linen. and I ſaw the priſoner take the uppermoſt bundle, and make acroſs the way.

Court. Can you ſwear to the boy?—Yes.

Why it was dark?—Yes.

Had you taken notice of the boy before? —I have frequently ſeen him going round the ſtreet following gentlemen to pick their pockets, I have no doubt of the boy at all.

Did you purſue him?——Not at firſt, I looked at the woman and at him, and he was taken about thirty or forty yards diſtance.

Priſoner. If he ſaw me picking pockets, why did not *he excuſe me*, Sir.

Mr. Juſtice Willes to Priſoner. How old are you?—Going on ſixteen, I have a mother alive and a father-in-law, my own father is dead; I was bred up to a whiteſmith.

THOMAS HILLIARD *ſworn.*

I am headborough of St. Giles's; on the 3d of November laſt I was going to the Round-houſe with a young lad about the ſize of that, who had ſtole a card of lace, and returning I heard the proſecutrix ſcream out very much, I heard the cry of ſtop thief, I was on the oppoſite ſide of the way, and I ſaw the priſoner at the bar run very faſt, I nearly met him, and ſomebody knocked him down in going over the way, I had a candle and lanthorn in my hand, I took him and brought him to the Round-houſe; I have had the linen in my poſſeſſion ever ſince.

(The linen produced and depoſed to.)

Priſoner. I know nothing of the things, I have no witneſſes.

GUILTY

Of the felony, but not of putting in fear.

Tranſported for ſeven years.

Court to Priſoner. In compaſſion to your youth, the Jury have ſaved your life, but in compaſſion to the publick, you may aſſure yourſelf you will not continue in this country.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

35. THOMAS SMITH was indicted for feloniouſly receiving on the 16th of Auguſt laſt 5320 pounds weight of flour, the property of John Peacock, well knowing it to have been ſtolen.

Mr. Reeve, of councel for the proſecution, thus opened the caſe.

Gentlemen of the Jury, This is an indictment againſt the priſoner, Thomas Smith, for receiving a quantity of flower knowing it to have been ſtolen, and for which theft one Wareham was indicted and convicted in Surry; and this charge is againſt the priſoner for being an acceſſary to that felony. The proſecutor, Mr. Peacock, is a dealer in flour in a very conſiderable way. Thomas Smith, the priſoner, is a corn chandler in a retail way, and deals with Mr. Peacock; he was thereby enabled to practiſe a fraud on Mr. Peacock for a conſiderable time, which the law conſiders as a felony, and puniſhes as ſuch. Mr. Peacock frequently miſſed ſeveral ſacks of flour, and at laſt ſuſpecting the clerks intruſted in ſending out flour and keeping the accounts of it, he taxed them with the defraud, upon which they confeſſed very plainly to him, that they had for ſometime been in the habit of ſending flour out of his houſe, and ſelling it under price to the priſoner: upon this they went before a juſtice of the peace, where the two clerks, Gilbertſon and Wareham, confeſſed theſe facts, Gilbertſon was admitted an evidence, and bound over to proſecute Wareham for the felony, and alſo to proſecute Smith the priſoner at the bar as an acceſſary to that felony in receiving the goods. Upon the trial of that indictment in Surry, Wareham was convicted, and Mr. Peacock now comes here to have that juſtice done againſt Mr. Smith, which has already been done upon Wareham. This caſe, now before you, being for receiving goods knowing them to be ſtolen, it is not neceſſary in the trial of an acceſſary to ſtate all thoſe facts over again which were proved on the conviction of the former priſoner; yet this caſe is ſo very particular, that you muſt have the ſame facts told you that were told on the former trial in Surry; but although this caſe depends on circumſtances, and on the guilt confeſſed by the parties, yet, thoſe circumſtances and that guilt are ſo explicit, that there can, I think, remain very little doubt in your minds that the priſoner is guilty. The fact, among many others which I ſhall ſelect for your conſideration, in order to fix upon the priſoner the offence with which he is charged is this: I ſhall prove to you, that on the 1ſt of Auguſt laſt, ſix ſacks of flour were taken in Mr. Peacock's cart by Mr. Peacock's man to Mr. Smith's houſe in White-Chapel. I ſhall prove that by the evidence of the man who carried it, and alſo by the perſon who aſſiſted him in the delivery; I ſhall alſo prove by Mr. Peacock, that there was no entry in his book of ſuch ſacks being iſſued from his warehouſe, which is the uſual way when the trade is a fair one, and conducted by clerks, not for their own benefit, but that of their maſters. I think when theſe facts are proved by Gilbertſon the clerk, and that the priſoner who dealt with Peacock paid but half the value for theſe ſacks of flour, you can have no doubt but the priſoner bought this flour knowing it to be ſtolen, and that it was not flour he bought of Mr. Peacock in the common way of trade.

JOHN PEACOCK *ſworn.*

You live in the Borough I believe, Mr. Peacock, and deal very largely in flour, and keep a large wharf for other people, as well as yourſelf?—Yes, in the latter end of June, July, and Auguſt I was kept in doors with the gout, and in the courſe of that time, I loſt about 140 ſacks of flour; ſome was my own, and ſome what I had as a factor; I began to be very uneaſy when I got about again, I accuſed my two clerks, Gilbertſon and Wareham, and they confeſſed.

Mr. Silveſter, Priſoner's Council. You muſt not tell us what they ſaid, unleſs this priſoner was preſent.—The priſoner was preſent at the time when they confeſſed it; I took them into the parlour, and as ſoon as ever they confeſſed they had ſold this flour to Smith, I went with a friend and brought Smith to my own houſe, he denied it at firſt, but afterwards he owned it, and ſaid he was willing to pay for it. They owned to ſelling Smith about 18 ſacks of flour, or thereabouts, and after the priſoner heard what they ſaid, he then ſaid he was very willing to pay his ſhare; that he had bought the flour at a guinea a ſack, the ſame flour that coſt me two guineas, and that he was very ready to pay his ſhare of the money back again. He paid me two guineas a ſack himſelf for ſome that I ſold him in a fair way.

Have you looked at your books, and ſeen whether there is or is not an entry of any flour delivered to Mr. Smith the firſt of Auguſt?—There is a memorandum I gave that gentleman juſt now.

Mr. Silveſter. That paper cannot be evidence.

Mr. Reeve. No, I offer it only that he may look at it, and refreſh his memory.

Mr. Silveſter. This circumſtance cannot affect the man at the bar, it may affect the clerk, who ſhould have made the entry.

Court. I do not think it evidence to go to the jury, the jury muſt judge only from facts that are within his knowledge; you may leave it to the jury whether they will preſume this was a fair ſale at a guinea, when he bought the ſame ſort of Mr. Peacock at two guineas.

Mr. Reeve. Then I am not to aſk him whether there is an entry on the firſt of Auguſt.

Court. You may aſk him as to his knowledge of it.—I know of none after the 26th of July; he then bought five ſacks the firſt of Auguſt, he charged one ſack.

Mr. Silveſter. I know you are in very great buſineſs Mr. Peacock, very great indeed, therefore your buſineſs is not conducted by yourſelf, but by your clerks?—Yes.

—You was ill ten weeks?—Yes.

Then what flour was ſold, was not ſold by you, but by your ſervants?—I ſold ſome.

Therefore you have no knowledge of any corn or any flour ſold by yourſelf after the 26th of July?—No.

They might have ſold it and not made an entry; you could not tell you know?—No.

While you was ill you was obliged to truſt to your ſervants.—There was none booked much after that time.

Your clerks, though they have turned out bad, yet they have dealt and ſold to a great many people.—Not to a great many.

They have not always entered what they have ſold fairly.—I do not find any miſ-entries.

There have been ſome ſold to others, I ſuppoſe?—I cannot find where the flour is gone.

Gilbertſon himſelf had the power of ſelling your flour, and receiving your money for you.—Certainly.

What was Wareham?—He was the clerk that uſed to look after the carts and keep the books.

They were both concerned in a fair way of trade, in ſelling your property and receiving your money.—Wareham ſeldom did.

Now who ſhould I have applied to if I had come and you was ill, I ſhould have applied to your ſervant, to your clerk?—The general rule was, they uſed to come in to me.

But ſuppoſe I had met him at the market?—He would have ſold it.

Court to Mr. Silveſter. Your way of examining would be very good, if the priſoner was indicted with the man who ſtole, becauſe, if you could ſhew it was not felony in the principal, it certainly would not be felony in the acceſſary; but in this caſe here is a conviction of the principal; and is not a conviction concluſive evidence?

Mr. Silveſter. I believe I, as councel, may controvert that conviction; there is a noted caſe in Foſter, the caſe of Daniel and Egan.

Court. I wiſh to ſee it; it is a nice and ſubtle diſtinction, becauſe it is a general principle of law not to permit evidence to be given againſt a record. (*Looks at the caſe.*) I ſee the authority goes the full length of what you ſay; I am ſatisfied with it; it is an exception to a general rule of law, and the reaſon is very accurately given by Mr. Juſtice Foſter, becauſe the record is concluſive only againſt the party to that record: therefore you may certainly go on with this examination.

Mr. Sylveſter. My Lord, I have got the fact I wanted, that theſe are both clerks intruſted by Mr. Peacock to ſell his property and receive the money.

Mr. Raeve to Mr. Peacock. You ſay Wareham had not that authority which Gilbertſon had.—He very ſeldom received money, and had no authority to ſend goods out of the yard.

Court. Wareham and Gilbertſon were both in your employ, Gilbertſon was clerk and book-keeper?—Yes.

What was Wareham's particular employ?—To look after the carts, and take the orders in, and ſend the goods out.

He was in fact principal carman, that was his particular province.—He has ſometimes received little ſums, but it was not a part of his buſineſs, his buſineſs was entirely to look after the carts, and manage the wharf buſineſs.

Had Wareham any authority to ſell things out of your warehouſes?—Yes, to common cuſtomers.

Then he was ſo far intruſted, that if cuſtomers ſent and Gilbertſon or you was out of the way he might ſell?—Yes, he has many and many times to paſtry-cooks and others, little orders.

Now Gilbertſon during your abſence conducted the buſineſs and had authority to ſell?—Yes; when I am well I always go to market myſelf.

Court. If theſe goods were ſtolen by any body, it is very ſtrong evidence that this man received them knowing them to be ſtolen; and I am of opinion, and it has been ruled over and over again, and is every day's practice, that a ſervant though intruſted with the cuſtody of his maſter's property, and to whom it is intruſted for cuſtody only, or for carriage, or for any other ſpecial purpoſe, diſpoſing of that is felony; the truſt repoſed in the ſervant does not take it out of the principal truſt, the property remains unaffected; but that caſe ſeems to be very materially different from this; where a ſervant is entruſted to ſell, and then contrary to that truſt ſells at an inferior price, and does not carry the money to account.

Mr. Silveſter. It is a groſs fraud to be ſure.

Court. What is become of Gilbertſon? —He is admitted an evidence.

Court. Why he is the moſt guilty man of the three.

Mr. Reeve. He was admitted an evidence to convict the other clerk.

Court to Jury. Gentlemen, I am very ſorry in this caſe, though a groſs fraud, that the law cannot reach this defendant upon this indictment, as an acceſſary to that fraud; but no deſire of bringing offenders to juſtice muſt induce us to tranſgreſs the principles of Law.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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35. SAMUEL BAKER and SAMUEL ABRAHAMS, otherwiſe ABRAHAM YOWELL, otherwiſe THOMAS UGLY, were indicted for feloniouſly aſſaulting Benjamin Neale on the King's highway, on the 3d of November laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one bag, value 1d. four ounces of beaver, value 4s. ſix ounces of goats wool, value 6s. and ſix ounces of rabbits wool, value 6s. the property of Richard Swaddle.

BENJAMIN NEAL *ſworn.*

Court. How old are you?—Fourteen laſt Auguſt.

Do you know the nature of an oath?—Yes: Mr. Swaddle gave me a bag to carry from the 'Change to Frying-pan Alley, Petticoat-lane; I was going along and at the bottom of Widegate Alley, the priſoner Baker ſtooped and took it out of my hand by force, he ſnatched it, he ran away, I halloo'd Stop thief! and ran after him, and the priſoner Abrahams ran after me; I ran into a ſhop.

Court. What makes you ſay Baker took it by force?—He took hold of the bundle and turned it round; they were not taken till the next day; they were taken by two hatters; I ſaw them the next day; I knew them again.

Court. What time was it?—Between eight and nine o'clock at night.

It was rather dark, was not it?—Yes, it was.

Are you quite ſure theſe are the two men?—Yes.

Were they dreſſed as they are now?—No.

Were they dreſſed the ſame the next day?—Yes.

Jury. Did you ever ſee them before they robbed you?—No.

Court. Did you ſee them whilſt they robbed you?—Yes.

Were they ever out of your ſight?—Yes, when they turned into Gravel-lane.

RICHARD SWADDLE *ſworn.*

I am a hatter; I ſent the laſt witneſs on the 3d of November, about a quarter paſt eight o'clock, with the things mentioned in the indictment.

FANNY MARDEN *ſworn.*

While I ſtood with my neighbour at the corner of Frying-pan Alley, I ſaw the priſoner Baker run by me very faſt with a paper bag in his hand, I knew him before perfectly well by ſight, but never ſpoke to him or knew what he was; I am ſure it was Baker, and Abrahams is the man that run after him; I heard the boy cry Stop thief! but paid no attention to it, for it is very frequent in that neighbourhood; the child came up directly and aſked if we ſaw any body run by, I ſaid, yes, two men and they got out of my ſight.

Jury. Did you ſee the paper bag in Abrahams's hand?—No, in Baker's.

ANN ARNOLD *ſworn.*

On the 3d of November I went to Mr. Jones's wine vaults, at the end of Widegate Alley, and I ſaw Baker ſnatch this bundle from the boy, I am ſure it was him, I have ſeen him ſeveral times, but never ſpoke to him: they ran by the ſide of me.

Court. Did he lay hold of the boy or attempt to knock him down, or make uſe of any violence of that kind?—No, Sir, Abrahams went up to the end of Gravel lane and made a retreat back again; I cannot ſay they were in company, he was ſtanding there; the boy was ſtanding at the end of Widegate Alley when they ſnatched the bundle from him; but whether he ſtopped of his own accord, or whether they ſtopped him I cannot ſay, I ſaw Baker ſnatch it from him.

Court to Neale. Were the things ever found?—No.

When did you firſt ſee Abrahams?—I ſaw him the next day, and I ſaw him that night juſt before they took the bundle from me.

Did you ſee Arahams with Baker, juſt before Baker ſnatched the bundle?—Baker and Abrahams ſtood talking together at the corner before Baker ſnatched the bundle from me.

Are you ſure of that?—I am quite ſure of that.

Did either of them ſay any thing to you?—No, neither of them.

PRISONER ABRAHAMS's DEFENCE.

I was apprehended on Tueſday morning about twelve o'clock; I was brought up to Juſtice Wilmot's Office and had my hearing; this little boy ſwore to me; I was ſent to gaol for another examination on Friday; then this little boy could not ſwear to me.

PRISONER BAKER's DEFENCE.

I was at work on the Monday that this was done; I came home at dinner time and worked till half after eight o'clock at night; I went to bed before nine; the door is always locked up at nine.

The Priſoner Baker called four Witneſſes who gave him a good character.

Court to Jury. Gentlemen, this offence is ſtated to be that of a highway robbery, and the indictment ſtates all the requiſites of ſuch an offence: the diſtinction that is eſtabliſhed in point of puniſhment between a common theft and an highway robbery, is intended to protect the perſonal ſafety of individuals; therefore it is that the law which makes a common theft only what we call a ſingle felony, and always allows to it the benefit of clergy, puniſhes highway robbery with death: but in order to conſtitute a highway robbery, there muſt in point of law either be a putting in fear ſo as to excite an apprehenſion of perſonal danger to the party who is robbed, and by that means intimidate him to deliver his property, or elſe there muſt be actual force and violence uſed to his perſon: without one or other of theſe requiſites a highway robbery cannot exiſt in point of law, and in all caſes where theſe requiſites are not found, if the Jury are ſatisfied that property is taken by a perſon, it becomes a ſimple theft and not a highway robbery. Now in this caſe there is no pretence to conſider this as a highway robbery: one of the priſoners ſnatched the bundle, he never laid hands on the boy, he never ſpoke to him to threaten him, and though it was ſnatched with a degree of force to get it out of his hands, that is not the kind of force that the law means in the caſe of a highway robbery, for in this caſe there was no previous putting in fear, neither was there any violence uſed to the perſon of the boy, ſo that I am clearly of opinion that the evidence in this caſe will not ſupport that part of the indictment which makes it a capital felony: but the indictment contains in it a ſufficient deſcription of a common theft, therefore thoſe words which would make it a capital offence if wanted, may be ſo far ſeparated from the reſt of the indictment, as that you may find the priſoners guilty of the ſingle felony, without that aggravated circumſtance, if you are perſuaded that thoſe are the perſons who committed the fact. Now ſubject to that obſervation in point of law, I will ſtate to you the evidence. *(Here the learned Judge ſtated the evidence to the Jury.)*

SAMUEL BARKER, GUILTY

Of felony, but not of putting the perſon in fear.

On the recommendation of the Jury to be publicly whipped and confined to hard labour ſix months in the houſe of correction.

SAMUEL ABRAHAMS, NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

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36. **DANIEL CLAYFROM** was indicted for feloniouſly ſtealing, on the 26th of November laſt, one bar of iron, weight fifty pounds, value 8s. the property of Jukes Colſton, William Harryman and Benjamin Bates.

GUILTY.

To be twice whipped and impriſoned one month in Newgate.

Tried by the firſt London Jury before Mr. RECORDER.

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37. **JOHN PONTINE** was indicted for feloniouſly ſtealing on the 25th of November laſt, ſeven yards of printed cotton, value 10s. the property of Anthony Twiddle, privily in his ſhop.

ANTHONY TWIDDLE *ſworn.*

On the morning of the 25th of November laſt, between ſeven and eight o'clock I was called up, and when I came down the priſoner was in the ſhop, he was ſtopped; I aſked him how he came there, he ſaid, they had made a miſtake and taken the wrong perſon, my apprentice and journeyman was there, he is not here.

RICHARD TWIDDLE *ſworn.*

Court. How old are you?—Fifteen.

Was you in the ſhop when the priſoner came in?—Yes, he came in between ſeven and eight o'clock, him and another came in to buy ſome cloth for ſhirts; they ſtaid about five minutes, they bought nothing; as ſoon as they were gone out I miſſed a piece of cotton for a gown, I run after them and caught the priſoner by the coat and tore his coat, and as ſoon as I tore his coat I ſaw him let the piece fall from under his coat.

Are you ſure he was the man that dropped the piece?—Yes, he was never out of my ſight; I picked up the piece of cotton and brought it home; it was the ſame piece I ſaw the priſoner drop.

WILLIAM BOX *ſworn.*

I am a conſtable, I apprehended the priſoner, and have kept the cotton ever ſince.

(The cotton depoſed to.)

Priſoner. The boy ſaid before the Lord Mayor, that the piece was dropped between the other man and me, and he could not tell which, now he makes a different ſtory.

Richard Twiddle. I ſaid, I did not know which took it, not that I did not know which dropped it: the priſoner was the man that dropped it.

Priſoner. I am innocent of the fact.

The Priſoner called four Witneſſes who gave him a good character.

GUILTY

Of ſtealing to the value of 4s. 6d.

To be twice publicly whipped and imprisoned one month in Newgate.

Tried by the first London Jury before Mr. RECORDER.

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38. **WILLIAM COX** otherwiſe **VANDERBANK, CATHERINE SMITH** and **ELIZABETH WHILEY** were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of James Leggatt, about the hour of twelve o'clock in the night, on the 8th of November laſt, and feloniouſly ſtealing therein, one ſtuff gown, value 3s. two ſcarlet cloaks, value 4s. two petticoats, value 2s. a pair of ſtays, value 2s. fourteen yards of corderoy, value 28s. ſix ſhirts, value 24s. two pair of ſilk breeches, value 10s. three bed ticks, value 6s. two table-cloths, value 3s. two bolſter ticks, value 4s. two great coats, value 4s. ſix cloth coats, value 8s. eight waiſtcoats, value 4s. one other waiſtcoat, value 1s. three pair of breeches, value 2s, and two pair of thickſet breeches, value 1s. his property.

JAMES LEGGATT *ſworn.*

I am a taylor and ſaleſman, I live on Great Saffron-hill: on the 8th of November I ſecured this houſe, when theſe things were as uſual, I did not ſleep there that night, and I ſhut it up between three and four o'clock in the afternoon; this houſe has four lodgers in it, but they have no communication to the ſhop door, the back door has no communication with the ſhop or parlour. About three o'clock the next morning, the watchman informed me this houſe was broke open; I went there and found the place in great confuſion, the ſtreet door was open, and the things that were left were laid on the floor: I miſſed the things mentioned in the indictment: I called a conſtable, and we went down a court that is juſt facing the ſhop and we heard a noiſe in ſome rooms on the left hand ſide of the court: we were informed by a woman, where the property was, and we went and found it, I think it was in the ſame room where the noiſe was; neither of the priſoners were in the room; half an hour after, we met one of them coming down ſtairs, and we took Cox at a publick houſe afterwards, and the two women were alſo taken.

GEORGE GEARY *ſworn.*

I am conſtable of St. Andrew's pariſh: on Sunday morning, the 9th of November laſt, I was called up by the proſecutor, and we went to this houſe, and we found it all in confuſion; juſt then the watchman picked up a bit of ſilk lining, I went to the place where he picked it up and found a bit of cotton: we went into the room afterwards where I believe the two women priſoners inhabited; I met Smith on the ſtairs; when I went into the room the ſhirts were on a chair and his black ſilk breeches under the bed tick; we found all the things; neither of the priſoners returned, but as we were coming down ſtairs we met the evidence Thomas Dunks and took him into cuſtody, and he gave information of the two priſoners.

Court. Then it was in conſequence of his information that you took them up?—Yes.

MARY TYLER *ſworn.*

My father keeps the King's-head, I believe it is; no, it is the Queen's-head, in Caroline-court, Saffron-hill; the priſoners were in our houſe about eleven o'clock at night, that night the robbery was done, and they all went away together.

SARAH SAUNDERS *ſworn.*

Depoſed to the ſame effect.

MARY SEAL *ſworn.*

I live in Blue-court, between twelve and one o'clock on this Sunday morning, I was going out for a pitcher of water to the ciſtern, I was waſhing, and I met two men coming down juſt by the corner, and another young man came round with a bundle, and he threw the bundle into a cart, and ſaid he muſt make his bed in the cart, and he ſaid he could not, he muſt take it away; the priſoner Cox was one of theſe two men, the other was in ſailors cloaths; they called him *Buggey*; they ſaid, come along Buggey; he went in and dropped part of his things.

Court. You cannot tell what he dropped?—No.

Court to Jury. Upon this ſtate of the evidence I cannot think of calling Dunks the accomplice.

WILLIAM COX, otherwiſe VANDERBANK,
CATHERINE SMITH,
ELIZABETH WHILEY,
} **NOT GUILTY.**

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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39. **JOHN SPENCE** otherwiſe **PEARCE** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Silvanus Hopping, about the hour of eight in the night, on the 18th of November laſt, and feloniouſly ſtealing therein, one tin canniſter, value 6s. five pounds eleven ounces of green tea, value 45s. one other tin canniſter, value 3s. and eight pounds of bohea tea, value 50s. his property.

SILVANUS HOPPING *ſworn.*

I live in Ratcliffe-highway; on Tueſday the 18th of November, between ſeven and eight o'clock in the evening, a man came into my ſhop and aſked for a penny-worth of tobacco; I ſerved him; the tobacco is on one ſide, and the grocery on the other; he leaned over the counter, and when I had ſerved him he gave me a bad half-penny and a good one; a woman came in and wanted ſome tea; the man ſtood in the door way and damned me, and ſaid there was not half an ounce of tobacco: I went into my parlour; I faſtened one of the ſhop doors, and the other goes with a ſpring bolt; when I had been in the parlour about ten minutes I heard a rumbling in the ſhop, I turned my head and ſaw a perſon peeping through the glaſs door; I went into the ſhop and the priſoner was in the ſhop; the door was ſhut but not quite cloſe, and the priſoner had the caniſter in his arms before him: As ſoon as the perſon that was looking through the door ſaw me coming into the ſhop, he gave a whiſtle, and threw the door open for the man in the ſhop to run out; upon which he run out a few yards from the door, I purſued him and knocked him down with the canniſter in his arms; I ſaid, you raſcal, I have got you; he ſaid, yes you have ſure enough: I brought him into the ſhop, he denied knowing any thing of the other canniſter, or of this either; I do not know how he got into the ſhop, the door only opens on the inſide, and there was nothing broke; there was a mark between the crack of the door where ſomething had gone in: I am very poſitive I faſtened the door; I went on purpoſe to faſten it.

Might not you ſhoot the bolt?—No.

JOHN WOODCOCK *ſworn.*

Depoſed to the ſame effect.

SARAH MARSHALL *ſworn.*

I ſaw the proſecutor lay hold of the priſoner, with the canniſter in his arms.

GEORGE FORRESTER *ſworn.*

I took charge of the priſoner: I ſaw the mark in the door.

(The canniſter depoſed to.)

PRISONER's DEFENCE.

I was going along, and juſt as I came facing his houſe, he collared me and ſaid I robbed him, I never was nigh the ſhop before, I have no witneſſes.

GUILTY.

Of ſtealing to the amount of 39s. but not of the Burglary.

Tranſported ſeven years.

Tried by the Second Middleſex Jury before Mr. RECORDER.

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40. **WILLIAM BROWN** was indicted for burglariouſly breaking and entering the dwelling houſe of William Anderſon, about the hour of ſeven in the night, on the 25th of November laſt, and feloniouſly ſtealing therein twelve ſilver handled knives, value 6s. and twelve ſilver handled forks, value 4s. his property.

JOHN SPENCER *ſworn.*

I am waiter at Mr. Anderſon's, the Surry-ſtreet Tavern in the Strand; on November the 20th I was very full of buſineſs, and I was obliged to have a man to aſſiſt me, and I told him to wait while I ſtepped home, and when I returned, I came down Strand-lane, I came up the paſſage under part of our houſe where the things were taken from, I met a man ſeeming to have ſomething in his arms, that was between ſix and ſeven; ſoon after I met two more juſt under the window, and one ſays to the other, go and ſee if he is at home, the other ſays I will, and then come and let you know; I went up ſtairs into the room where theſe things were miſſing, and I met my fellow-ſervant at the top of the ſtairs, and he followed me into the room, and I immediately miſſed the ſilver handled knives and forks, which were on the window ſeat, I aſked him where they were, he ſaid he did not know, the knives were gone, and the window was up; this was up one pair of ſtairs; a perſon came from the next door, and ſaid he had taken a perſon with ſome ſilver handled knives and forks, which were the ſame I loſt.

SAMUEL PIDGEON *ſworn.*

On the 25th of November I was employed to aſſiſt at the Surry-ſtreet Tavern, and in the evening between ſix and ſeven, I did not ſee any body, I thought I heard the foot of one at the back of the window upon the leads, the place is about twelve feet high, the leads are for keeping of flower-pots, the window looks into Strand-lane, there is a wall about ten or twelve feet high, and I thought I heard ſome people go down the ſteps into the lane, and afterwards I miſſed the caſe of ſilver handled knives and forks.

GEORGE MEECHAM *ſworn.*

I met the priſoner on the 26th about noon, I ſtopped him, he denied having any thing about him, but on ſearching him, there were the knives and forks concealed in his apron, tied up in this cloth, with this ſtring round them, they have been in my poſſeſſion ever ſince, he ſaid he found them on the ruins where the fire was in the Strand, I took him into cuſtody.

CHARLES YOUNG *ſworn.*

Depoſed to the ſame effect, being with the laſt witneſs.

(The knives and forks depoſed to.)

PRISONER's DEFENCE.

I was walking in the Strand about ſix in the morning, it was not quite light, and I found theſe and put them in my apron, I then went to Leather-lane to look after a place of work, and theſe men took me.

The Priſoner called three Witneſſes who gave him a very good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

41. JOHN ROBERTS was indicted for feloniouſly and burglariouſly breaking and entering the dwelling houſe of Robert Salter, on the 29th of November laſt, about the hour of eight in the night, and feloniouſly ſtealing therein ſix ſilk handkerchiefs, value 18s. the property of the ſaid Robert Salter.

ELIZABETH SALTER *ſworn*.

I live in King-ſtreet, Tower-hill, on the 29th of November laſt, between ſeven and eight my ſhop window was broke, and theſe handkerchiefs taken out, I did not ſee the priſoner, it made a very great noiſe, I was behind the counter, the handkerchiefs were lying in the window.

Court. Did you ſee any hand put in?—I did not, I was very much frightened, I had a boy behind the counter, I told him to run out and cry ſtop thief, for the window was broke, the priſoner at the bar was ſtopped and brought back with the handkerchiefs; this was in the ſpace of three minutes.

Court. Are theſe the ſame handkerchiefs?—I am poſitive they are the ſame handkerchiefs, I have had them ever ſince, William Walker brought back the priſoner and the handkerchiefs, I laid them in the window in the morning myſelf, and I ſaw them in the courſe of the day ſeveral times.

Priſoner's Council, Mr. Keys. There is no ſhop mark on them?—No.

Then they are only ſuch ſort of handkerchiefs as you loſt?—They are ſuch ſort as I am poſitive they are my handkerchiefs.

It is a very common pattern?—No, it is not.

There are dozens and dozens of them in London?—I cannot tell how many may be made of them, I never had any of this pattern before.

How far is your houſe from the corner of the ſtreet?—Four houſes.

It was a pretty dark night was not it?—I believe it was.

It was on a Saturday night?—Yes.

And a great number of people in the ſtreets?—Sometimes there is.

WILLIAM WALKER *ſworn*.

I live in Roſemary Lane, about five houſes down after you come out of King-ſtreet, I was ſtanding at the door, and there was a ſudden alarm with the cry of ſtop thief! I looked out and ſaw the priſoner running, I ſuſpected him to be the thief, I immediately croſſed the way and caught him in my arms with the property upon him, theſe were the handkerchiefs I delivered to Mrs. Salter; when I caught him in my arms, he fell down and threw the handkerchiefs from him, and a man that ſtood by picked them up, I am ſure he had the handkerchiefs upon him when I ſtopped him, becauſe I ſaw them.

Priſoner's Council. Did you ſay before the Juſtice that you ſaw the handkerchiefs drop from him?—Yes, I ſay now what I ſaid then, and no more.

Was Mr. Stewart by at the time?—He ſaw the window broke.

JOSEPH STEWART *ſworn*.

On Saturday evening between ſeven and eight o'clock, I was going down King-ſtreet, I obſerved the priſoner ſtanding in the middle of the ſtreet below Mr. Salter's ſhop, I thought him to be a ſervant to a friend of mine, and croſſed to ſpeak to him but found he was not the perſon I thought he was; I was only going a little way to the Poſt Office, and I came back immediately, when I turned round, I obſerved another perſon ſtanding with him in the middle of the ſtreet, the man and himſelf were the only people I believe in the ſtreet, I then ſaw them go to the corner of Mr. Salter's window, and look into the window, and immediately the window was broke, the other perſon had a blue great coat on, the priſoner at the bar made a ſnatch at ſomething, it was very light being oppoſite to the tobacconiſt's ſhop, and the light of Mr. Salter's ſhop, the priſoner turned down

Roſemary Lane, I perceived ſeveral things fall down on the ground, I am not miſtaken in the perſon.

Priſoner's Council. Do you conſider that this young man's life depends on your evidence?—Yes, I well remember his dreſs.

What did you ſay before the Juſtice?—I ſaid, I ſaw the priſoner in the ſtreet, when I went down the ſtreet.

Have not you ſaid, Sir, that you thought it was the other boy that broke the window?—One of them certainly did it, for there was nobody elſe cloſe to the window, I cannot ſay the priſoner broke it.

Was you preſent when the handkerchiefs were found?—No, I only went to the corner, and cried ſtop thief! One of them had gone down Roſemary Lane.

PRISONER's DEFENCE.

When that gentlemen was before the Juſtice, he could only ſay that he ſaw the handkerchiefs in my hand as I was running, and if the gentleman was to ſpeak God's truth now, he knows to the contrary.

Court to Jury. Gentlemen; doubts have at ſometimes ariſen what ſhould be conſidered as a ſufficient breaking or entering to conſtitute the crime of burglary, and upon that ſeveral determinations have been made, and the Judges have from time to time decided what caſes were in their opinion within that law, and they have been very ſtrict in their conſtruction of this law, and have conſidered any opening of any thing that was ſhut and faſtened, to be a ſufficient breaking, and any the leaſt entering, even the putting in a hand, to be a ſufficient entering: In this caſe to be ſure the breaking and entering does not appear to be very ſtrongly within the law of burglary, for the intention of that law was moſt certainly to protect people in the hours of reſt from injury and depredation; to protect them in the ſecure enjoyments of their dwellings, was certainly the original and principal reaſon of the law with reſpect to burglary; and if therefore, ſuch caſes as this at the bar were new and undecided upon, I ſhould have doubted very much whether they came within the reaſon of that law, but it is my duty to tell you, that this circumſtance of breaking a ſhop window has been decided by the Judges to be a burglary; therefore, I am bound to ſtate to you the law, if you believe the fact it is ſufficient to ſupport the indictment.

Guilty,

Of ſtealing to the value of 10s. but not guilty of breaking and entering the dwelling houſe.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. **Recorder.**

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41. SARAH SLADE and MARY WOOD were indicted for feloniouſly ſtealing, on the 7th of November laſt, one ſcarlet cloak, value 12s. one cotton gown, value 5s. one ſilk and ſtuff gown, value 20s. one linen ſheet, value 5s. one gown, value 10s. one pair of ſtays, value 12s. ſeven linen handkerchiefs, value 4s. four ſilk handkerchiefs, value 4s. one ſilk and cotton handkerchief, value 6d. three pair of linen ſleeves, value 2s. three aprons, value 3s. one linen ſhift, value 1s. one pair of ſtone ſleeve-buttons ſet in ſilver, value 1s. the property of Robert Eggleſton, in the dwelling houſe of Lea Freeman.

ROBERT EGGLESTON *ſworn.*

I live in Dall-ſtreet Spittlefields, I lodge in Lea Freeman's houſe, when I went out from my breakfaſt I locked the door, it was on the 7th of November, nine o'clock, there was nobody in my apartment, my wife and me were both at our daily employment, and we came home together, when we came home the drawers were open, and every thing taken out, my wife can give the beſt account of the things, they were found, ſome of them, afterwards.

The Priſoners having no Council, Mr. Garrow undertook to croſs-examine the Witneſſes for them.

You are a lodger in this houſe?——Yes.

Did you or your wife, go out firſt?——I went out firſt.

This is a lodging houſe?——Yes.

You did not go home till you heard your things were loſt?——Yes.

Had not your wife been home before?——I am ſure my wife was not there till I went with her, I locked the door.

Somebody who had the key opened the door?——Yes.

Who, you do not know?——No.

ELIZABETH EGGLESTON *ſworn.*

I went out between ſix and ſeven o'clock, before my huſband, we are ſilk throwſters; I came home between twelve and one, and found the door upon the latch, my huſband ſtaid about two or three hours after me in the morning: my things were beſt part gone, there was nothing left but one petticoat, a coarſe ſheet, and a coloured handkerchief; the things mentioned in the indictment were loſt.

Mr. Garrow. You was not preſent when they were found?——No.

This is a common lodging houſe?——Yes.

You did not find the door broke open?——No, it was opened.

SAMUEL YARDLEY *ſworn.*

I was walking near Shoreditch Church, in Kingſland Road, I met the two priſoners at the bar, on the 7th of November, about twelve o'clock at noon, I paſſed them at firſt: I recollected they had been in my cuſtody before.

Mr. Garrow. You know you are not to tell us that?——I am telling you the reaſon why I ſtop them.

But you are not to tell us your reaſons.—I am not talking to you, I am talking to my Lord.

Mr. Garrow. I ſubmit to your Lordſhip, that this man who is an officer of juſtice, is not to tell us his reaſons, why he ſtopped them.

Court to Yardley. You knew them before and therefore you ſtopped them?——Yes, they are mother and daughter, I aſked the young one what ſhe had got in her lap, ſhe ſaid, ſhe was moving from the other end of the town, and had taken lodgings in Kingſland Road, I then aſked the mother whether ſhe knew it to be a fact, that the daughter was moving, ſhe ſaid it was a fact, and ſhe was aſſiſting her; I then inſiſted upon knowing what ſhe had in her apron; there I found two gowns, and a ſcarlet cloak, and a ſheet; I carried them before Juſtice Wilmot, the young one (Slade) ſaid, ſhe had fetched them out of pawn in Oxford Road, I then aſked the Magiſtrate leave to enquire into the facts; in the mean while the proſecutor's wife came up to the office, wringing her hands, and ſaying they were robbed, I told them to make themſelves eaſy, I ſhewed them the things, and the woman ſaid they were hers.

Court. Were there any other things found but theſe?——No, they were in the priſoner Slade's lap, and this key I found on her, which opens the proſecutor's door.

Mr. Garrow. How do you know that, did you ever try it?——No.

Then do not tell us any thing of it.

Court. Who was preſent when it was tried in the door?——The wife.

Court to Mrs. Eggleſton. Did you go with him when he tried that key?——I cannot recollect.

Mr. Garrow to Yardley. What did you do with the key you found on the priſoner?——I delivered it to one of our officers, he is not here. I received this key from him.

I want to underſtand a little further about this key, whether you are entitled to introduce it, in the manner you have done, to the jury; you having found a key on one of the priſoners, delivered that key to one of your officers, who is not here?—Yes.

Who was he?—I cannot recollect.

You have now a key in your hand which has been delivered to you by ſomebody.—Yes.

From whom did you receive it?—I cannot recollect.

So that you do not recollect to whom you gave that key, nor from whom you received this?—I do not, I know it was a very remarkable key.

By what was it remarkable, Sir?—It was worn with ruſt.

Now I want to know, Mr. Yardley, whether in the whole courſe of your life, as a thief-taker, you ever knew a key identified in ſuch manner; is it by a key being worn with ruſt, Sir, that you affect to identify it in a court of juſtice?—There is not a doubt in my mind.

It is not your ſaying bluntly here, that there is not a doubt in your mind, that will induce the Court or Jury to believe it: by what marks Sir, will you make the Court and Jury believe that that is the key which you took on the woman, which key you gave to you do not know who, and have received a key from ſomebody you cannot deſcribe. How will you make us believe it is the ſame key?

Court, looking at the key. It is a very remarkable key.

Mr. Garrow. Not, my Lord, becauſe it has been eat up with ruſt.

Court to Yardley. You gave it to one of your officers, you cannot recollect which, to go to try the door?—Yes.

How ſoon afterwards was the key returned to you?—In the courſe of three quarters of an hour.

Did you take particular notice of the key, and obſerve the wards and the ſhape of it?—I have not a doubt of the key.

But anſwer my queſtion.—I did, becauſe it was an old worn out key, I thought there was not ſuch another.

Did you examine the wards, and the ſhape?—I cannot take upon myſelf to ſay as to the wards, but I know it was much eaten with ruſt.

(The things that were produced depoſed to by the proſecutor's wife.)

Court to Proſecutor. Do you remember any circumſtance of a key being given to open the door with?—I know Yardley gave me a key to try to open the door, I am ſure of that; I tried it, and it opened the door readily.

Was the key you opened the door with, the ſame you gave to Yardley again?—Yes.

Court to Yardley. Was the key you gave him to open the door with, the ſame you found on the priſoner Slade?—It was.

You have not changed it;—I could not, I had none to change it with; I know I gave it to one of our officers, but whether I gave it to the woman I cannot ſay.

Was it not changed when you gave it to the officer?—I am ſure it is the ſame key.

Was it out of your ſight?—It was in a box, but I am ſure it is the ſame I gave the officer.

PRISONER SLADE's DEFENCE.

I buy and ſell old clothes, my huſband gave me a guinea that morning, I bought theſe things of a woman, I gave her twenty-ſix ſhillings for them; that gentleman is a very falſe man; they told me they would hang me, if it was only for the ſake of the money; he not only ſaid ſo, but the juſtice himſelf: as for the key, it is the key of my door, and they went home afterwards and ſtripped my room.

Yardley. There was a deal of other property in the houſe, tea cheſts, and other things; I ſent another officer to her room with the key.

ELIZABETH COCKSON *ſworn.*

I know Slade, I have ſeen her in Roſemary-lane, I ſaw her buy a red cloak, and a couple of gowns and a ſheet, ſhe gave twenty-eight ſhillings for them.

Of who?—Of a women at the Blue-Boar; I went and had a penny worth of twopenny at the ſame time when they came in.

What time of the day?—It was 10 o'clock

which I was in, and I was in ſome time before them; It was about a quarter after 10 o'clock when they came in.

Court. What character does ſhe bear?—I have ſeen her up and down the lane, but as to her character I can ſay nothing about.

Did ſhe ſeem to know the woman that ſhe bought the things of at all?—I cannot ſay, the woman aſked her a guinea and an half, and ſhe bad her twenty-eight ſhillings. It was a linen gown, but I cannot ſwear to any thing of the property: it was a red cloak, but I did not take any notice of it: I know there were two or three dealers there.

How long did you ſtay at the public-houſe after ſhe bought them?—I went out directly, I left them there.

The priſoner Slade called two other witneſſes who gave her a good character; and one of them alſo gave the priſoner Wood a good character.

Sarah Slade, } Not Guilty.
Mary Wood, }

Tried by the firſt Middleſex Jury before Mr. **Recorder.**

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42. **THOMAS MARTIN** was indicted for feloniouſly ſtealing on the 8th day of November laſt ſeventeen linen towels, value 17s. one dimity petticoat, value 5s. the property of William Wells, Eſq. one ſilk handkerchief, value 4s. one ſilk petticoat, value 4s. the property of John Simpſon; and one linen apron, value ſix-pence, the property of Elizabeth Price.

KENNETH M'CLOUGH *ſworn.*

I live with Mr. Wells, in New-ſtreet, Spring-Garden, I was in town on the 8th of November laſt, the family were not in town; I had been out about three-quarters of an hour, and when I returned, coming down the area ſteps about a quarter of an hour paſt one, I caught the priſoner coming out of the houſekeeper's room, about a foot from the door, I collared him, and aſked him what he wanted, he ſaid he wanted one Mr. Butler.

Is there ſuch a ſervant in the houſe as Mr. Butler?—No, I am the butler. I aſked him what houſe, he ſaid he could not tell, only one Mr. Butler, in New-ſtreet. I ſhook him. There were two women in the houſe, the cook and the woman who keeps the houſe; the houſekeeper's room is backward, the kitchen is next to it backwards, the ſecond door on the right hand. I took him into the kitchen and aſked the women to ſee if there was any thing miſſing, and one of the women ſaid, Lord there are ſeventeen towels gone, and the cook ſaid, her miſtreſs's petticoat was gone.

Gone from whence?—I cannot ſay where they laid, the women know. I took him into the houſekeeper's room, where the women went to look what was miſſing, and I ſaw he had a ſilk handkerchief between his coat and his waiſtcoat in his right hand, and I ſaw him drop it down, and the woman that keeps the houſe took it up, her name is Ann Simpſon. He began to cry, and ſaid he never touched any thing, and then he ſaid he never would do the like again if I would let him go; ſo on the left hand ſide on the floor going into the room there were ſixteen of the towels, and a woman's petticoat rolled up in an old check apron, which hung upon the back of a chair a little before; then they found a petticoat wrapped up in the ſeventeenth towel, which I ſaw pulled out from under the dreſſer.

The Remainder of this Trial in the next Part which will be Publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 10th of DECEMBER, 1783, and the following Days;
Being the FIRST SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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M DCC LXXXIII.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Thomas Martin.

Court. Was you coming home, or was you fetched home ?—I was coming home, but as I came along, a lamp-lighter told me, be believed there was a thief gone down Mr. Wells's Area, I made what haſte I could, I was rather lame, I went out of the great door, and I believe the area-gate was open ; there is a partition which divides the houſe-keeper's room from the kitchen ; the women were waſhing the kitchen, and with their pattens on the ſtone floor they made ſuch a noiſe that any body might come in and not be heard.

ELIZABETH PRICE *ſworn.*

I am cook to Mr. Wells. On the 8th of November I was at home ; Mrs. Simpſon had the care of the houſe, there were no other perſons in the houſe but the laſt witneſs, and me, and Ann Simpſon, we were waſhing the kitchen down after the plaiſterers, about half after twelve I ſaw the priſoner go from the houſe-keeper's room, I told Mrs. Simpſon there was a ſtrange man (which was the priſoner) gone out of the houſe-keeper's room, this was juſt before M'Clough came home, I was at the pump which is backwards, drawing a pail of water, and I aſked Mrs. Simpſon to go and ſee if any thing was loſt, then M'Clough came in and brought the priſoner back immediately, then I ſaw the towels bundled up in a checque apron of mine that hung upon a chair, I ſaw them the evening before.

Did the things lay in ſight of any body that paſſed in the ſtreet ?—No ; I was not preſent when the handkerchief dropped from the priſoner.

ANN SIMPSON *ſworn.*

I met M'Clough with the priſoner by the collar, Price called to me that there was a ſtrange man, and I immediately went to the houſe-keeper's room, and I miſſed the towels directly, I ſaw them in the morning when I opened the windows at half after ſix, I had been in the room a great many times, and I ſaw them about twenty minutes before, I ſaw my handkerchief under the priſoner's coat, I had it in the evening, but on the morning I would not put it on, becauſe I was about dirty work, and I chucked it upon the dreſſer, I ſaw it about twenty minutes before.

(The things produced and depoſed to by the three witneſſes.)

PRISONER's DEFENCE.

I was ſent of an errand by a gentleman in Faſhion-ſtreet, Spital-fields, to New-ſtreet, Spring-garden, to Mr. Butler's ; I looked all the way on the doors, and I came to this place, and I went down thinking to ſee ſome of the ſervants, I knocked at the door and this gentleman came down the area ſteps, he took me into the room and the woman came in, and ſeeing the handkerchief, ſaid, I believe he has dropped it. I have no witneſſes.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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43. **SAMUEL MATTHEWS** and **DANIEL CHAMBERS** were indicted for feloniouſly and burglariouſly breaking and entering the dwelling houſe of John Paterſon, about the hour of ſeven in the night, on the 24th of November laſt, and feloniouſly ſtealing therein, one red leather pocket-book, value 2s. one gold breaſt pin, value 2s. one ſilver ſeal, value 2s. and ſeven hundred and twenty copper halfpence value 30s. the property of the ſaid John Paterſon.

JOHN PATERSON *ſworn.*

I keep a publick-houſe, the Marquis of Granby, in the Almonry, Weſtminſter; on the 24th of November, about ſeven at night, I was in the houſe, and my houſe was broke into at a one pair of ſtairs window.

Mr. Reeve, Priſoner's Council. How do you know that?—There was no other way for any body to get in, there was company in the houſe, I did not hear any particular noiſe to ſuſpect any thing of that ſort, one of my ſervant girls, who is not here, went up into the room, it is a bed-chamber facing Duke's-court, and upon her informing me I went up ſtairs, there is a caſe of drawers in the room, and I ſaw one of the drawers taken out from the caſe, and laid empty on the bed, the ſaſh was down, but not faſtened, and the door ſhut; it did not appear how any body got in, I was at this drawer about fifteen minutes before, I cannot ſay whether it was locked or not, the things mentioned in the indictment were miſſing, the window is about nine feet high, the room door was locked, and I had the key.

Then how did the maid get in?—I gave her the key a minute before, I have [illegible] papers which were in the pocket-book, which were found in a publick-houſe in Downing-ſtreet, I have none of the reſt of the things.

What leads you to ſupect the priſoners?—I ſhould not have ſuſpected them for it, but when I came down ſtairs again, I went to the door, and there were four men ſtanding in the court, who informed me of them.

Are any of them here?—No.

Mr. Reeves. Do not you know theſe two men the priſoners?—Yes.

They frequented your houſe?——Yes they do.

Do not they belong to a club at your houſe?—Yes they do.

Are they not very decent reſpectable men?—I know nothing ill of the men, I ſay nothing againſt them.

JOHN PEPLOW *ſworn.*

I am ſervant to a publick-houſe in Downing-ſtreet, the two priſoners came into our houſe about half after ſeven on a Monday night, and had a pint of beer.

Court to Proſecutor. Is that the night you mention?—Yes.

Peplow. They ſat down in one of the left-hand boxes, and they pulled a parcel of papers out of their pocket.

Did you obſerve the papers?—No.

Were they in a pocket-book?—No they were looſe.

How long did they ſtay there?—About a quarter of an hour.

Do you know the priſoners?—Yes.

They frequent your houſe?—Yes, after they went away I picked up theſe papers on the Tueſday morning.

But you had other company in your houſe?—Yes.

Who has the papers?—My maſter gave them to Mr. Paterſon.

Is your maſter here?—No.

Can you read?—No.

What was on the papers?—There is on on one of them twenty pounds paid to the brewer, my maſter read them, and one of them is a bill of parcels, I ſaw my maſter give them to Mr. Paterſon.

If you cannot read, how can you be ſure that the papers you delivered to your maſter, he delivered to the proſecutor: Where is your maſter?—He is at home.

JOHN BEST *ſworn.*

I apprehended the priſoners on the 24th between ſeven and eight.

Court. How came they to be apprehended on the 24th, when the papers were not found till the next morning?—That was when he had the information firſt, I found nothing on them.

Court. There does not ſeem to me to be any evidence to affect the priſoners.

Priſoner's Council. My Lord, here are a great many reſpectable people to appear to their characters if it were neceſſary.

SAM. MATTHEWS, } NOT GUILTY.
DAN. CHAMBERS, }

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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44. THOMAS WESTON and HENRY SOLOMONS were indicted for feloniouſly ſtealing on the 20th of November laſt, one carcaſs of a ſheep, weight ninety-four pounds, value 20s. the property of William Williams.

WILLIAM WILLIAMS *ſworn.*

I am a butcher, I loſt the carcaſs of a ſheep on the 20th of November at night in Harrow-alley, Whitechapel, from a ſlaughter-houſe, and on Friday morning I was informed by ſome officers that the ſlaughter-houſe was broke open, and that I might ſee the carcaſs and the two priſoners at the watch-houſe, I ſaw my ſheep at the Rotation office on Friday morning.

How do you know that ſheep was yours?—I cannot poſitively ſwear to it, I believe it to be my property, I had ordered ſix ſheep to be killed, and five were left in the ſlaughter-houſe.

Had this carcaſs a head on it when you ſaw it at the Rotation-office?—No.

Then of courſe you can ſpeak nothing againſt the priſoner?——No.

JOHN COLUMBINE *ſworn.*

I am a watchman of Whitechapel pariſh, as I was going eleven, I ſaw the priſoners come down Buckle-ſtreet, and Weſton had the carcaſs on his back, when he came to the middle of the ſtreet he ſhifted it to Solomon's ſhoulders, I then followed Solomons to the middle of Red Lion-ſtreet, I loſt Weſton inſtantly, I aſked Solomons where he was going with that ſheep, he ſaid to Shoreditch, and that he brought it from his maſter at Leadenhall, but he did not ſay who his maſter was; I took him to the watch-houſe.

FRANCIS RAMSAY *ſworn.*

I am ſervant to Mr. Williams; on the 20th of laſt month my maſter ordered me to kill three beaſts and ſix ſheep, I did ſo, and left the place about ten, and in the morning between two and three the officer informed my maſter that the ſlaughter-houſe was broke open, I went down and found the windows open, and the carcaſs gone, I ſaw it at the watch-houſe.

Court. Can you ſwear to the carcaſs?——Yes, here is a ſhoulder of it now in Court.

Can you ſwear it is one of the ſheep you killed?—Certainly, Sir, every man has a different mark to the ſheep he kills, my maſter knows this to be my mark, there are nine cuts.

Does no other butcher mark them ſo?—Yes, but there are different ways of marking them, I can ſafely ſwear this is my own mark.

How have *you* preſerved it from the 20th of November till this time?—By hanging it up in the air, it has never been touched ſince, I cut it off in the Rotation-office, Juſtice Staples deſired it might be kept.

It was marked before it was cut off?—We cannot mark them after they are killed.

Court to Columbine. Was you preſent when this good man cut off that ſhoulder?—I was.

Is that the ſhoulder he cut off?—Yes, I can be upon my oath it is.

Prisoner Solomons's Defence.

This young fellow (Weſton) is innocent; as I was going home between ten and eleven at night, I met a young fellow, and he aſked me to go to Shoreditch, and in Buckle-ſtreet he ſaid he was tired of the ſheep; this other priſoner was not with me, that young fellow that I met, ſaid, follow me, and when he got round the corner I miſſed him, up came the watchman and took me to the watch-houſe.

Court to Columbine. You told me before that the priſoner Weſton parted company with Solomons, and you loſt Weſton; when did you take Weſton after?—I took him out of bed the next morning, I had information where he was.

JAMES MATHEWS *ſworn.*

When Solomons was brought in, our conſtable talked to him, and adviſed him to tell the truth, and he perſiſted that he had it from Leadenhall-market, at laſt he ſaid then I will tell you, then the conſtable took him out, and when he came in again, the conſtable ſaid, you know who it is, I ſaid I judge who it is, that was Weſton, then we went and took him out of bed from behind his mother.

Priſoner Solomons. I never ſaid any ſuch thing.

Priſoner Weſton. I am innocent of the affair.

Mathews. Columbine picked out Weſton from ſeveral priſoners, and ſaid he was the man he had ſeen with Solomons the night before.

Jury to Columbine. Did you know Weſton before?—No, only when I came up as they were ſhifting the carcaſe; I held up the lanthorn to his face, I knew him again next morning.

THOMAS WESTON, }
HENRY SOLOMONS, } GUILTY.

To be each confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. *Baron* HOTHAM.

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45. JOHN ANDERSON was indicted for feloniouſly ſtealing, on the 2d day of May laſt, one ſilver watch, value 4l. one ſteel chain, value 2s. two ſtone ſeals ſet in metal, value 2s. and one guinea, value 1l. 1s. the property of John Robertſon.

JOHN ROBERTSON *ſworn.*

I am a gentleman's ſervant; I live with Doctor Marſhall; I loſt a watch, a chain and ſeals, and a guinea, on or about the 2d of May, but I am not poſitive; I was coming along Fleet-ſtreet, about four o'clock in the afternoon, and the priſoner came up to me, it was a pretty warm day, and the priſoner ſaid it was not ſo warm in his country, I looked round at him and he ſaid he came from Scotland, and on ſaying theſe words he looked down on the pavement, and picked up a green ſilk purſe; he ſaid, here is ſomething; I aſked him what was in it, he ſaid, he ſuppoſed it was bank notes, as he felt ſomething ſoft, he ſaid, I had a right to part of it, or he would give me part of it, and he propoſed to go to the other ſide of the way to ſee what was in it, for he ſaid, if we opened it in the ſtreet ſome perſon would come and own it, and we went into a houſe at the end of Chancery-lane; on opening the purſe there was this ring, and a receipt for a gold diamond ring from one Mr. Smith, a Jeweller in London, for two hundred and twenty-ſeven pounds eighteen ſhillings and ſix-pence. *(The ring and purſe ſhewn to the Court.)* Then another young man came in, and the priſoner aſked him to read the receipt; he ſaid he would; he ſaid he was a clerk to Mr. Drummond, of Charing-Croſs, the Banker: I never had the receipt, the priſoner kept it: the young man aſked the priſoner where he found it, the priſoner ſaid he found it juſt now, the other young man told me after reading the receipt, I need not be afraid of him, for he was a clerk; the priſoner ſaid he would give money for my part, for he had a friend going to the Eaſt Indies, and it would be of more ſervice to him, and he would leave the ring with the other gentleman, the pretended clerk, while he went to ſeek his friend; he went, and returned, and ſaid his friend was not at home: the pretended clerk ſaid, it was dangerous to let him go away, for there were a great many ſharpers about London: as the priſoner ſaid he would call again, the clerk ſaid, there was ſo many ſharpers about, it was not ſafe to let him go away with it, ſo I gave him my watch and a guinea, and he left me the ring.

Did you ever get your watch again?—No, but it is here.

When was the priſoner taken up?—I think it was the 28th of October: I found him coming along the Strand; he came and beckoned to me as if he wanted to make an acquaintance of me; I thought I knew him, I held him and kept him faſt, and carried him to the Juſtice.

Mr. Chetwood of Council for the Priſoner. My Lord, this is an indictment for a felony; I humbly ſubmit to your Lordſhip, that on the part of the proſecutor there was an agreement entered into; the proſecutor left the watch in the hands of the priſoner, and the purſe was put into the hands of the proſecutor, and therefore if there was any depoſit whatever, either on one ſide or the other, I ſhould humbly apprehend that it is not a felony, but a contract.

Court. I remember ſuch a caſe here at the Old Bailey; I am trying to recollect the particulars.

Mr. Chetwood. My Lord, there was a caſe where the man was convicted, but that was for ſnatching money.

WILLIAM COLLIER *ſworn.*

—There was a gentleman came on Monday morning to me, and he ſaid he would deliver the property, as the proſecutor was a lodger of mine, if the man could be ſet at liberty.

Court. That is nothing at all.

SARAH NORRIS *ſworn.*

I keep a publick houſe in Ruſſel-court, and three ſtrangers came in with the laſt witneſs, they aſked me to take hold of the watch and the guinea till they came back again, they ſaid it was no harm.

Court. Then the whole of this charge reſts upon the evidence of the proſecutor.

Mr. Chetwood. Did you pick up the purſe, or did the priſoner find it?—The priſoner found it.

You ſaw him pick it up?—I did.

Could you read?—Yes.

It ſeems the priſoner could not?—I do not know.

How was the bargain made between you, about who ſhould have the ring?—Anderſon ſaid, he would not take the money for his part of the ring, but he would give me the money for my part.

Did you ſettle upon any price that he was to pay?—The half of the receipt.

Who had the ring?—I had it, I gave him my watch and a guinea, till his friend came home, and he was to call by ſeven o'clock with the money.

Court. Has Mr. Norris the watch and guinea now?—Yes.

Court. Give them to the proſecutor.

Court to Proſecutor. Now in the firſt place put that watch and guinea in your pocket.

Mr. Chetwood to Proſecutor. Upon your oath was it the priſoner or the banker's clerk, that you gave your watch to?—I cannot ſay I gave it to the priſoner, but he took it out of the houſe.

You did not give it to him?—I cannot ſay I recollect.

Court to Jury. Gentlemen of the Jury. This priſoner, John Anderſon, is indicted for ſtealing this watch and a guinea, and the proſecutor luckily for public juſtice was too wiſe to accept the watch and guinea again, but has brought the priſoner before you. This is what is vulgarly called a ſwindling tranſaction; an evident ſharper who makes it his buſineſs to pick up unwary countrymen of this kind, to impoſe on them in this manner by ſo groſs a fraud: It has happened to myſelf ſince I have had the honour of ſitting here, to try two or three of theſe people, but not exactly under the ſame circumſtances; two I think, I tried, and they were both convicted, but the circumſtances were different from this; however, I have talked with the Recorder, and alſo with Mr. Reynolds and Mr. Sheldon, who are extremely converſant in the buſineſs here, and they concur with me, that there have been caſes of this kind where priſoners have been convicted of a felony: And it has been determined by the Judges, that a man ſhall not under a pretence and guiſe of fraud, be enabled to plunder an innocent man, and they have gone to the bottom, to the true ſound principle to guide them by, they have enquired why, with what view was it, that all this was done, and as in this caſe, for what was it that this man produced this ring, for what was it that he ſaid, he would go to his friend and get money for this ring, for what purpoſe was all that done, but to obtain from this proſecutor the watch and the guinea; if the intention was fair, if in truth there was ſuch a friend, then it would be a fair tranſaction, a fooliſh one on both ſides, but a fair one. But it is to be left to you gentlemen of the Jury, whether under all the circumſtances of the caſe you believe the whole to be a fraud and impoſition on the proſecutor, and if you do, you will then conſider what was the intention of the priſoner in holding this diſcourſe, and in the whole tranſaction; whether it was with intent to get into his poſſeſſion the watch and guinea, never intending to reſtore them: And if ſo, of courſe then you will conclude that he intended feloniouſly to obtain the watch and guinea: If a man hires a horſe and rides away with it, it is felony: So here, if this man got poſſeſſion of the watch and money by this pretence, with intention either to ſell the watch or convert it to his own uſe, it is a felonious intent. If you ſuppoſe the tranſaction was a fair one, and that the priſoner had ſuch a friend, in that caſe to be ſure you will acquit him; but if you think his intention was felonious in obtaining this watch and the guinea, in that caſe you will find him guilty of the charge in the indictment.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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46. **SAMUEL NEWTON** was indicted for feloniouſly ſtealing, on the 28th of November, one mare of a bay colour, price 40s. the property of Edward Watſon.

EDWARD WATSON *ſworn.*

I live at Lambeth, I loſt a bay poney mare, on the 28th of November, between four and five o'clock, from Mr. Riley's in Queen-ſtreet, I had ſome buſineſs at Mr. Riley's, and I left her with a poor man that was begging in the ſtreet, his name is John Hinde; I ſtaid about an hour, and I went out to ſee if the man was with the horſe, he was, I ſaid take care of my horſe, I ſhall return preſently; about half an hour after, when I wanted to go away, I could find neither man nor mare, Mr. Riley ſent his porter to ſee after him, and I went down to the green-yard at the Talbot Inn in the Strand, where they take in ſtray horſes; I found the mare there without a ſaddle, and I afterwards found the poor man, Hinde, in a court in Drury Lane, I took him into cuſtody; this was about two hours and a half after, we took him to the Round Houſe, he ſaid, he was innocent, a man came up to him at Mr. Riley's door and made a pretence to go in at the door, and came out again, and ſaid, how long have you had my maſter's horſe, ſays he, about an hour and a half, ſays he, poor fellow! he has ſtood a long while at the door, my maſter has ſent you out threepence halfpenny, I ſhall put him in the ſtable, the priſoner then took him from him, and took away the ſaddle, and took him to the Green-yard, we lodged this poor man in Covent Garden Round Houſe, and I went with the conſtable to the Green-yard, the man left it in the name of Samuel Newton, No. 4, in Leiceſter-ſtreet, we went there, and no ſuch perſon lived there, we went into the watering-houſe, and heard of him in Hedge Lane, at a bawdy houſe, we went there and took him into cuſtody; when we came to Bow-ſtreet, the ſame man pointed the priſoner out directly.

Did you ever get your ſaddle again?—After I was bound over to proſecute, and the man went back to the Brown Bear, I aſked him what was the reaſon he would not let me know where my ſaddle was, that I might have no further trouble about it, I ſaid, I muſt proſecute you, and I ſhall go to the ſeverity of the law; the priſoner ſaid, if you will be tender with me, you ſhall have your ſaddle at ſeven o'clock to night preciſely; and at ſeven at night, it was ſent home.

JOHN HINDE *ſworn.*

The gentleman gave me his horſe to hold at the Freemaſons Tavern in Queen-ſtreet, the priſoner came out and aſked me how long I had been there, I ſaid an hour and a half.

Did you ſee him go in the tavern?——Yes, about five minutes before, it was about half paſt ſix, it was dark, then he ſaid here is three-pence halfpenny, that is all my maſter ordered me to give you, ſays he, I am going to take the horſe to the ſtable; the halfpence were all bad; I let him have the horſe, and went to my lodging, that is the man; the ſaddle was ſafe upon the mare when he took it, it was a bay mare, a white ſtar on the forehead, and a ſhort tail.

A poney?—Yes.

Court to Watſon. Had your mare a white ſtar and ſhort tail?—A nag tail and white ſtar.

Hinde. I went to my lodging, and they came and took me, I gave the beſt deſcription of the priſoner I could, I ſhould know him among a hundred; I pointed him out directly.

Priſoner. I never gave the man a halfpenny in my life.

Hinde. He aſked me if I was a ſea-faring man, I told him, yes, then ſays he, I know you can chew tobacco, here is another halfpenny for you.

JOHN MACKLAND *ſworn.*

On Friday the 28th of November, a perſon brought a little poney (a mare) to the Talbot Inn in the Strand, I aſked him his name, he ſaid, it was Samuel Newton, it was dark, rather nearer eight o'clock then ſeven at night, I aſked him where he lived, he ſaid, No. 4, Leiceſter-ſtreet, Leiceſter-fields; and the proſecutor came to enquire for a ſtray horſe, and I told him there was one with a bridle but not a ſaddle, he ſaid, the mare and bridle were his.

Is that the man that brought the mare? I believe it is the ſame man.

Did you ever ſee him before?—Never before that I know off.

Do you think that was the ſame man?—I am not poſitive, but I think it is the ſame man.

PRISONER's DEFENCE.

My Lord, I had been to Smithfield laſt Friday was fortnight, and ſold a horſe, and coming home, I ſaw this horſe about the top of GreatQueen-ſtreet looſe, I laid hold of the horſe, and took home the ſaddle for ſafe cuſtody, and took the horſe to the Green-yard, I told the proſecutor I would ſend the ſaddle home to the Green-yard, ſays he to me, if you ſend the ſaddle home I would not wiſh to hurt any young man; I did not take the horſe with any intent to ſteal it, if I had, I ſhould not have taken it to the Green-yard.

Mr. Juſtice Willes to Mackland. What did he ſay when he brought her?—I aſked him where he found her, he ſaid, near Queen-ſtreet.

Did he bring her to you to take care of? —He brought her to me as a ſtray.

Then he could not have had the mare again from you?—No, my Lord.

Mr. Juſtice Willes. That puts quite a different complexion on the buſineſs.

Mr. Baron Hotham. Gentlemen of the Jury, he certainly could not get the mare again, but I ſee the tranſaction in this light, that his object was not to keep the mare, but to get the ſaddle to ſell, and to get the ſhilling from the Talbot Inn.

Mr. Juſtice Willes. He is not indicted for ſtealing the ſaddle, but for ſtealing the mare.

Mr. Baron Hotham. This is not a common caſe of horſe ſtealing, it is more of a ſwindling buſineſs: If you have any doubts about it, of courſe you will acquit the priſoner.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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47. MICHAEL YOUNG was indicted for feloniouſly ſtealing on the 3d of December, inſtant, three piſtols mounted with ſilver, value forty ſhillings, the property of William Galloway.

SARAH GALLOWAY *ſworn.*

The priſoner and another man came into my houſe the 3d of this month, they were both in ſailors clothes: I keep a little ſhop, theſe piſtols lay juſt within the door; the priſoner whipped up three piſtols, and ſwore an oath, and ſaid they were pretty piſtols; the priſoner ran away with them, I after him, and held him, the other made off; the priſoner gave me a punch and blaſted me, and ſaid, what did I want; he had the piſtols under his arm, and I got ſome neighbours around me, and I took them away. I ſent for a conſtable, and the priſoner threatened my life and my huſband's; ~~he blaſted and bugger'd us, and he was~~ committed.

ELIZABETH WRIGHT *ſworn.*

I live in the proſecutor's houſe, I was on the ſtairs, and I ſaw the priſoner take the piſtols and conceal them under his arm, and run off with them, and I ſaw the piſtols taken from under the priſoner's arm, under his jacket.

(*The piſtols depoſed to.*)

PRISONER's DEFENCE.

Going along Tower-hill, I met with a gentleman at a public-houſe there, he came from the Iſland of Guernſey, he aſked me to drink, he ſaid he would buy a pair of piſtols; and he ſaid, as I was in the army I might be a judge. We went into this woman's ſhop, there was no body elſe in the ſhop, ſhe aſked two guineas; I told her to go along with me, and ſhe went between thirty and forty yards; ſays ſhe, young man I can go no further, then I came back with her and laid the piſtols on the counter; and there was another young fellow in the ſhop dreſſed in ſailors clothes, ſhe ſearched me, and found nothing.

GUILTY.

Twice whipped, and impriſoned one month in Newgate.

Tried by the firſt London Jury before Mr. RECORDER.

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48. SIMON PRICE was indicted for feloniouſly ſtealing on the 19th of Novem-

ber laſt, one linen handkerchief, value 2s. the property of John David Towſe.

GUILTY. 10d.

Whipped.

Tried by the firſt London Jury before Mr. RECORDER.

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49. WILLIAM HALL, otherwiſe HALLEY, was indicted for feloniouſly ſtealing on the 28th of November laſt, one deal box, value 6d. three linen ſhifts, value 25s. ſix pair of white ſtockings, value 6s. one dimity gown, trimmed with muſlin, value 10s. two womens linen riding ſhirts, value 10s. two womens riding waiſtcoats, value 10s. two linen handkerchiefs, value 2s. one deal box, value 12d. two worked muſlin aprons, value 10s. one plain lawn apron, value 4s. one plain muſlin ſhort apron, value 3s. two tambour muſlin gowns, value 20s. one printed muſlin gown, value 10s. one ſattin gown, value 10s. one white ſarcenet cloak, value 10s. two yards of white ſtriped gauze, value 10s. a pink ſilk petticoat, value 10s. two muſlin neck handkerchiefs, value 4s. two muſlin night caps, value 2s. one ſilver tiſſue pocket-book, value 12d. one leather pocket-book, value 2d. one baſe metal handkerchief ſlider, value 6d. the property of Mary Ann Hardcaſtle, ſpinſter.

And JOHN FIELD was indicted for receiving the ſame goods, knowing them to be ſtolen.

MARY ANN HARDCASTLE *ſworn.*

I am governeſs to Mr. Goſling's daughters; the family live in Lincoln's-Inn-Fields, and their country houſe is at Langley, in Bucks, I packed up my box on the 27th of November, I never ſaw the box afterwards, 'till I ſaw it in Hall's lodging, the houſekeeper who is here ſaw them packed up.

MARY CARTWRIGHT *ſworn.*

I am houſekeeper to Mr. Goſling, theſe boxes were packed up at Langley, and directed to Mr. Goſling, they were ſent by Thomas Webb the carrier; I ſaw them put on the waggon.

THOMAS WEBB *ſworn.*

I am the Langley Carrier, I took theſe boxes to bring them to town, I left an empty hamper at Knight's Bridge, and a woman at Hyde-park Corner; and when I came to the Running Horſe, juſt below Park-lane, I miſſed two boxes, the tilt was tore, and the ſkewers taken out; I had a great many other perſons goods; there were two trunks taken out; this is one of the boxes that was loſt, the other was much larger and heavier.

Court to Webb. Where were thoſe two trunks and boxes?—In the middle of the waggon.

Could they get out?—Not without the waggon was overturned, and then they could not.

Do you apprehend the things were loſt out of the waggon after the woman got out, or before?—I think after; ſhe ſat juſt againſt them, they were cut out of the ſide of the waggon.

PATRICK MACMANUS *ſworn.*

I went by information to the priſoner Field's houſe, No. 7, Park-lane, on this day week, between 8 and 9 o'clock in the morning, Hall lodged with Field up-ſtairs, but there was nothing found in his room. When we went to the houſe I met a woman, which I thought was Mrs. Field, and I aſked her if one Hall lodged there, ſhe ſaid he was down in the kitchen; ſhe called Hall, and ſomebody anſwered, I went down, and found the priſoner Hall; he looked at me, and ſaid, I ſuppoſe you came after this box; I did not know what he meant by that; I ſaid, yes, I am come after the box, where is it? he ſaid, it is up ſtairs; ſays I, have you made away with any of the things? no, he ſaid he had not, the things were all ſafe. When we had got up ſtairs, ſome of Mr. Goſling's people came up; the trunk was in Field's bed-chamber; then Hall and I went into Field's room and Mrs. Hardcaſtle looked at the box and found it was locked, and ſhe pulled out a key and unlocked it after ſome difficulty; there were ſome things in it, but ſhe miſſed ſeveral things; I turned round to Hall, and ſaid, did not you tell me the things were all ſafe? Oh! ſaid he, they are all to be found; and he went down into the kitchen were I found him firſt, and I went down with him, and he pulled the things that are in this handkerchief out of the drawers; they were brought up and ſhewn to Mrs. Hardcaſtle, and ſhe ſaid there were ſtill ſome more things wanting; then Hall ſaid, there was an apron and ſome ſort of a locket or thing that ladies wear about their neck; he ſaid he had ſold them: he ſaid, the trunk was found at the end of Park-lane, going into Picadilly: Field was not at home; he came home while ſhe was there, I ſtopped him; there was a good many of the things wanting; ſo Hall ſaid to Field, your wife has taken ſome of the things out here; he ſaid, he did not know any thing at all of it; ſays he, damn your things; if my wife has got any of them you muſt have them; I will break the drawers open and you ſhall have them; then he took ſome keys that we had tried before, and could not open the drawers, but he got them open; I believe he ſent for ſome keys, but he opened three drawers which we could not get open.

Did he open the drawers with thoſe keys or with any other keys?—I do not know, I believe the keys lay on the eſcrutore; and all the things that are in this white handkerchief were found in the drawers; Mrs. Hardcaſtle and Mrs. Cartwright were preſent all the time.

(The things depoſed to.)

Mr. Chetworth Council for the Priſoners. Field was not at home?—No.

I believe he came in from his work; had not he a pail in his hand?—He had two pails.

Did Field appear to you, from the obſervation you made when he came in, to have any knowledge of the things being in his houſe?—I cannot think he could miſs ſeeing this box, becauſe it ſtood by the bed ſide; but from his conduct I had every reaſon to think he did not know the things were in his drawers.

I believe the Juſtice was of the ſame opinion?—I believe every body has a good opinion of him.

Did not Hall ſay to him theſe words, I believe your wife has ſome of the things in her drawers?—I believe he did.

Did not he take up a poker to break open the drawers, and was perſuaded not?——I believe he did.

You enquired after him?—Yes.

What character did you learn of him?—A hardworking honeſt man.

Mrs. Hardcaſtle. There were keys found on the top of the drawers; Macmanus opened ſome of the drawers; there were two drawers that could not be opened till Field came, he opened one with a key, the other he could not open; Macmanus ſaid, they muſt be opened, there is a poker; Field immediately took the poker and attempted to open the drawers; he ſeemed very concerned and very much ſurprized when my things were found in his poſſeſſion: I had ſeveral letters in my box, ſome directed at me at Mr. Goſling's, Lincoln's-Inn Fields, and ſome in the country. I had a large parcel of manuſcripts, poetry, and bills and receipts, and many things that I valued very much, and Hall had burnt them the night before: the gentleman went down into the kitchen and found ſeveral ſcraps of my papers half burnt; I had likewiſe a common leather memorandum book which Hall ſold for two-pence with the papers that were in it which I valued exceedingly: I had likewiſe a very large parcel of poetry; Hall afterwards, when I aſked him why he burnt them, ſaid, for fear of leading to a diſcovery, becauſe he meant to ſell my clothes.

Court. Was there any promiſe made him to induce him to ſay this?—None in the world.

PRISONER HALL's DEFENCE.

I ſaw ſomething lying in Piccadilly, I did not know what it was; my landlady lent me the key; it contained woman's apparel, I never found it advertized; there was advertized a trunk and box: I got it honeſtly and I had ſold two or three of the things out of it, which I redeemed with my own money; the things were found in my landlady's drawers unknown to me; nobody can ſay a wrong word of me.

PRISONER FIELD's DEFENCE.

I came in doors about eight o'clock in the morning; the lady was there in the room, I ſtept in and ſaid what is the matter; ſays they, here is ſo and ſo; I ſaid, if there is any thing belonging to you, I will take the poker and wrench the locks open, I will be damned if I do not; I went to do it: Macmanus ſaid get the key: I went right acroſs the way, and my daughter had the key; ſays I, why do not you give me the key, what do you keep me in this purgatory for: I am innocent of the thing as a child unborn.

The Priſoner Hall called ſix Witneſſes who gave him a very good character.

The Priſoner Field called four Witneſſes who gave him a very good character.

WILLIAM HALL,
JOHN FIELD, } NOT GUILTY.

Tried by the ſecond London Jury before Mr. Juſtice WILLES.

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50. CHARLES BIGGS was indicted for feloniouſly ſtealing on the 3d of November laſt, one deal box, value 2s. one linen ſhirt, value 2s. two linen waiſtcoats, value 4s. one pair of nankeen breeches, value 5s. one ſtone ſtock buckle ſet in ſilver, value 12d. ſix guineas, value 6l. 6s. and 3s. 6d. in monies numbered, the property of William Bryant.

WILLIAM BRYANT *ſworn.*

I am ſervant to Mr. Stackpoole, in Groſvenor-place: on the 3d of November, I ſaw the priſoner in my maſter's ſervants hall, with a deal box in his hands, it was between one and two, there was nobody in the hall but himſelf till I came in; he had the box in both his hands, and the door was open to the area; I came down ſtairs with a baſon in my hand, I had been dreſſing Mr. Stackpool; I happened to ſtep into the ſervants hall, and there I ſaw the priſoner with the box in his hands, he was looking towards the area, and I ſaw another ill looking fellow looking through the rails at him: I took him by the collar; the box was my property; it was in the ſervants hall, in a clothes preſs, that was the uſual place for it to ſtand in: the box contained the things mentioned in the indictment; and ſeveral other articles too numerous for me to mention.

(The things depoſed to.)

PRISONER's DEFENCE.

I went down into the area, and I knocked at the door, and I aſked if one Mr. Wright lived there, and the footman ſaid no; he aſked me what buſineſs I had there, and ſaid I had hold of the box; I had not hold of the box; he would not ſay ſo before the Juſtice for ever ſo long; he only ſaid he believed it.

Court to Bryant. How is that?—I ſaid that I took him by the collar with it in both his hands: I look upon it that if I had been one minute later, I ſhould have loſt my box and my property.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

51. ELIZABETH CUMBERBEGE NORRIS was indicted for feloniouſly ſtealing on the 12th of November laſt, eight linen caps, value 2s. one pair of ſleeves, value 1s. one handkerchief, value 6d. two pillow caſes, value 1s. and one flannel petticoat, value 1s. the property of John Simcock.

The Proſecutor not appearing the Priſoner was

ACQUITTED.

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52. The ſaid ELIZABETH CUMBERBEGE NORRIS was again indicted for feloniouſly ſtealing, on the 15th of November laſt, a ſilver top of a caſtor, value 10d. a ſilk cloak, value 10s. three ſtocks, value 2s. a linen handkerchief, value 1s. two neckcloths, value 5s. a ſilk bonnet, value 5s. and a pair of pattens, value 6d. the property of William Blakemore.

SARAH BLAKEMORE *ſworn.*

I am wife to William Blakemore; I loſt the things mentioned in the indictment; I miſſed them on the 16th of November, about eleven o'clock they were in my apartment; I ſaw them on the 15th; I found them again; nobody was with me but the priſoner; I took her in, as ſhe had lived with a relation of mine, becauſe ſhe was in diſtreſs, with intent to have got her another place: ſhe ſlept with me four nights; ſhe pledged ſome of my things on the 14th, and on the 15th, and on the 16th, ſhe ſaid ſhe was going for ſome clean clothes, ſhe begged I would not go out that day; ſhe took the pattens off the window and went down ſtairs; the ſilver top was found in the man's houſe, where her box was lodged.

WILLIAM READ *ſworn.*

I found theſe two ſtocks under her ſtays; I ſearched her in the houſe where her box was, in Red-lyon-ſtreet; it was the 15th of November; ſhe owned the box to be hers; I aſked her for the key of the box; theſe things I found upon her.

(The cloak and two ſtocks depoſed to.)

GEORGE PURSE *ſworn.*

I am a pawnbroker, I have a bonnet, a handkerchief, and two neckcloths, which I received of the priſoner on the 14th and the 15th of November, in the name of Elizabeth Norris, I lent three ſhillings on the bonnet, two ſhillings on the two neckcloths, and eighteen-pence on the handkerchief; ſhe ſaid, ſhe brought them for her miſtreſs.

PHEBE IVES *ſworn.*

I lived ſix weeks fellow-ſervant with that young woman, on the 16th of November, ſhe came to me in the afternoon, and aſked me to go and take a walk which I objected to, ſhe aked me why, I told her I had never a cloak to put on, ſhe had two cloaks on, ſhe lent me this cloak, I know it by the cut of the lace, which I told the Juſtice, ſhe went with me to drink tea, we ſtaid ſome time, ſhe ſaid, ſhe lived in Covent Garden, and if ſhe did not go home before eight, ſhe ſhould be locked out, I told her it was ten then, and ſhe went home and ſlept with me and the woman I ſlept with, becauſe ſhe ſaid ſhe ſhould be locked out of her lodgings.

Court to Mr. Blakemore. Where do you live?—In upper Marybone-ſtreet.

PRISONER'S DEFENCE.

When I lived at the Star in Lincoln's-inn-fields, Mrs Blakemore came to our houſe, and ſaid, what a pity it was we two girls ſhould live at a public houſe, ſhe ſaid, ſhe could help us to a place, I went to be with her, and I had not been there above a day or two before ſhe ſent me to pawn a linen gown in her name, and there was a young man boarded with her, and ſome of the money ſhe gave him, and ſome ſhe put into her pocket, a night or two after ſhe ſent me to pawn the bonnet, and bid me pawn it in my own name; on the ſunday ſhe ſent me to pawn the cloak, I told her they were all ſhut up, ſhe ſaid, there was plenty of common pawnbrokers open, and ſhe beat me, I went to a perſon that I knew, and ſhe ſaid, I was to blame if I returned, Mrs. Blakemore ſaid, ſhe would hang me if it was only for the ſake of a little money.

Phebe Ives. I heard her ſay nothing.

Court to Mrs. Blakemore. Did you ever ſend her to pawn any thing?—Never in my life.

GUILTY.

To be confined to hard labor ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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53. GEORGE HOLLIDAY and ALEXANDER HASEMAN were indicted for feloniouſly ſtealing, on the 11th day of November laſt, twelve buſhels of coals, value 10s. the property of John Nicholls.

(*Stephen Weſt who was admitted to bail by the Juſtice on a charge of receiving the above, was called into Court on his recognizance, and not appearing the recognizance was ordered to be eſtreated.*)

EDWARD RICHARDS *ſworn.*

I am watchman at New Brentford; between three and four o'clock in the morning of the 11th of November, I ſaw the priſoner Holliday come in with a boat up the Creek; I was on duty, he had in the boat ſome empty ſacks, he got out of the boat and got into a barge of coals belonging to John Nicholls, I worked for Nicholls; I ſtopped and let him ſtay in the barge ſome time, and then I hallooed to him, and called him by his name; I aſked him if he meant to get the barge of coals in as ſoon as ſhe was afloat, and he told me yes; when the clock ſtruck four, I went and cried the hour and came back again; and I ſaw the priſoner Holliday and the priſoner Haſeman in the barge with him; I had not ſeen him there before; ſeeing them ſo buſy, I went up and called Mr. Nicholls's foreman, Stephen Collins, that was between four and five: Collins came with me, and we ſaw them fill a ſack and put into a boat: Then we went to them, and ſaw they had filled five ſacks: They were put into a boat.

How many buſhels might they contain?—Twelve buſhels when we came to meaſure them.

What may be the value of that?—Ten ſhillings.

What did they ſay for themſelves?—I ſaid nothing to them; Holliday got into his boat and puſhed the boat off to another Creek.

How can you tell there were five ſacks filled?—We purſued them directly, and found 5 ſacks, Haſeman was left in his barge to get it in, he was the bargeman; Haſeman is a ſervant or apprentice to Holliday. We went down to the key, and expected them to come in there, and Haſeman came down and looked round the water-ſide, and gave Holliday a ſignal not to come in: Haſeman went away, and preſently came again; and I took him; I aſked him for Holliday, and he told me he was gone down to the Three Swans to Stephen Weſt's; then it was about five: We were going down there and we met Holliday, I ſtopped him and took him into cuſtody; then it was half after five: Soon after when I had locked them in the cage, I aſked him what he had done with the coals, he ſaid, he had taken them to Stephen Weſt's; I came juſt by the Three Swans, and Weſt was walking backwards and forwards, I went down the ſtairs immediately, and there was Weſt's back door open, and a candle burning, and there were five ſacks of coals lay juſt by on his premiſes.

What reaſon have you to think theſe were the coals taken out of Mr. Nicholls's barge?—I am ſure they were, becauſe I ſaw him take them out.

Did you meaſure the quantity of coals you found at Weſt's?—Yes.

How many buſhels?—Twelve buſhels.

Mr. Sylveſter, Priſoner's Council. It was not light?—It was full-moon. I was ſix or eight yards off.

Then they might ſee you as well as you ſee them?—Yes.

You could not ſee where the boat went to?—No.

STEPHEN COLLINS *ſworn.*

I am foreman to the proſecutor, on the 11th of November, the watchman called on me, and I went with him, and ſaw the two priſoners fill a ſack of coals out of my maſter's barge; their boat lay alongſide the barge, I ſaid nothing to them; I only ſaw them fill one ſack, they put it into the boat, I could not ſee how many ſacks were in the boat, becauſe it was by the ſide of the barge: Holliday rowed away, I ſaw at Weſt's five ſacks of coals about three quarters of an hour after.

Should you know the boat that Holliday was in from another boat?—I do not know that I ſhould.

Mr. Sylveſter. Have not you declared that it was ſo dark you could not ſee this?—No.

Only that you knew the men by their voices?—I know them by their voices, It was as light as day.

Do you know James Lands?—Yes, he is a brother watchman, I never declared I did not know them.

PRISONER HOLLIDAY'S DEFENCE.

I lent this man a hand up the Creek with the barge, and he went and treated me with two pots of beer, he went aboard his barge and I went home.

PRISONER HASEMAN'S DEFENCE.

This man lent me a hand up the Creek, and afterwards I treated him with two pots of beer, then I went aboard and he went home.

FOR THE PRISONERS.

JAMES LANDS *ſworn.*

I am a brother watchman with Richards.

Did he at any time declare to you it was ſo dark he could not ſee the people in the barge?—It was moon-light, but it was cloudy, one could not ſee a great way.

What did Richards ſay to you about it?—No otherwiſe than that there were three people filling out coals, and he ſaw them fill out a ſack.

Did he ſay he knew one of them or not?—He mentioned the name of one Holliday.

Did he ſay how he knew them?——By their ſpeech.

Did he ſay whether he ſaw their perſons or not?—I did not hear him ſay ſo.

Could he ſee from his ſtand to the barge?—Not to tell who they were particularly I think.

The Priſoner Holliday called two Witneſſes who gave him a good character.

GEORGE HOLLIDAY, GUILTY,

To be confined to hard labour ſix months in the Houſe of Correction.

ALEXANDER HASEMAN, GUILTY,

To be privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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54. JAMES CHERRICK was indicted for feloniouſly ſtealing, on the 1ſt of November laſt, ten yards of black ſilk lace, value 30s. the property of Thomas Hilliard, privily from his ſhop.

ANN HILLIARD *ſworn.*

I am wife of Thomas Hilliard in Great Ruſſel-ſtreet, I keep a milliner's ſhop; on Saturday night the 1ſt of November, I was

was ſerving in the ſhop behind my counter, and I ſaw ſomebody at the door catch out ſomething, immediately I ſaw a boy take the card of lace from the window, I immediately ran, and a neighbour of mine that is in Court ſaid, that is the boy that has got your lace; I then followed him, there were five of them in a gang.

Court. Did you ſee the boy at the time he took your lace, ſo as to know him again?—Yes, they were there near an hour, five in a gang, he was taken in a minute, I have not found the lace again.

FRANCES PARKINSON *ſworn.*

I live next door but one to the proſecutor, I was ſtanding at our door, and I ſaw the priſoner with two more ſauntering about the door, and by and by two more came up to them; and they all ſat down upon the iron rails before the ſhop window; this boy ſat next to the door: It was about nine at night, this boy ſtep, in, takes ſomething with his left-hand out of the window, I could not tell what it was, he gave it to another boy with his right; he then went one way and the other the other: Mrs. Hilliard came out that minute, I ſaid, that is the man that has the property, I am ſure this is the ſame boy.

Court to Mrs. Hilliard. Was there any lace near enough for the boy to get at by putting his hand in?—Yes, all along the window, there were about ten yards on that card that he took: It is valued at thirty ſhillings, but it is of more value.

Priſoner. I have nothing to ſay.

Court. How old are you?—Going on eleven.

GUILTY

Of ſtealing, but not privily.

Court. I think in order to break theſe gangs of boys, it is neceſſary to tranſport this boy, young as he is, to America for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

55. ELIZABETH HARRISON and HANNAH CARTER were indicted for feloniouſly ſtealing, on the 17th of November laſt, a ſilver watch, value 40s. a pair of ſilver ſhoe-buckles value 20s. a pair of ſilver knee-buckles, value 5s. a ſtone ſtock-buckle ſet in ſilver, value 3s. a ſtone breaſt-buckle ſet in ſilver, value 12d. a ſtone hat-buckle ſet in ſilver, value 6d. a ſilk hat band, value 2d. a ſilk handkerchief, value 1s. and a linen handkerchief, value 2d. the property of John Petty.

JOHN PETTY *ſworn.*

Laſt Sunday three weeks as I was coming down Iſlington, about 11 or 12 o'clock at night, by the Bank-ſide, I met with one of theſe priſoners, Carter, the corner of a ſtreet, I aſked her if there was any houſe open, as I could not get a lodging, ſhe perſuaded me to go with her, I cannot ſay where ſhe took me to, but I have been ſince informed it was Three Kings Court; ſhe took me to the houſe where ſhe lodged, I treated her with bread and cheeſe and beer and liquors, the other priſoner was in the houſe, and ſhe went and fetched the bread and cheeſe and beer and gin, after that I made an agreement to lay down with her the whole night for half a crown; I undreſſed myſelf, and put my ſhoe buckles and knee buckles in my right hand breeches pocket; the priſoners were both in the room, ſhe lay down ſome time after, I cannot juſtly ſay when, my watch was alſo in my pocket, my breaſt buckle was in my left hand breeches pocket, my ſtock buckle was in my black velvet ſtock, in my coat pocket, the buckle was taken out and the ſtock left, and a red ſilk handkerchief with croſs bars, and a white handkerchief were in my coat pocket; I fell aſleep, and when I awaked the two priſoners were gone.

Where was the priſoner Harriſon when you fell aſleep?—To the beſt of my remembrance ſhe lay down by the ſide of me.

Was you quite ſober?—I was not ſober, but I was not any ways in liquor.

Are you ſure that the other priſoner was in the room at all, when you went to ſleep. Yes.

Was there a light in the room when you went to ſleep.—Yes, and when I awaked: I awoke about one or two, and my things were all gone. I am ſure theſe things were all in my pocket when I went to bed; I immediately went to the watchman and the officer of the night, but every thing was gone.

JOSEPH HAWES *ſworn.*

I found part of the property upon Harriſon, I took the priſoner in White-croſs-ſtreet, in a houſe; I found this pair of ſhoe buckles, and this pair of knee buckles, and this ſhirt buckle and ſtock buckle, and a band, and this linen handkerchief upon Harriſon, the other witneſs found the other property upon the other, they have been in my poſſeſſion ever ſince.

JOHN GREEN *ſworn.*

I found this watch and this ſtock buckle upon the priſoner Carter.

JOHN MAXEY *ſworn.*

I am a watchman, the proſecutor came to me, and I was preſent when the property was found, it was found upon theſe two priſoners.

(The things depoſed to.)

PRISONER CARTER's DEFENCE.

About 11 o'clock I went to the Fleet-Market to an acquaintance, to have ſome ſupper; coming home about half after, I met the proſecutor, he aſked me the way to Dock-head, I told him it was a great way from thence; it was in Cheapſide I met him, I told him he might go home with me if he choſe it, he came home with me, and he ſent for ſome bread and cheeſe and a pot of beer; he was very much in liquor, at laſt he went to bed, and he gave me ſome things to take care of till he awaked, and he ſaid if I took care of them till the morning he would make me a handſome preſent.

Court. How came you to go away with them then?—I only went into the ſame ſtreet to a public houſe to get a drop of purl to warm me; before I came back that gentleman waked, and was out in the ſtreet, I have not a friend in London.

PRISONER HARRISON'S DEFENCE.

I was not in the houſe when the man came in, I called for ſome cloth I had left in her room, I fetched two pots of beer and went home, I could not get in; coming back again, I did not like to come to her houſe, and went into this public houſe where ſhe was drinking; I had a pint of purl by myſelf, ſhe was much in liquor, ſhe ſaid, I wiſh you would go home with me, and take care of theſe things, for if the man ſhould wake, he will think I am gone off with them; ſhe gave me theſe things for fear ſhe ſhould loſe them. Carter was very much in liquor.

Court to Proſecutor. Did you give this woman the things to take care of?—No, not in the leaſt.

Court to Hawes. Where were theſe women when you firſt found them?—At the ſign of the Ship, in White-croſs-ſtreet, about three or four hundred yards from where they live.

What were they doing when you firſt ſaw them?—They were drinking.

Not coming away that you ſaw?—No, I aſked the priſoner where the man's property was when I laid hold of her; ſhe ſaid, ſhe had no property but what was her own.

ELIZABETH HARRISON, } GUILTY.
HANNAH CARTER, }

To be both privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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56. ROBERT DEWAR, otherwiſe DEWARS, otherwiſe DEEWAR, was

indicted, for that he, on the 25th of July laſt, did falſly and feloniouſly make, forge, and counterfeit, and cauſe and procure to be falſely made, forged, and counterfeited a certain will and teſtament, partly printed, and partly written, purporting to be the laſt will and teſtament of Shaw Ferguſſoon, deviſing to his brother, John Ferguſſoon, all his wages, and appointing him executor; and which ſaid forged will was dated the 22d of July, 1780, with intention to defraud our Sovereign Lord the King. A ſecond count for uttering the ſame with the like intention. A third and fourth counts the ſame as the firſt and ſecond, with intention to defraud Iſaac Barre, Eſq. And a fifth and ſixth counts, with intention to defraud Donald Farquharſon.

Mr. Silweſter of Councel for the Proſecution, thus opened the Caſe.

Gentlemen of the Jury, this is an indictment for the crime of forgery, and before this offence could be carried into effect, the perſon committing it muſt alſo have been guilty of the crime of perjury, for he muſt have ſworn he was the executor under that will, by which means he obtained the probate. Some time ſince, a man of the name of Farquharſon died; the priſoner by ſome means heard, that enquiries were making for his executor, for there was a great deal of wages due to him. That gave the priſoner the idea of ſetting up a will; he immediately went to the Commons, and there produced a will in the name of Shaw Furguſſoon; he then obtained from the Pay Office, at Chatham, twenty-four pounds, ten ſhillings and ſix-pence, as wages due to the deceaſed: but to avoid any enquiry that might be made of him, he then produced a power of attorney, made from the ſaid John Ferguſſoon, to him, Robert Dewar; there he produced the will and the power of attorney, and he actually received the ſum of twenty-four pounds, ten ſhillings and ſix-pence. There was a further ſum of eight pounds, ten ſhillings and ſix-pence due to the deceaſed at the Pay Office, in Broad-ſtreet, for ſerving on board the Charles-town; he there applied to a gentleman of the name of Giles, a navy agent, to receive thoſe wages; Giles received the wages at the Office, but before he had paid it over to the priſoner, a man of the name of Donald Farquharſon applied for the wages really due; he applied and produced letters of adminiſtration taken out to his brother, who died inteſtate. The priſoner when he came to receive the money was detained, and upon enquiry it was found out, that this man died inteſtate, but never had any brother of the name of John. Gentlemen, it will be in proof to you, firſt of all, that the priſoner went to the Commons in the name of John Furguſſoon, and obtained the probate of the will; then he applied to Chatham, in his own name of Robert Dewar, under a power of attorney from that ſuppoſed John Furguſſoon, by which means he received that money; he alſo applied to Mr. Giles, by the name of Dewar, his real name, under that power of attorney. It will alſo be in evidence to you, that Donald Farquharſon is the brother of the deceaſed, that the will is not the hand-writing of the deceaſed, and that he never had a brother of the name of John. Gentlemen, this is a complicated offence, involving in it, not only the crime of forgery, but the aggravated crime of perjury; and if the facts are proved to your ſatiſfaction, I doubt not but you, by your verdict, will find the priſoner guilty of the offence charged againſt him in the indictment.

Court. As the priſoner has no councel, I muſt have the indictment to compare it with the will.

WILLIAM CLARKSON *ſworn.*

I am a clerk in the Prerogative Office, I produce the original will from the Commons.

Do you know any thing of any probate being granted on that will?—I remember ſearching for it, and entering the name on the calender; Mr. Luſhington's clerk came to me, and I entered it in the book.

To whom was the probate granted?—To the perſon whoſe name is there.

Do you know that perſon?—I do not.

Has that probate been called in?—Yes it has, and revoked by interlocutory decree.

Court. That is no evidence; this goes no further than that the probate of a will of which that is the original, was granted to a man that came with Mr. Luſhington's clerk.

GEORGE SWEETENBURGH *ſworn.*

I am clerk to Mr. Luſhington, the priſoner at the bar applied to me about a will, I believe it was the 15th of July, it will appear by the jurata on the will, he applied to me in the name of John Furgurſon, he ſaid he had got a will to prove, I took the will and looked at it, and in the uſual way I wrote the jurata at the back, he ſaid he ſpelt his name *Furgurſon.*

Did he take the uſual oath?—He did, it was adminiſtered to him by Dr. Ducarrell.

Court. What is the name of the deceaſed on that will?—The name is ſpelt differently, *Furgurſoon.*

What is the Chriſtian name?—Shaw.

Is that the will that you have in your hand that he produced as the original will?—Yes.

What is wrote on the back?—It is only the deſcription.

Who gave it you?—The priſoner gave it me, except two words that are written by the clerk (reads) "Teſtator Shaw Furgurſoon, alias Farquharſon, alias Furguſſon, was late belonging to his Majeſty's ſhip Roebuck, Charles Town "and Providence, and died 16th April, "1781." Probate has been granted on that will, and has been called in by act of Court.

(The act of Court produced by Mr. Clarkſon.)

Court. Was citation ſerved on the priſoner?—I do not know that it has, but it muſt of courſe.

Court. We cannot take that for granted.

(Reads.) "Farquharſon againſt Dewar."

(This is the certificate of the decree, it is entered ſhort.)

"The parties being called and not ap-"pearing, the Judge on motion of the ad-"vocate, has by his interlocutory decree "confirmed the admonition of Donald Far-"quharſon."——The name being ſpelt ſo very different after the probate had been granted, the brother got adminiſtration in the real name.

Court to Clarkſon. What is that book?—It is a minute book.

Do you afterwards draw up a regular form of the Court's proceedings?—They are afterwards extended, they are regiſtered on large folio paper, and bound up, but this is not entered yet; this is the minute of the ſentence, it is the beſt and only proof we have at preſent.

The will read and compared with the indictment by the Court.

Signed "Shaw *Furgurſoon.*" Signed, ſealed, publiſhed and declared, in the preſence of James Styeels, Robert Dewar. "15th July 1783, John Furguſſoon, brother of the deceaſed, and ſole executor, was duly ſworn, &c. and that the deceaſed died " and Col. Ducarrell. Teſtator Shaw Furguſſoon proved at London, by the oath of John Furguſſoon to whom adminiſtration was granted.

Captain GREGOR FARQUHARSON *ſworn.*

Court to Mr. Sylveſter. This evidence that you are now enquiring into is not evidence of the forgery, for Shaw Farquharſon might leave this to a brother that is dead; this is confirmatory evidence.

Mr. Sylveſter to Captain Gregor Farquharſon. You are brother to Shaw Farquharſon?——I had a brother on board the Roebuck of the name of Shaw Farquharſon.

What relations beſides yourſelf are living now of that brother?—There is another brother Donald, and a ſiſter.

Did he leave any children ?——Neither wife nor child.

Court. Then he is intitled, if his brother died inteſtate, to a ſhare of his wages as his perſonal repreſentative; the will is an act containing an abſolute bequeſt to John Furguſſoon, and to him alone, and afterwards appointing him ſole executor, he is therefore certainly an intereſted witneſs.

Mr. Sylveſter. My Lord he ſhall execute a releaſe.

JAMES RUTHERFORD *ſworn.*

Mr. Sylveſter. Did you know a man of the name of Shaw Farquharſon ?—Yes.

Did you know that Gregor Farquharſon? ——I cannot ſay I did, I knew Shaw Farquharſon, he was a ſervant of mine.

What was his name ?—Shaw Farquharſon.

Do you know his hand-writing ?——I have a letter in my pocket from him.

Have you ſeen him write ?——Yes, many times, he lived a ſervant with me longer than four years, *(looks at the will)* this is not his hand-writing, I can take upon me to ſay; he went from me to the Roebuck, I have a letter in my pocket from him from Corke on board the Roebuck, he had been a voyage in her and returned again, but whether he went on board again I do not know.

Do you know Donald Ferguſſon ?——I do, he was at my houſe many times.

They were brothers ?——He always called him his brother, I cannot ſay whether they were or not.

Court. Are you pretty clear that is not his hand-writing ?——I am clear about it.

Donald Farquharſon called into Court.

Mr. Sylveſter. Is that the perſon you mean ?——Yes it is, that is the perſon he always called brother.

Do you recollect how he ſpelt his name? ——Yes.

How was it ?——Farquharſon.

Does that reſemble his hand-writing at all ?——Not at all, that name is wrote with a ſmall F, he always uſed a large one.

You think it is not his hand-writing, and has no reſemblance to it ?——I think it is not, I am ſure it is not.

PETER FARQUHARSON *ſworn.*

You are no relation to Shaw Farquharſon, I believe ?——None.

Did you know the family ?—That brother only.

Did you know Shaw Farquharſon ?—— Perfectly.

Did you know that man Gregor Farquharſon ?—I only ſaw him a few times, I laſt ſaw Shaw Farquharſon at New York on board the Roebuck, between Staten-Iſland and the main land, I have known them go as brothers for ten years.

Have you frequently ſeen him write ?—I have.

Look at that (*Looks at the will*) ?—No, I cannot think this to be any of his writing.

Is it part his hand-writing ?—None at all as far as I can judge, it is neither ſpelt nor wrote like it.

GEORGE ARNOLD *ſworn.*

I produce the Roebuck book, it is there ſpelt *Shaw Ferguſon*.

Is there any other Shaw Ferguſon in the Roebuck book ?—There is no other Shaw Ferguſon of any kind of ſpelling in the Roebuck book.

Court. Have you examined the book thoroughly ?——I have looked every name through with great care, and there is no name of Shaw Ferguſon but that one, there is no name that is like it.

The Remainder of this Trial in the next Part which will be Publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*;
HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 10th of DECEMBER, 1783, and the following Days;
Being the FIRST SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY
E. HODGSON,
And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Robert Dewar.

Jury. Who writes the names in that book?——The Captain's clerk.

JAMES ENGLISH LAWTON *ſworn.*

This is the Charles Town book, in which he died the 16th of April 1781, the name is Shaw *Furgeſon*.

What ſhip did he come from?——From the Providence into the Charleſtown.

Arnold. He was diſcharged from the Roebuck to the Providence the 17th of May 1780.

JASPER ALLEN *ſworn.*

This is the Providence book.

Is there a man named Shaw Ferguſon there?——Yes, it is ſpelt *Ferquhoſon*, he came from the Roebuck the 23d of May 1780, to the Providence; there is no other Shaw Ferguſon on board the Providence, he was diſcharged the 14th of July 1780, to the Charles Town frigate.

Lawſon. He is entered here the 15th.

JAMES MALPAS *ſworn.*

I am clerk to the treaſurer of the navy, for paying ſeamens wages at Chatham.

Did you ever ſee the priſoner?—I cannot call to my mind that I have, I have paid ſo many thouſands of pounds ſince, I cannot recollect; a perſon came to the Pay-Office by the name of Robert Dewar.

Court. I cannot admit any evidence of another perſon.

Mr. Sylveſter. Do you know who you paid the money to?—I cannot recollect.

What entry did you make in your book?

Court. The entry is no evidence.

Mr. Fielding. You know the name?

Court. That will not do.

Mr. Fielding. He may ſay what he knows, and that may be carried into evidence as ſtrong as can be by and by.

JOHN GILES *ſworn.*

I am a navy agent.

Was you applied to at any time by the priſoner?—Yes, I was.

For what?—To receive ſome wages belonging to one Shaw Ferguſon, for the Charles Town.

Had you any converſation with him?—Nothing particular, he only brought the neceſſary papers to receive the wages.

What papers?—The probate of Shaw Ferguſon's will, with the will annexed, and a power made to him by the name of Robert Dewar.

Is that the paper?—I cannot be particular to it, it was a power of attorney to one Robert Dewar; he told me his name was Dewar, and that he had that from John Ferguſon, who was executor to Shaw Ferguſon: I received 8l. 10s. 6d. the firſt time I applied; I hold the money ſtill, becauſe another probate appeared at that time.

Had you ever any converſation with him about the Roebuck?——No, never, only about the Charles-Town.

Court. For what purpoſe did the priſoner apply to you?—To recover for him the wages due to Shaw Ferguſon, of the Charles Town: he ſaid his name was Dewar.

Did you receive thoſe wages for him?—Yes.

Jury. Do you know the perſon of the priſoner?——He is the ſame man that brought the papers to me, I have not the leaſt doubt of it; I am very ſure of it.

Did you ever ſee him before?—No.

GEGORY FARQUHARSON *ſworn.*

(A releaſe was produced to the Adminiſtrator in order to qualify him for a Witneſs.)

Court. Have you received any promiſe from Donald Farquharſon to give you the releaſe back again, after the tryal is over?—None at all.

Or to pay you the ſhare notwithſtanding?—None at all, nor would I take it.

Mr. Sylveſter. What other brothers have you?—This is the only brother now alive; there were many brothers, but they are all dead in the ſervice.

Have you any one of the name of John?—None, that ever came to maturity; I recollect one that died an infant.

Look at the will; is that at all like your brother's hand writing?—It is not at all.

Do you know of his being on board the other ſhip as well as the Roebuck?—Yes, he wrote to me.

Court. You muſt not tell us what he wrote.

Court to Mr. Sylveſter. You ſhould identify that power of attorney; how came it into your hands.

Giles. I delivered the power of attorney to Donald.

Court. Look at it.—That is the ſame ſigning.

Look at the witneſſes?—I think to the beſt of my knowledge, it is the ſame paper: I believe it to be the ſame from my inſpection of it at the time.

Court. You cannot, to be ſure, upon memory, undertake to ſwear poſitively that it is the ſame, but you believe this to be the ſame?—Yes, I believe it to be the ſame.

Court. This appears upon the face of it, to have been executed by a man calling himſelf John Ferguſon, before the Lord Mayor.

Court to Sweetenburgh. Be ſo good as to recollect back as diſtinctly as you can, the particulars that paſſed between the priſoner and you, when he firſt applied to you, and that was to procure probate of a will for him which will be produced?—Yes.

Did he apply to you at firſt as John Ferguſon the executor, or as acting on his behalf?—He applied as the executor of the will; I am quite ſure of that, otherwiſe he muſt have produced a power of attorney; I am very ſure he produced none.

Can you trace the day on which he applied to you?—It appears by the jurata of the will, the 15th of July.

Court. This letter of attorney is not dated till the 4th day of September.

Court to Priſoner. Now is your time to make your defence.

Priſoner. I am deaf, I have not heard a word of what has been ſaid.

(Here the learned Judge recapitulated the whole of the evidence aloud to the Priſoner.)

PRISONER's

PRISONER's DEFENCE.

I had two witneſſes here but they failed me, as my trial did not come on laſt ſeſſions; they knew this John Ferguſon gave me theſe papers: I had but little acquaintance with him, I only ſaw him about February laſt; he ſaid nothing to me then, but in about a fortnight afterwards he called on me; ſays he, Mr. Dewar, I have a brother dead in America, and he has wages due, and he ſaid, he had been offered money to let a man adminiſter, but the man could not ſtop till the money was paid; ſo he went away: I ſaw no more of him till I think it was the 22d or 23d of July: will you aſk that gentleman, Whether the man that gave him the will had not a red coat on, or a frock on; he ſays it was me?

Court to Swittenburgh. How was the fact?—The priſoner had a red coat on; he was alone.

PRISONER's DEFENCE CONTINUED.

That was the corporal belonging to the marines, a townſman and countryman of this John Ferguſon's, that had lent him the money to adminiſter; his name was Cameron: John Ferguſon is dead; he died the 12th of September laſt; and this Cameron and him were conſtantly together, and about a week after I came from Chatham, they came and brought me this probate, I had never ſeen them before, I would not take it: one of the Crimps ſaid, you had better go and receive the money yourſelf; I ſaid, I would have nothing to do with it; ſays he, be ſo good, when my money is received, to take the money and I will write to you to remit me ſome; I told him I would not, and Mr. Giles knows very well that he had it till the 1ſt day of September; it was on Monday I think, I called on him in the morning: I had a letter from this John Ferguſon; I called on him and ſaid, have you received any money; ſays he no; ſays I, I am going to Chatham to night; then ſays he, take theſe papers with you, and receive the money: I took the papers along with me, and I received the money, twenty-four pounds, ten ſhillings, and ſixpence, I received faithfully and honeſtly. I came home the ſame night, and John Ferguſon he came to me, and I paid him part of the money: I told him there is an account between you and I: this corporal he came along with him, I appointed him to come on Friday and ſettle; he came on Friday; I was not at home; he did not come any more till Monday, then he came about eleven o'clock, and he aſked my wife if I had any money for him; ſhe ſaid, ſhe did not know, and ſhe gave him a little money, and he ſtaid and had ſome victuals: when I came home he was laid down on the bed, he ſaid he was ſick; he ſaid he muſt go to his quarters, when he got up he could not ſtir or wag; he ſaid he would not go home, he lived ſomewhere about Spitalfields, I got him a bed, I ſaw him in bed; the next morning I went to ſee how he was; I employed an eminent ſurgeon that lives down in Wapping, I employed a woman nurſe and laundreſs and every thing I could get, and he lived till the next Monday, and he died; he had a ſiſter, I went and told her and ſhe came; he did not want too ſee her, ſhe had affronted him ſome how or other, ſhe went and brought a Roman prieſt to him, that was the firſt time that ever I knew he was a Roman or papiſt: after the prieſt was gone, I ſaid, ſays I, John, I did not know you was a papiſt? ſays he, all our family are! ſays I, I am very ſorry for it, I never had much liking to them in my life; if I had known you had been a papiſt I would have had nothing to ſay to you; he died on the Monday, and on the Wedneſday he was buried: I took a thought within myſelf, as Mr. Giles had got the power of attorney and the adminiſtration, now this man is dead, theſe things are of no value, I will go and aſk Mr. Giles for them: when I came to him he aſked me to ſit down; he ſaid, ſays he, there has been a young man who ſays he is the brother of Shaw Ferguſon,

ſon, and this will to John Ferguſon is a forgery; ſays I, I have lived forty-nine years in his Majeſty's ſervice, and never had a blemiſh in my lifetime, I ſaid, if I get into trouble as I am not at all concerned in the affair, I will ſee the end of it, if it coſts me my life: Says he, when will you call again; now it was not likely I ſhould come again by my own conſent to ſee my proſecutor: I am a man that never robbed man, woman, or child: I am no more guilty of forgery or any thing of the kind, than any gentleman in this houſe.

Court to Giles. Is the circumſtance he has related true?—A few words of it are.

After you told him this was ſuſpected to be a forgery, did he afterwards appoint a time to come and meet the brother of Ferguſon, and did he come?——Yes: I followed him, after I had received the money, I told him, if you come next Saturday I will endeavour to ſettle with you, and he came on the Friday following, ſays I, come to-morrow to my houſe, and he came accordingly,

Court to Giles. Did you know this man at all?—I never ſaw him before.

Jury. Was his coming to you voluntary?—Entirely voluntary.

Court to Arnold. When was Shaw Farquharſon turned over from the Roebuck to the Providence?—On the 17th of May, 1780.

Court to Lawſon. When did he paſs from the Providence to the Charles Town? —The 15th of July, 1780.

Court. He died on board the Charles Town, the 16th of April, 1781?—Yes, Robert at ſea.

Are there any men on board the Charles Town of the name of James Styeels or Dewar?

Lawſon. I do not find any ſuch names either on that or the Roebuck.

Mr. Sylveſter. Is there any on board the Providence?—No.

Court to Priſoner. Have you any witneſſes to prove there was ſuch a man as John Ferguſon?

Priſoner. Lord bleſs you, they are all his relations, there is his ſiſter lives down in Wapping, ſhe ſaid, before the Lord Mayor, becauſe I had ſcandalized her brother, that if ſhe could, ſhe would go to Tyburn and pull my feet down, there are people, I can prove, and I can bring the man and the woman that buried him; one Mr. Britain in Church Lane that buried him, and I went to church with him myſelf.

Court. You have no witneſſes here to prove that?—No I have not, but I can get them if you will give me time; when this Donald Ferguſſon went to Mr. Giles's, when I went to wait on him there, he and I had ſome words, and ſo when he looked over the will, and ſaw this Shaw Ferguſon was only [*Ferguſon*, and his name is Farquharſon, he ſaid, and Mr. Giles heard him, ſays he, this can not be the man, we had better let him alone, till we find out the certainty of it: He was gone almoſt an hour, and I ſat with Mr. Giles, and he came back and brought a conſtable and ſent me to the Compter. On the Sunday after I was there, there came an elder brother of this Farquharſon, ſays he, I want to aſk you a queſtion, I am Donald Ferguſon's brother your proſecutor, ſays he, come in here, I went into the little room, ſays he, did you know one Shaw Ferguſon belonging to the Roebuck; no, Sir, ſays I, ſays he, they are all fools together, for my brother Shaw Ferguſon is not dead now, I have a letter I received from him: I have ten witneſſes that can prove that.

Court. Who ſaid ſo?——Gregor Farquharſon; I ſuppoſe I have ten witneſſes in the Compter that heard it, and will take their oaths of it.

Gregor Farquharſon. My Lord, ſhall I relate the ſtory?

Court. Is what he ſays true?——Some words are, but not all.

Did you tell him that your brother Shaw Farquharſon was not dead, but you received a letter ?—I told him I had not heard of my brother's death till I ſaw it in the newſpaper.

Did you tell him that your brother was not dead ?—No, I did not.

Or that you received a letter from him ? —No, I did not.

Priſoner. I belonged to the army, I have a man here ſomewhere that was in the regiment along with me ; I ſuppoſe I have one of the beſt of characters in the army ; I receive a penſion from his Majeſty's ſervice; for forty-nine years and one month, I ſerved my King and country, and now I am ſeventy-two years of age.

ROBERT RICE *ſworn.*

I am a ſhoe-maker, I live in Great Montague Court, Little Britain ; I knew the priſoner about two years, and during the time I knew him, he had an exceeding good character, no man could bear a better ; I was diſcharged from the ſaid company that he commanded five years laſt Auguſt.

The Jury withdrew for ſome time, and returned with a verdict

GUILTY, **Death.**

Tried by the firſt London Jury before Mr. RECORDER.

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57. JAMES JOHNSON and DAVID BIRMINGHAM were indicted for feloniouſly ſtealing, on the 28th of November laſt, five printed bound books in quarto, value 30s. and one other printed book bound, in quarto, value 2s. the property of John Hayes, privily in his ſhop.

JOHN HAYES *ſworn.*

I am a book-ſeller in Holborn, the books charged in the indictment were in my ſhop window, on the 28th of November, they were the five firſt volumes of Olivet's Edition of Cicero, the whole quantity were in the window, and a firſt volume of Hooke's Roman Hiſtory in quarto ; I miſſed them on the 19th, I then with a friend, made ſome enquiry at different pawnbrokers at that part of the town, where I thought they might be offered for ſale, on my return I called at a book-ſeller's ſhop in Middle Row, St. Giles's, Mr. Ruſhton's, who is my next witneſs, and immediately as I entered the ſhop, I ſaw the firſt volume of Cicero lay on the counter, he told me, the perſon who brought it for ſale, ſaid he had other volumes, and he offered them to him for ſale, and he told him to go and fetch the remainder, and he expected him in a quarter of an hour, in that time the two priſoners came in with the remainder of the books ; I found there the firſt volume of Hooke, which I underſtood from Mr. Ruſhton's wife, he had purchaſed before.

Court. Had you any marks in your books ?—Theſe books were not marked, but the ſingularity of the binding renders them beyond a doubt, I can ſwear to them, that word Olivet has been lettered under the firſt lettering piece, owing to a miſtake that was made.

Have you any mark in your books that Mr. Ruſhton might know them to be yours ? —No.

Court. What is the value of the ſet ? —About four guineas I marked them in my catalogue.

——— RUSHTON *ſworn.*

I am a book-ſeller, on the 29th of November, the priſoner, Birmingham, brought the firſt volume of Hooke's Roman Hiſtory, for which I gave him eighteen-pence.

Did he ſay how he came by it ?—He did not ſay, he ſaid he was in diſtreſs and wanted money, and it was all he had, he was decent, and I did not imagine it was ſtole, it is valued at two ſhillings, ſoon after he came again and brought the firſt volume of Cicero, he ſaid, he had ſome more at home, I told him, I could not buy them, unleſs I ſaw the whole to know whether it was compleat, for it was a book I was not acquainted with, I had never ſeen the book before; he then left the firſt volume on the counter, and ſaid he would go and fetch the reſt, they were in the poſſeſſion of a young man. In the mean time Mr. Hayes, the proſecutor came in, I told him, and he waited in my back room: when the priſoner Birmingham returned, the priſoner Johnſon came with him; Mr. Hayes immediately went out and fetched a conſtable, whilſt I kept them.

Did they ſay, when they were there, how they came by them?—No, they did not; Mr. Hayes's friend was in the ſhop with me, they ſaid they came honeſtly by them, that they bought them of a man in Wapping.

Did they both ſay ſo?—Johnſon particularly ſaid ſo before the conſtable came.

Are you particular in that, that Johnſon ſaid they had bought them in Wapping?—He ſaid ſo in the ſhop.

In the ſhop when they were ſtopped and apprehended, did Johnſon ſay he knew nothing about the matter, and had nothing to do with it?—No, he did not.

Priſoner Johnſon. I bought them in Wapping, and gave eight ſhillings for them.

Court to Ruſhton. Did not you entertain ſome ſuſpicion when you ſaw ſuch a man as this bring you ſome Latin books, how could he come by Latin books?—I did after he was gone, I rather began to think he had ſtole them, and when he came back again I did not intend to buy them.

JOHN MARSOM *ſworn.*

Mr. Hayes called on me on the 29th in the morning, I went round with him to the Pawn-brokers, and we called at Ruſhton's; he informed us as you have heard, and we waited till the two priſoners came in, I then went into the ſhop, Mr. Hayes went for an officer; I looked at the books, and aſked Johnſon what he expected for the books; Johnſon ſaid, half a guinea; I obſerved they were Latin, I ſaid, did he read Latin; he ſaid, no, he could not read Latin; I then ſaid they were not compleat, there were other volumes of the work, and it was extraordinary he ſhould have books he could not read, I aſked him where he got them, he ſaid, he bought them of a man in Wapping the night before, he ſaid he did not know who he was, he believed he was a ſmuggler, he bought them in the ſtreet; this was merely for the purpoſe of amuſing them till Mr. Hayes returned with an officer, I then expreſſed my ſuſpicions, that they were not honeſtly come by, he ſaid he gave eight ſhillings for them, then Mr. Hayes came in, and they were taken before the juſtice. I believe Birmingham was the perſon who brought the books, but I do not recollect he ſaid a word about them; Johnſon was the man that ſaid he had bought them, and deſcribed the manner of them before the juſtice; Johnſon ſaid, a man offered him the books in Wapping, and that Birmingham told him they were valuable, and perſuaded him to buy them, that he might get ſomething by them; they were there examined apart: Birmingham ſaid they bought them at Wapping, they diſagreed in the time, one ſaid they were up at Holborn with them at ſix o'clock, and the other at ten, they deſcribed their lodgings very differently, one ſaid they lay together in the ſame bed, and the other, that they lodged in the ſame ſtreet in ſeparate rooms.

Court to Mr. Hayes. What is the value of theſe books?—To me they are of much more value than to another; I have valued them at thirty ſhillings, I thought I could not do leſs.

PRISONER JOHNSON's DEFENCE.

I was coming up Wapping, and I met a man accidentally, he aſked me to buy theſe books, he aſked me eight ſhillings, and I gave him eight ſhillings, I then came home to bed, I ſent Birmingham the next morning to ſee if he could ſell them; my ſiſter maintains me at preſent.

PRISONER BIRMINGHAM's DEFENCE.

I carried the books for this man, I thought to diſpoſe of them, Johnſon told me he would pay me for my trouble; the firſt ſhop I came to, I ſaid, they did not belong to me; I ſold the firſt for eighteen pence, and gave this man the money.

Court. Who did you ſell them for?—For this man, and gave him the money.

The priſoner Johnſon called two witneſſes, who gave him a good character.

JAMES JOHNSON,
DAVID BIRMINGHAM, } GUILTY

Of ſtealing to the value of four ſhillings and ſix-pence.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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58. **JOSEPH BISHOP** was indicted for feloniouſly ſtealing on the 4th of November laſt, five ſilk handkerchiefs, value 12s. a cotton handkerchief, value 2s. one linen handkerchief, value 12d. the property of Samuel Milſom, privately in his ſhop.

SAMUEL MILSOM *ſworn.*

I keep a pawn-broker and broker's ſhop, in Wentton-ſtreet, White-chapel. On the 4th of November I went out about ſome buſineſs, about nine o'clock in the morning, and left my ſervant, Ann Perry, to take care of the ſhop; I returned about one o'clock; my ſervant told me I had been robbed, and I looked on the ſhelf and miſſed the things mentioned in the indictment; they were there when I went away, they are now in Court.

ANN PERRY *ſworn.*

My maſter went out between nine and ten o'clock, and before eleven o'clock this Joſeph Biſhop came to our houſe, and aſked me what he had to do, I told him the ſame as uſual; he was employed by my maſter in ſawing wood; I went into the kitchen to give the child ſomething to drink, I left him in the ſhop, I heard ſomebody ſtep in the ſhop, I looked in the ſhop, I did not ſee any body, nor I did not ſee him, I did not look at the place where the handkerchiefs were, I went back to the kitchen, then I heard ſomebody walk in the ſhop again, I looked towards the handkerchiefs, and I ſaw Joſeph Biſhop puſhing ſomething aſide; I ſaid, you have taken ſomething, He ſaid, he had not, I laid hold of him, and by my pulling him I unbuttoned his waiſtcoat, and down dropt the handkerchiefs mentioned in the indictment. *(The things depoſed to.)* another man came in to my aſſiſtance, and I had him ſtripped; my maſter was not at home, and in his breeches there was theſe; then my maſter came in.

PRISONER's DEFENCE.

I was going into the ſhop, and I ſaw theſe handkerchiefs lay upon the ground, and I was going to pick them up, the maid came out directly, and ſaid I was going to rob my maſter, and ſhe would ſwear my life away if ſhe could.

GUILTY,

Of ſtealing, but not privately.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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59. **JOHN WESTBROOK** was indicted for feloniouſly ſtealing on the 9th of September laſt, a pair of chariot harneſs, value 20s. the property of Arthur Pigott, Eſq.

JOHN FIDLER *ſworn.*

I am a ſtable-keeper in Lamb's Conduit-ſtreet, Mr. Pigott keeps his horſes with me, the priſoner drove him.

Court. Had you ſeen the harneſs?——I cannot ſay I know the harneſs, Mr. Pigott's harneſs has no creſt upon it.

HENRY WHEELER *ſworn.*

I am ſervant to Mr. Fidler, I ſaw the

priſoner take the harneſs out of the yard on Monday morning, as they came in over night, they were all over dirt, he ſaid he was going to the coachmaker's to get them altered.

WILLIAM JONES *ſworn.*

I am a hackneyman, I bought a pair of harneſs of the priſoner for twenty ſhillings, I delivered them up at Hicks's Hall.

Are thoſe now produced the ſame that you bought of the priſoner?——I cannot recollect.

You bought a good bargain did not you? —No.

You bought them at an under price I fancy?——I gave rather more than the value of them, I believe them not to be worth 20s. they are old.

CAPTAIN WILSON *ſworn.*

About a month ago I was at Mr. Pigott's houſe, when the priſoner came to it, Mr. Pigott was out, Mrs. Pigott informed me that it was the priſoner, and that there was a warrant out againſt him for ſtealing Mr. Pigott's harneſs, and ſome livery, the priſoner came to beg forgiveneſs, upon which he was detained till the legal officer came to take him into cuſtody, he went down ſtairs, and attempted to go out of the door, but the ſervant had put the chain up at the door, he did not endeavour to eſcape by any precipitation, I deſired him to go into another room, I aſked him ſeveral queſtions reſpecting the harneſs, where he had taken them to, and what he had done with them, at laſt he told me they were at a certain perſon's houſe, whoſe name I have really forgot now, though I took it down in writing, he told me he had taken them and pawned them, and told me the name of the place or the ſtreet.

PRISONER's DEFENCE.

I am innocent of the charge; the harneſs I ſold Mr. Jones was my own property.

ARTHUR PIGOTT, Eſq; *ſworn.*

The priſoner left me at Tunbridge Wells, he came to town about the 7th of September at night, he diſappeared, quitted my ſervice, and about that time harneſs was miſſing, and all the clothes I had given him, being a coat, great coat, waiſtcoat, and a ſilver-laced hat; I enquired after him, he never could be found, at length a warrant being out againſt him, he came one night to my houſe, for what purpoſe I do not know, I do not know the harneſs.

Priſoner. I had my friends here laſt night and to-day, but being Saturday night, and they capital tradeſmen, they could not appear for me.

Court. Here is nobody to identify the harneſs.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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60. JOHN DUFLES, otherwiſe DEFLOE was indicted for feloniouſly ſtealing on the 26th of November laſt, a leather trunk, value 5s. two cloth coats, value 3l. twenty-two ſhirts, value 7l. twenty-four pair of ſilk ſtockings, value 40s. two ſilk waiſtcoats, value 40s. and three linen waiſtcoats, value 20s. the property of Thomas Watmore, Eſq; and one cloth coat, value 30s. one pair of ſilk breeches, value 20s. four ſhirts, value 30s. and twelve pair of ſilk ſtockings, value 30s. the property of Michael Matthews.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. Juſtice WILLES.

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61. WILLIAM WOOLFORD was indicted for feloniouſly ſtealing on the 5th day of November laſt, twenty pounds weight of leather, value 20s. the property of Thomas Holmes and John Pace.

JOHN GRIFFITHS *ſworn.*

By the directions of our maſters Thomas Holmes and John Pace, of Long-acre, Coach-makers, having loſt many things, we were directed to watch, on the 4th of November, I cut ſome leather for a chariot, I marked it by my maſter's directions, and left it in the workſhop, and in the morning it was gone, the priſoner was a labourer in my maſter's yard, I and the witneſs Rowcroft went to the priſoner's lodgings, and a man, one Cole, who is a witneſs, came in and went out, and came in and went out again with a parcel, Rowcroft followed him, and I waited to watch the priſoner, he went to his work.

JAMES ROWCROFT *ſworn.*

I watched with the laſt witneſs, I ſaw Cole come out of the priſoner's lodgings, I followed him and ſtopped him, and he had this bundle of leather tied up in this cloth.

WILLIAM COLE *ſworn.*

I am a currier.

Where did you get the leather you was ſtopped with?—Of the priſoner at the bar, I have known him for years, he called me up and aſked me to buy ſome leather, I offered him ſeven ſhillings for it, it was cut in ſquare pieces, I do not know the uſe of them.

Do you ſay upon your oath that you do not know what theſe pieces were cut out for?—They were cut out for coach work.

Did you know where this man worked?——Yes.

How came you to buy leather that was cut out for coach work of this man, who worked as a common ſervant to a coach-maker?——I did not think any harm of it.

Court. If this evidence had come out from any body but yourſelf, I ſhould have directed you to have been indicted.

(The leather depoſed to.)

PRISONER's DEFENCE.

When I went in the morning to open my maſter's ſhop, I went to make water at the next gateway, and this leather was thruſted into the next gate, and I met this man and aſked him to buy it, I might have been a thief many times, I was in my maſter's houſe going on five years.

The Priſoner called three Witneſſes who gave him a very good character.

GUILTY.

Whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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62. MORRIS DALY was indicted for feloniouſly ſtealing on the 13th of November laſt, one pair of ſilver ſhoe buckles, value 30s. the property of John Barber.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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63. THOMAS DICKSON was indicted for feloniouſly ſtealing on the 28th of November laſt, a linen handkerchief, value 2s. the property of Alexander Buchannan, privately from his perſon.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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64. JOHN RICH was indicted (with HENRY PALMER and WILLIAM COX, otherwiſe VANDERPLANK, not in cuſtody) for feloniouſly and burglariouſly breaking and entering the dwelling houſe of John Probart, on the 19th of October laſt, about the hour of three in the afternoon, no perſon being therein, and feloniouſly ſtealing therein, two ſilk gowns, value 3l. one ſattin gown, value 40s. ſeven

cotton gowns, value 6l. one ſtuff gown, unmade, value 10s. one ſilk and cotton gown, value 30s. one bedgown, value 5s. ſeven petticoats, value 30s. one dimity petticoat, value 6s. and one white linen petticoat, value 6s. the property of Rebecca Bruce, ſpinſter.

The witneſſes examined apart at the requeſt of the priſoner.

REBECCA BRUCE *ſworn.*

I lodge at Mr. Probart's, No. 2. Broad-yard, Turnmill-ſtreet, I went out at twelve in the day on Sunday the 19th of October, I locked my boxes and my room, I left one Thomas Tonks in the houſe, he and his mother lodge in the ſame houſe, when I returned between nine and ten at night, ſeveral people who belonged to the houſe were fetched home before me, and I found the door had been broke open, and two boxes and a cheſt with drawers in it were alſo broke open, I loſt the things mentioned in the indictment, nothing has been found, I know nothing of the robbery.

THOMAS TONKS *ſworn.*

I ſtaid at home after Mrs. Bruce went out for two hours, I went out about two o'clock, I left my mother at home, her name is Elizabeth Tonks.

Court. Did any thing particular happen before you went out ?—No.

What time did you come home ?—Between nine and ten o'clock.

What did you ſee then ?—I ſaw Iſaacs the conſtable, he took me to priſon.

What for ?—On ſuſpicion of the robbery.

Do you know any thing of the robbery ?—Yes.

You were a party concerned in it, were you ?—Yes.

Then you muſt ſtand down till we examine the other witneſſes ; had your mother any thing to do with the robbery ?—No, ſhe had not.

ELIZABETH TONKS *ſworn.*

I remember Rebecca Bruce going out, on the 19th of October, me and my boy were at home, and the woman that rents the houſe was at home ; my boy went out as ſoon as he had dined, between one and two o'clock ; I went out at three to church, and came home a little after four ; while I was out it all happened ; when I went out I left nobody in the houſe to my knowledge ; I locked the door.

Are there two doors to the houſe ?—No, only one ; I took the key with me, the reſt of the family were out, I have lodged eleven years in the houſe ; when I came home the door was locked ; when I went up to go to my own room, I ſaw this young lady's room door, which was oppoſite to mine, open, and I called to her, and nobody anſwering I looked in and ſaw the things laying about, and I thought the room had been robbed ; I went over that minute to call the neighbours, and one Mr. Eden was the firſt that came ; and Mr. Proburt's ſon named John Proburt.

How do you ſuppoſe any body could get into the houſe ?——Not unleſs they had a falſe key.

JOHN PROBURT *ſworn.*

I left the houſe about one o'clock ; I was not at home when Rebecca Bruce went out, I was at church ; I came home about one and went out again, and left Tom Tonkes at home ; I was ſent for between five and ſix o'clock at night ; they told me the houſe was broke open and robbed ; I ſaw that the room door was forced open, and a chiſel and chopper left, ſeveral more locks were broke, the things were all thrown about the floors.

Do you know any thing of the priſoner yourſelf ?—No.

THOMAS ISAACS *ſworn.*

I was ſent for to this houſe in the afternoon, about a quarter after four o'clock, on Sunday the 19th of October ; I found the ſtreet door wrenched open, it had been ſhoved back ſeemingly by this, and going up ſtairs theſe things were found, in the proſecutor's rooom I ſaw the padlock, and the door burſt all open, the locks of all the drawers and boxes were all entirely broke off, and a vaſt quantity of things laying about, they then told me they ſuſpected one Tonks to be concerned in the robbery, I waited till he came home, and took him in cuſtody, but he denied every thing, upon that we had ſome hand-bills printed for the things.

MARY GREARSON *ſworn.*

I was looking out of window about a quarter before four o'clock in the afternoon that the robbery was committed, I live about two doors from the court, and I ſaw two men paſs by with large bundles, I heard no more of it till next morning.

Do you know who theſe men were?—I cannot poſitively ſwear to the priſoner at the bar, but he was very much like to one of them.

How near was you to them?—I was at a two pair of ſtairs window, and I am very near ſighted.

You ought to uſe proper caution if you are not ſure who it was, but if you really know who it was and have no doubt, you are bound upon your oath to ſay ſo.

It was out of a two pair of ſtairs window, and I am very near ſighted; I cannot poſitively ſay that he was the man.

What reaſon have you for thinking that he was the man, did you know him before?—Not at all.

ANN GREARSON *ſworn.*

I live at the ſheeps head ſhop, in Turnmill-ſtreet.

How far is that from Broad-yard?——Cloſe to it, the laſt witneſs is my ſiſter; on Sunday the 19th of October, ſhe and I were looking out of window a little before four o'clock, I ſaw two men go down the ſtreet with large bundles under their arms, and in about ten minutes after, they came down the ſtreet again.

Do you know any of them?—To the beſt of my knowledge I think the priſoner was one of them.

Are you ſure he was one of them?—To the beſt of my knowledge I think he was.

Did you ever ſee him before?—Not to notice him much, I do not think I ever have; I ſaw him at the Rotation-Office about a fortnight ago, I then ſaid, to the beſt of my knowledge I believed him to be the man.

What do you mean by the beſt of your knowledge; can you be ſure that he was the man, or that he was not?—I think to the beſt of my knowledge that he is the man; when I ſaw him again, I thought I knew him again.

Are you ſure he is the man, or have you any doubt of it?—No, I have no noubt of it at all but he is the man.

You are ſure he is the man?—Yes.

Did you ſay ſo at the Juſtices?—Yes.

What opportunity had you of obſerving him at the time?——Becauſe ſeeing them paſs in ſermon time made me take more particular notice of them, as they went down the ſtreet, and came up again, and the other ſtopped and tied up his garters, and Rich croſſed the way.

Did you ſee theſe men's faces?—I could ſee Rich's face very plain, he had a cocked hat on, but the other had a hat over his face.

Priſoner. She ſaid at the Juſtice's, that ſhe could not ſwear I was the perſon, ſhe ſaid I had my hair curled?—His hair was in curls in his neck.

Priſoner. I never wore my hair any otherwiſe than it is now.

Court. What clothes had he on?—A white coat, a black waiſtcoat, and a cocked hat.

Do you know any thing further?——Nothing.

JOHN SAYER *ſworn.*

I received information that the priſoner John Rich was wanted for a burglary, I took him in cuſtody in Leiceſter-Fields; this was a fortnight after the robbery was done; I carried the priſoner to the Cock, in Litchfield-ſtreet; I ſearched him, and found this pocket book and a hand-bill of the robbery.

JOHN BESWICK *ſworn.*

I live near Broad-yard, in Turnmill-ſtreet; I was ſtanding up at a one pair of ſtairs window on the day this robbery was committed, between three and four o'clock, and I ſaw two men go by with large bundles under their arms, one was in a red handkerchief, and the other was in a yellow one, the priſoner was one.

Had you an opportunity of obſerving him, ſo as to know him again?——Yes, I have ſeen him ſeveral times in the ſtreets.

So that his face was known to you?—Yes.

You did not know any thing of him before, who he was?—No, I never ſpoke to him in my life, I am ſure he was one.

THOMAS TONKES *called again.*

It was agreed on, on the Saturday night by the priſoner at the bar and William Vanderplank, and Henry Palmer, and myſelf, to go and break into this houſe on the Sunday following; we were at the Carpenter's-arms, White-hart-yard, Drury-lane.

What was agreed on?—To break into this houſe.

Why was this houſe pitched on?—Becauſe we thought there was good clothes there.

Who told them ſo?—Myſelf.

What plan was laid?—To get into the houſe by the way of a falſe key, they went out on the Sunday, and got into the houſe.

Was you with them on the Sunday?—I was not with them, I ſaw them bring the clothes to Vanderplank's lodgings, in Jacob's-court, Cow-croſs; it was about four o'clock.

Was the priſoner there?—Yes.

What did they do with the things?——They ſold them to a perſon that ſame evening, which I do not know, the perſon came to the room and they turned me out, they ſaid he was a Jew; that is all I know.

How much of the money did you get?—one guinea, I do not know how much money they ſold them for, they told me they ſold them for four guineas.

How long have you been connected with them?—About two months.

Have you made a diſcovery to the Magiſtrate of every thing that you know of theſe people?—Yes.

What of every thing elſe as well as this?—Yes.

Did they ſay how they got into this houſe?—They got in at the bottom with a falſe key, and broke the top door with a chopper.

Did you ſee the chiſſel and chopper?—Yes, theſe are them, the chopper belongs to John Rich.

What is Rich?—I do not know what he is, his father keeps a ſale ſhop in Holborn; the priſoner brought a chopper with him, the chiſſel is Henry Palmer's; I ſaw them on the Sunday at Vanderplank's lodgings about two o'clock.

I ſuppoſe you went to tell them when the houſe was empty?—Yes, I did.

How came it you did not ſtay at home to let them in?—Becauſe they meant to have it ſeem that people got into the houſe, they had a key to get in by.

How did they know that key would open the door?—Becauſe it was tried before.

Who tried it?—I did on the ſame Sunday.

PRISONER's DEFENCE.

About a week after this robbery was committed, I ſaw Tonks at the Carpenters Arms, and a quarrel inſued between him and me, and I took and ſtruck him, and he ſaid, he would be revenged of me.

The Priſoner called one Witneſs who gave him a good character.

Court to Tonks. How far is it to Vanderplank's lodgings?—About three minutes walk.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

65. **JOHN KING** and **SAMUEL RICHARDS** was indicted for feloniouſly ſtealing, on the 31ſt of October laſt, one cotton bed quilt, value 1s. and one table cloth, value 1s. the property of John Hellier.

JOHN KING,
SAMUEL RICHARDS, } GUILTY.

Each to be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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66. **RICHARD BEARD** was indicted for feloiouſly ſtealing, on the 5th of November laſt, twenty-three pounds weight of ſoap, value 10s. the property of John Shutt.

The Proſecutor not appearing the Priſoner was.

ACQUITTED.

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67. **WILLIAM WALKER** was indicted for feloniouſly ſtealing, on the 3d of December laſt, one pair of worſted ſtockings, value 4s. the property of George Webſter.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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68. **ALEXANDER DICKSON** was indicted for feloniouſly ſtealing, on the 5th of November laſt, one pair of linen ſheets, value 10s. and a cotton counterpane, value 10s. the property of William Featherſtone.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

69. **THOMAS KNIGHT** and **MARY MOORE** *(two children)* were indicted for feloniouſly ſtealing, twenty-eight yards of ſtuff called camblet, value 28s. the property of Robert Huſſey.

ROBERT HUSSEY *ſworn.*

I live in Ruſſel-court, I am a linen-draper, on the 28th of November, I was behind my counter; I heard a noiſe of ſtop them or ſtop thief, and I went and found on the priſoner Moore, a piece of ſtuff, it was taken from the outſide of the door, it was faſtened round with two ſtrings.

(The piece produced and depoſed to.)

Court to Priſoners. Children what have you to ſay.

Priſoner Moore. As I was coming along I ſaw this piece of ſtuff lay, and this gentleman ſtopped me.

Court to Moore. How old are you?——Between eleven and twelve.

How old are you Knight?—Juſt turned of ten.

Proſecutor. When ſhe was taken to Bow-ſtreet they knew her, ſhe was tried at Weſtminſter for the ſame offence, ſhe then ſaid, ſhe was ſixteen.

STEHPEN GAGNAN *ſworn.*

I ſaw the boy come firſt with a knife, and cut the ſtring, and the girl came after and took the piece under her cloak.

BOTH GUILTY.

Court. The beſt thing that can be done with them is to let them both be very ſeverely whipped and then diſcharged; ſtaying in gaol will do them no good.

Court to Priſoners. Children, let this be a warning to you, the next time you are brought here you will not get off with a whipping; you may loſe your lives.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

70. **JOHN SMITH** was indicted for feloniouſly ſtealing, on the 22d of November laſt, two half-crowns, value 5s. and one ſhilling in money, the monies of Robert Womerſly, and Henry Womerſly.

BENJAMIN RAWLINS *ſworn.*

On the 21ſt or 22d of November, Mr. Womerſly left word at my houſe, that he wanted to ſee me, I went there, and he told me he had a ſuſpicion of his ſhopman robbing him, that was the priſoner, we agreed to mark ſome money, I marked ſome money, and went at five o'clock, and bought ſome articles amounting to thee pounds nine ſhillings and ſixpence, the money was all marked, I came out afterwards, and told Mr. Womerſly, and in about half an hour after the priſoner was brought to my houſe by an officer, and the two Mr. Womerſlys: They ſhewed me ſome money which the officer ſaid he had out of the priſoner's pocket, and they aſked me if I knew any thing of it.

Did you ſee it taken out of his pockets?—No.

Had it your mark upon it?—Yes; one half-crown piece and one ſhilling I know of, the officer has the money.

JOSEPH NIBLOW *ſworn.*

I am the officer, I have two half-crowns and a ſhilling, I was called on November the 22d to take up a ſuſpicious perſon, I went to Mr. Womerſly's ſhop, and he charged the priſoner with taking money out of the till, and inſiſted on ſeeing what money he had in his pocket, he made no heſitation, he put his hand in his right-hand pocket, and pulled out three guineas, four half-crowns, and three ſhillings and put down; among the money were theſe two half-crowns and this ſhilling, that was marked; his maſter ſaid then, John, I am afraid thee haſt not done right; he is a Quaker, ſays he, here is ſome of the money that was taken out of the till, ſays the priſoner, Sir, I have taken ſeven ſhillings which you borrowed of me in the morning, and had repaid myſelf out of the till, he ſaid, John, I paid thee that in the morning.

Court. Is the maſter here?—No, he is a Quaer, and he will not ſwear.

Court to Jury. As it depends on the priſoners aſſerting on the one ſide, that his maſter had borrowed money of him, and his maſter aſſerting on the other ſide that he had paid him again, and as the maſter does not come here to ſwear it; it would be a great deal too much to convict the priſoner.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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71. **JANE DAVIS** was indicted for feloniouſly ſtealing on the 29th of November laſt, one large ſilver table ſpoon, value 6s. the property of Luke Riley.

LUKE RILEY *ſworn.*

I keep the Freemaſon's Tavern in Great Queen's-ſtreet, on Saturday the 29th of November, I loſt a large table ſpoon about ſix in the evening, we found one miſſing, the priſoner was a ſervant of mine about this time two years, and had come in to enquire about ſome of the family, I met her that day in the coffee-room.

Court. Do you know what her way of life has been ſince ſhe left you?——I have heard ſhe has been in ſervice ſince, for my wife made enquiry, having ſome reſpect for the girl.

JAMES KINSIN *ſworn.*

On Saturday night the 29th of September, the priſoner came to my ſhop and aſked me if I would buy old ſilver, and what I gave an ounce, I ſaid it was impoſſible to tell without I ſaw it, ſhe then produced part of a ſpoon which had a cypher on it, I aſked her if it was her own, but turning it round to ſee where it was broke, I ſaw Freemaſon's Tavern on it, I aſked her where ſhe lived, ſhe ſaid in Tichfield-ſtreet, I ſaid this ſpoon belongs to Mr. Riley, ſhe ſaid it did belong to him, for her aunt lived there, I ſaid, then how came you by this broken ſpoon, ſhe ſaid Mrs. Riley was her aunt, and ſhe had made her a preſent of three of them when ſhe went to houſe-keeping; and the child had the misfortune of breaking this one, I told her I muſt ſtop the ſpoon and ſend to Mr. Riley, ſhe ſaid it was very hard, but to prove her innocence, as her mother lived but three hundred yards off, ſhe would go and fetch her, ſhe did not appear to be at all confuſed, ſhe went out, and I ſent to enquire whether it was ſo: The priſoner did not come back, they took her into cuſtody in Litchfield-ſtreet.

(The part of the ſpoon depoſed to.)

PRISONER's DEFENCE.

My Lord, I went to ſee Mrs. Riley, and I was coming out, a ſpoon lay on the ground, and I trod upon it, and I was frightened, and I put it into my pocket: I went to this gentleman and aſked him if he bought or changed old ſilver, I did not know what to do with it when I found it; I did not not intend to ſteal it.

Court to Riley. Has ſhe any relation that lives with you?——Not that I know of, my Lord, I have a good many ſervants: She was firſt hired as a kitchen-maid, and my wife thought her too decent a perſon for a kitchen-maid, and ſhe made her houſe-maid.

What made you part with her?——I believe my wife did not like her ſervitude, not for any theft I will aſſure you; if ſhe had gone up ſtairs among all the plate I had, I ſhould not have ſuſpected her.

The Priſoner called three Witneſſes who gave her a very good character.

GUILTY.

Upon the recommendation of the Proſecutor, to be privately Whipped and diſcharged.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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72. HESTER GERMAN was indicted for feloniouſly ſtealing, on the 27th of November laſt, one watch, with the inſide caſe made of baſe metal and the outſide caſe made of ſhagreen, value 40s. one ſteel chain, value 12d. one ſteel key, value 6d. and two ſtone ſeals, ſet in baſe metal, value 12d. the property of Francis Smithſon.

FRANCIS SMITHSON *ſworn.*

I am a higler; on the 27th of November, I loſt a watch about ſeven o'clock in the evening, at the Black-boy, in St. Catherine's-lane; I went there for an old woman that ſells fiſh, and cries them about for me, ſhe was not there, and I was going out again; going *athwart* the door I met the priſoner, and ſhe catched me round the middle, and aſked me to give her a glaſs of ſomething to drink; I ſaid, I did not care, I gave her a glaſs of ſhrub, and ſhe aſked me to go in the other room, I ſaid, I ſhould not, then ſhe caught me round the middle again, and kiſſed me; going along the paſſage ſhe pulled the watch out of my pocket, I am poſitive I had it in my pocket at the bar, I was only with her in the publick room, not a quarter of an hour: I was as ſober as I be now: I thought I miſſed my watch, and I clapped my hand to my pocket and ſhe was running away; I called after her, and ſhe went away: we ſought after her, and in two or three hours ſhe came in again with two or three ſailors, I got up and caught hold of her, and one of the ſailors knocked me down, then the priſoner fell on me: the next day I took her up, and the man too: we could not find the watch: I am ſure it is the woman.

PRISONER's DEFENCE.

I was in this publick houſe, and this man came to me and aſked me to drink a glaſs of liquor, I ſaid, I had rather not; I left him, I was not in his company; he was in other women's company beſides me, I did not ſee him for an hour afterwards.

For the Prisoner.

JOHN WATSON

(Sworn on the New Teſtament, but on being aſked by one of the officers of the Court if he was not a Jew, he anſwered yes, and was then re-ſworn on the Hebrew Bible, which laſt oath he took without putting on his hat, as is the cuſtom of the Jews.)

Court. What do you mean by taking the oath as you did?—I never took an oath in my life; I am a butcher; I know the priſoner: I was ſitting in a publick houſe, and I ſaw this good man come in, and he ſays to the priſoner come here my girl, I want to ſpeak with you, and ſhe ſays, if you want to ſpeak to me ſpeak it out.

Court. Pray friend do not you know when people of your profeſſion take an oath, they always put on their hats?—I work among Engliſhmen, and I always was among Chriſtians.

Do you mean to take the oath as a Jew or a Chriſtian?——I can call myſelf a Chriſtian, becauſe I am never among the Jews.

What do you call yourſelf, are you Jew or a Chriſtian?—*I do not know, pleaſe your honour; what you pleaſe to call me.*

I wiſh you would underſtand that it is an exceeding indecent thing in you, or any man, to come here to trifle with any religion, in the ſort of way that you do?—I follow more the Chriſtian ways than I do the Jews.

Court. You are a good for nothing fellow, I dare ſay, whatever you are: ſtand down.

Jury to Proſecutor. Did you miſs your watch directly as the woman ran from you?——Yes, that moment; ſhe was in ſight when I miſſed it.

GUILTY.

To be confined to hard labour twelve months in the houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

73. **WILLIAM HILL** was indicted for feloniouſly ſtealing on the 7th day of December 20s. and 8½d. in monies numbered, the monies of John Liddington.

SUSANNAH LIDDINGTON *ſworn.*

I am wife of John Liddington. The priſoner came on Sunday the 7th of December, a little after 6 o'clock, and ordered a pot of beer and change for a guinea; we keep the ſign of King Henry the eighth, in Great St. Andrew's-ſtreet, Seven Dials, I gave the ſervant eighteen ſhillings, in ſingle ſhillings, and a half crown piece, and two-pence half-penny, and ſhe was to bring me the guinea: the ſervant came back for another pot of beer and a paper of tobacco, and ſhe was to have the guinea when ſhe returned: ſhe came back crying and ſaid the man was gone.

Did you ſee the priſoner in your houſe?—I did not.

MARY HAWKINS *ſworn.*

I am ſervant to Mr. Liddington, I ſaw the priſoner when he came to order the beer, which was about a quarter after ſix, he ordered change for a guinea; I went and drew the beer, and came to the bar to my miſtreſs, and aſked her for the change, and ſhe gave it me, and I went with the beer, and he was ſtanding at the door; Says he, God bleſs me, you have been a long while coming with the beer, my maſter thinks you take no heed about his beer; he ordered the beer for Mr. Purſer, in the ſame ſtreet; I ſaid, I was very ſorry, but I was getting the change, and ſo I held my hand open and he took the change out of it; he ſaid, have you brought the change; I ſaid, yes Sir, and he ſaid give it me, and I held my hand open and he took it.

Did he give you the guinea?—No, he told me to go back directly, for another pot of beer and a paper of tobacco.

Did you aſk him for the guinea?—I ſtopped at the door when he took the pot of beer and the change out of my hand, he ſaid he had knocked at the door, and when I came back with the other pot of beer, he would give me the guinea; I went back with another pot of beer and a paper of tobacco, and when I went he had ſet the pot of beer down and was gone; I knocked at the door, but the gentlewoman of the houſe ſaid he was not there.

Priſoner's Councel. Did you know him at all before?—Yes, he came into the kitchen to order the beer.

Had you ever ſeen him before?—No, I am ſure it is the ſame man, I ſaw him at the door, and there was a lamp at the door.

Priſoner. I never was in the houſe in my life.

The priſoner called three witneſſes to his character.

GUILTY.

To be confined to hard labor ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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74. **PETER MALONE** was indicted for feloniouſly ſtealing on the 30th of October laſt, one cloth box coat, value 21s. the property of William Stevens.

GUILTY.

To be fined one ſhilling, and impriſoned one month in Newgate.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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75. **WILLIAM DILLON** was indicted for feloniouſly ſtealing on the 8th of November laſt, one mahogany tea cheſt, value 5s. ſix tea ſpoons, value 3s. and three tin canniſters, value 15d. the property of William Manley.

GUILTY.

To be fined one ſhilling, and impriſoned one month in Newgate.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

76. **SAMUEL SADLER** was indicted for feloniouſly ſtealing on the 6th of December, one pound weight of tea, value 7s. the property of John Burley.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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77. **JOSEPH BOLUS** was indicted for feloniouſly ſtealing on the 8th day of November laſt, eight pounds weight of hogs-lard, value 4s. the property of Alexander Moore.

GUILTY.

To be fined one ſhilling, and impriſoned three months in Newgate.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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78. **AMELIA HALL** was indicted for feloniouſly ſtealing on the 19th of November laſt, a pair of ſilver ſhoe buckles, value 5s. and a quarter dollar, value 13½d. the property of Elias Bradbury.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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79. **ELIZABETH HUFFNELL** (wife of Thomas Huffnell,) was indicted for feloniouſly ſtealing, on the 4th of December, one live ſow, value 20s. and ſix live pigs, value 20s. the property of William Church.

THOMAS CHURCH *ſworn.*

Depoſed, that on Friday ſe'nnight, about one o'clock in the morning, he met the priſoner and a man driving ſome pigs towards London, which were his father's pigs that were loſt, he took the woman and pigs, and the man ran away.

(The Priſoner produced a certificate of her marriage to Thomas Huſſnell, the man that was with her, at All Saints, Worceſter; and called three Witneſſes to prove her living with him as her huſband ſeveral years.)

Court to Jury. If you think the priſoner a married woman, you muſt acquit her; as ſhe was found with the ſtolen property, in company with her huſband.

Not Guilty.

Tried by the firſt Middleſex Jury before Mr. Juſtice Willes.

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80. WILLIAM CROSBY was indicted for feloniouſly ſtealing, on the 30th of November laſt, ſix truſſes of hay, value 6s. the property of Edward Humphreys.

EDWARD HUMPHREYS *ſworn.*

I live at Hackney; I was ſent for to the Juſtice's, and the priſoner was there, taken up for ſtealing my hay, he was then under examination; when he ſaw me he begged my pardon, and hoped I would forgive him.

Priſoner. I did not confeſs it; I ſaid I found the hay.

SAMUEL SIMS *ſworn.*

I am a gardener and headborough: about two o'clock in the morning, on the 30th of November, I thought ſomebody was attempting to break into ſome of the houſes oppoſite; I took a cutlaſs and went down by the ſide of the pales, I heard a foot ſtep; I advanced and ſeized the priſoner; I aſked him what he had got; he called me by my name, and bid me hold my tongue; I ſaid it was an odd time of night to be carrying hay; he ſaid, if I would hold my tongue he would take it back; I told him it was too late, he ſhould not have taken it; I told him as he was a ſingle man, it was not excuſable.

What is he?—A watchman at night; he ſaid he had five more truſſes, which he had from Mr. Humphreys, and it was hay he had bound for him; I took him to the cage; he keeps a horſe of his own.

(The hay depoſed to by another man who bound it.)

PRISONER's DEFENCE.

I am a watchman; I was going along and found this hay.

Guilty.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron Hotham.

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81. ANN COOLING was indicted for feloniouſly ſtealing, on the 4th of November laſt, one pair of linen ſheets, value 5s. and one tea kettle, value 1s. the property of James Hamilton.

Guilty.

To be confined to hard labour ſix months in the houſe of correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice Willes.

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82. JOHN CONNELLY and THOMAS IVES were indicted for feloniouſly ſtealing, on the firſt day of November laſt, ſeven pair of worſted ſtockings, value 7s. the property of Charles Braſſett.

John Connelly, Guilty.

To be confined to hard labour ſix months in the houſe of correction.

Thomas Ives, Not Guilty.

Tried by the firſt Middleſex Jury before Mr. Juſtice Willes.

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83. HENRY MORGAN was indicted for feloniouſly ſtealing, on the 3d

day of November laſt, three leather bit-halters, value 3s. the property of William Gueſt.

Guilty.

Whipped and confined to hard labour ſix months in the houſe of correction.

Tried by the firſt Middleſex Jury before Mr. Baron Hotham.

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84. **GEORGE FERGUSSON** was indicted for feloniouſly ſtealing, on the 3d of November laſt, two leather bit-halters, value 2s. the property of William Gueſt.

Guilty.

To be confined to hard labour ſix months in the houſe of correction.

Tried by the firſt Middleſex Jury before Mr. Baron Hotham.

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85. **SAMUEL THOMPSON** was indicted for feloniouſly ſtealing, on the 26th of November laſt, two pair of plated ſhoe buckles, value 4s. and four ſilk watch ſtrings, value 2s. the property of James Delafell.

Not Guilty.

Tried by the firſt Middleſex Jury before Mr. Baron Hotham.

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86. **ROBERT CASHER** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Robert Baldey, between the hours of three and five in the afternoon, on the 7th day of November laſt, no perſon being therein, and feloniouſly ſtealing therein, two cotton counterpanes, value 10s. one other cotton counterpane, value 40s. one window curtain, value 5s. one pair of ſheets, value 5s. four bed curtains, value 20s. the property of the ſaid Robert Baldey.

The Proſecutor not appearing the Priſoner was

Acquitted.

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87. **JAMES MACAULEY** was indicted for feloniouſly aſſaulting Edward Thompſon, an infant, on the King's highway, on the 27th of November laſt, and putting him in fear, and feloniouſly taking from his perſon and againſt his will, a ſilk handkerchief, value 2d. a linen neckcloth, value 10d. a pair of ſtockings, value 6d. and a linen ſhirt, value 6d. the property of Edward Thompſon, the elder.

EDWARD THOMPSON the younger.

Court. How old are you?——Ten the 25th of laſt month.

What, do you go to ſchool any where?—Yes, in the Old Change in Cheapſide.

Where do you go to church?—Spitalfields.

Can you ſay your catechiſm?—Yes.

Do you know what you are going to do?—Yes.

Do you know that you are to take an oath?—No.

Do you know what it is to take an oath and not tell the truth?—To go to the bad place.

Mr. Juſtice Willes. Who made you?—God.

The Remainder of this Trial in the next Part which will be Publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 10th of DECEMBER, 1783, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of James Macauley.

Are you to ſpeak the truth here or not?——Speak the truth.

Suppoſe you do not ſpeak the truth, what will become of you?——Go to the bad bad place.

E. THOMPSON, the younger, *ſworn.*

On the 17th of November I was going home about half after eight, I was going from my father, I live with my mother.

Your father and mother do not live together then?—No, I had a ſhirt and neckcloth and a pair of ſilk ſtockings, the ſhirt and neckcloth were my father's, and the ſilk ſtockings were mine, and a ſilk handkerchief which was my mother's.

What is your father?——A hair dreſſer.

Did you carry them home?——No.

How came you not to carry them home?——Becauſe I went with the man to the watch-houſe, they took him to the watch-houſe, Mr. Macawley ſtopped me, I ſaw by the light of the lamp at the tobacco ſhop, the priſoner is the man, he ſaid nothing to me, he ran by me, he took my bundle, and run away with it, I never ſaw him before; after he ſnatched the bundle out of my hand, I ran into the tobacco ſhop, and I ran out again, he ran all the way, I cried, ſtop thief, and a man in a waggoner's frock caught hold of him in about five minutes, a boy ſaw him throw the bundle away, a man gave me the things, and I took them to the watch-houſe.

Priſoner. He ſaid it was another man, till the people that were round him perſuaded him to ſay it was me.

Court. Was you always ſure that was the man, was you ſure of him at firſt?—Yes.

How was he dreſſed?——A jacket, a pair of ſtriped breeches, and a handkerchief about his neck.

EPHRAIM SHALER *ſworn.*

On the 17th of November I ſtopped the priſoner, I did not ſee any any thing with him, he fell a fighting with me and ſwore he would not be taken by me, I ſaw a bundle found a little way from me, I did not ſee him drop it, the little boy was ſure then that that was the man, he was dreſſed in a jacket, I cannot ſay what trowſers he had on.

What hat had he on?—A round hat.

Whereabouts was this?——In Raven-row, Spitalfields.

SAMUEL LE MAINE *ſworn.*

On Monday the 17th of November I was coming home from work, I ſaw the priſoner James Macawley, I heard the child cry out ſtop thief, the laſt witneſs ſtopped him, and as he ſtopped him, he turned the bundle and threw it down, I ſaw him throw the bundle down, I am ſure of that, I ſaw a woman pick it up, when he was ſtopped he offered to fight me, I ſaw him taken to the watch-houſe.

WILLIAM MOORHOUSE *ſworn.*

I am a conſtable, I produce the bundle.

(The things depoſed to by Mrs. Thompſon.)

PRISONER's DEFENCE.

I was coming along, I was a little in liquor, and that gentleman took hold of me, and one of them ſtruck me, I ſtruck him again, I did not know what I was taken for, they told me I had taken the bundle from the child, and they brought the boy before me, and he ſaid I was not the man till I went to the watch-houſe, then the boy ſaid it was me. I have no witneſſes.

Court to Jury. Gentlemen, this priſoner is indicted for a highway robbery upon this boy, now it ſeem to me, and Mr. Recorder agrees with me in thinking that the evidence does not amount to a robbery on the highway, for though he ſnatched the bundle away, yet there was not that degree of force nor of terror that is neceſſary for a party to be under to conſtitute a robbery, and it would be too much therefore to make it ſo ſerious an offence as the law conſiders a highway robbery to be; but you are at full liberty to find him guilty of the larceny, and acquit him of the capital part.

GUILTY,

Of the larceny but not of putting the perſon in fear.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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88. **OATEN BATLY** was indicted for feloniouſly ſtealing on the 10th day of November laſt, one ſilver watch, value 40s. one ſilver ſeal, value 1s. and one ſteel chain, value 6d. the property of John Purvin, privately from his perſon.

(The witneſſes examined apart, at the requeſt of the priſoner.)

JOHN PURVIN *ſworn.*

On Monday the 10th of November I was in Cheapſide, between one and two o'clock; I was ſtanding at the top of Queen-ſtreet, and a man came thronging before me, I told him I thought there was no reaſon for it; he went into the midſt of the ſtreet, immediately a man collared him, and ſaid ſomething of a watch; I recollected I had not put the chain of my watch in about five minutes before, and I found my watch was gone; I went up to the man that collared the priſoner, and ſaid, I could deſcribe the marks of my watch; I did ſo, and it proved to be my watch.

You did not perceive him take it from you?—No, I did not, I had no certain knowledge of it at the time, nor did I miſs it for a few minutes after.

Is the watch in Court?—Yes, I left it in the hands of a friend, as my health is but very indifferent, his name is Robert Hinxman, he gave it me again.

ROBERT HINXMAN *ſworn.*

Did you return the proſecutor the ſame watch he gave you?—Yes.

(The watch produced and depoſed to.)

Proſecutor. There is a cypher on the back, with two initial letters on the outſide caſe; the maker's name is Blagden, Chicheſter: the watch has been in my poſſeſſion theſe twenty years.

Priſoner. Did the gentleman take the watch from me?—I cannot ſay for certain how I came by the watch again.

THOMAS HAINS *ſworn.*

I ſaw the priſoner take the watch out of that gentleman's pocket, and I took hold of him immediately with the watch in his left hand; I did not take the watch from him, he attempted to put it in the waiſtband of his trowſers; the gentleman came in front, and he laid hold of the chain of the watch, and he ſaid that is my watch, I will ſwear to it.

You are ſure you ſaw him take it?—I am ſure I did.

PRISONER's DEFENCE.

I never had the watch in my hand, there was another man they took hold of as well as me. The captain of a ſhip I belonged to has been here theſe two days.

GUILTY.

Of ſtealing but not privily.

Tranſported for ſeven Years.

Tried by the firſt London Jury before Mr. RECORDER.

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89. SIMON SOLOMON was indicted for feloniouſly ſtealing on the 28th of November laſt, ſix linen ſhirts value 3l. and one linen waiſtcoat, value 5s. the property of James Simpſon.

REBECCA PAYTON *ſworn.*

On the 28th of November laſt, a little before five o'clock I was at my door and ſaw a man take the things out of the head of Mr. Carter's cart, I ſaw him up Devonſhire-ſtreet; he was purſued, and two men took the linen from him, I ſaw him brought back again, I am ſure it was the ſame man, the priſoner is the man that was brought back, and he took the things out of the cart.

JOHN WALTER *ſworn.*

I heard the cry of ſtop thief! and ſaw a man running with a white bundle, I caught him in my arms, bundle and all, he dropped the bundle, and my ſhop-mate picked it up.

JOSEPH FIELD *ſworn.*

I picked up the bundle which the priſoner dropped. I delivered up the bundle at Mr. Carter's houſe.

(The bundle depoſed to.)

PRISONER's DEFENCE.

I was in liquor, I picked up the things, the proſecutor ſent a letter at firſt that he would not proſecute me. I have no witneſſes.

GUILTY.

To be twice whipped, and impriſoned one month in Newgate.

Tried by the firſt London Jury, before Mr. RECORDER.

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90. GEORGE SHIRLEY was indicted for feloniouſly ſtealing on the 11th day of November laſt, one ream of ſuperfine fools cap paper, value 17s. one other ream of ſuperfine pot paper, value 12s. one other ream of thick poſt quarto paper, cut, value 13s. 6d. one other ream of thin poſt quarto, cut, value 10s. 6d. half a ream of thick poſt, value 8s. one other ream of ſuperfine quarto, value 8s. half a pound of ſealing wax, value 3s. a pounce box, value 6d. a pen-knife, value 1s. ſix paper books, bound, value 6s. ſix papers of ink powder, value 2s. four other books, bound, value 2s. four other paper books, called poſt octavo books, value 1s. two boxes of mixed wafers, value 1s. one dozen of black

lead pencils, value 5s. and one deal box. value 6d. the property of James Towler, William Haughter, Robert Stevens, Samuel Seller, John Aſhton, John Lake, John Bligh, George Rawſon, John England, Richard Powell, William Sprues, and William Mabbs.

A miſtake appearing in the indictment of one of the partners being called Samuel Seller inſtead of Samuel Sollis, the priſoner was

ACQUITTED.

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91. SUSANNAH DAWSON was indicted for feloniouſly ſtealing, on the 22d day of November laſt, one mahogany tea-cheſt, value 2s. a cloth coat, value 3s. a petticoat, value 6d. ſix linen handkerchiefs, value 1s. ſix gauze handkerchiefs, value 1s. and ſix caps, value 6d. the property of David Griffiths.

GUILTY.

To be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. RECORDER.

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92. HENRY GROUTAGE was indicted for feloniouſly ſtealing, on the 5th of November laſt, one ſilver watch, value 40s. two ſeals made of ſteel, value 9d. one ſtone ſeal, value 6d. and one ſteel watch chain, value 6d. the property of Matthew Brooks, privily from his perſon.

The Witneſſes examined apart at the requeſt of the Priſoner.

MATTHEW BROOKS *ſworn.*

I came out of the country in expectation of getting into buſineſs, and the priſoner frequented the White Horſe at Cripplegate, before I came there, and he took me the night the fire was in Alderſgate-ſtreet along with him, and I came back to my lodgings between nine and ten in the morning, the priſoner left me about two o'clock: The priſoner came to me the next day between eleven and twelve, we were in company a little time at the White Horſe, and I fell aſleep about twelve or a little after, and I ſlept till four; the priſoner was with me when I fell aſleep, and when I awaked, my watch was gone out of my pocket, I had it when I went to ſleep, there were two or three people in the room, when I came in, that know I had it, I did not go out after till my watch was ſtolen, I never got it again.

When you fell aſleep who was ſitting with you in the box?—There was the priſoner and another perſon, who did not ſtay long.

Who was that other perſon?—I do not know.

What time did he go away?—I cannot tell, but it was before I fell aſleep or very ſoon after.

Where was your watch?—On my right-ſide.

Which ſide did the priſoner ſit?—On the left-ſide.

How came you to ſuſpect the priſoner took it?–I could ſuſpect nobody elſe becauſe he was the only perſon in company.

Yes there was another perſon.—But he did not ſtay long.

So much the more likely.—He did not ſtay long.

JOHN FROST *ſworn.*

I know the proſecutor and the priſoner were in my tap-room, and during that time I ſaw the priſoner ſitting upon the end of the table of the ſame box where the proſecutor was aſleep, and when he awaked, he ſaid, he had loſt his watch.

Who was near him in the box?—There were many during the time that he lay there by the box.

GEORGE PRETTY *ſworn.*

My maſter is a pawnbroker, the priſoner came into my maſter's ſhop on the 5th of

November, he offered a watch to pledge, and he ſaid he wanted a guinea, and I gave him fifteen ſhillings and a duplicate, and in about two hours after another man came with the duplicate and took it out: In the evening the proſecutor came to know whether ſuch a watch was pledged: I am ſure the priſoner brought the watch, it was about one o'clock: I never ſaw the other man ſince.

Court to Froſt. What time did the priſoner go away when this man was aſleep?—I did not ſee him go away.

PRISONER's DEFENCE.

I know nothing of the watch, I never pawned a watch in my life, I never know the proſecutor had a watch, I never ſat near him nor drank with him in the morning at all.

Court to Pretty. Are you ſure the priſoner is the man that pawned the watch?—Yes, I have known him a twelvemonth.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECOREER:

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93. JAMES RILEY was indicted for feloniouſly ſtealing, on the 23d of November laſt, one damaſk table cloth, value 1s. one linen table cloth, value 6d. two pillow caſes, value 1s. one ſheet, value 1s. five towels, value 5d. one apron, value 3d. one ſhift, value 1s. and one handkerchief, value 1s. the property of William Hodſon.

GUILTY.

To be impriſoned one month in Newgate.

Tried by the ſecond Middleſex Jury before Mr. Common SERJEANT.

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94. SARAH MURREL was indicted for feloniouſly ſtealing, on the 15th of October laſt, one bolſter, value 1s. one pillow, value 6d. one glaſs, value 6d. and one rug, value 6d. the property of William Barret, the ſame goods being in a certain lodging room, in the dwelling houſe of the ſaid William, and let by the ſaid William, to the ſaid Sarah, to be uſed as a lodging room, againſt the ſtatute.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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95. JOHN BOWMAN was indicted for feloniouſly ſtealing, on the 5th of November laſt, one cloth great coat, value 3l. the property of Thomas Wellings, Eſq; privily in his coach houſe.

JOHN MAPES *ſworn.*

I am a coachman to Thomas Wellings, Eſq; I loſt a great coat, I left the ſtable about ſeven o'clock and came home about eight to put my horſes to, and my coat was gone, I left it on a nail by the pump in the ſtable.

Court. Was the ſtable door ſhut?—Yes, locked.

Was it locked when you came back?—Yes, he got in at the coach houſe adjoining, and came into my hay-loft, and ſo into the ſtable; on the 21ſt of November, I found my coat at the Marquis of Granby's Head: the conſtable has the coat.

JOHN STACIS *ſworn.*

On the 20th of November, I was going about my buſineſs, and I heard there was a coat advertized, I went to the perſon who advertized it, but it did not appear to be the ſame coat, I went to the priſoner, and told him, I had heard he had a coat, he ſaid, he had a brown coat with a red collar, I went with him to the perſon that had it to ſell, and the coachman deſcribing it, the woman firſt ſaid, her huſband had taken it into Biſhopſgate-ſtreet, and then ſhe ſaid, good God! It is a blue box coat with three capes and yellow buttons; I then took the priſoner to a Magiſtrate, and while I was talking to another perſon he ran away.

Court to Mapes. Is that your coat?—Yes, it is my maſter's property.

THOMAS SILVESTER PETTIT *ſworn.*

On the 28th of November, I met the priſoner going to work, he ſaid, where are you going, Tom? I ſaid to work, he ſaid, if you will call at dinner time I want to ſpeak with you, I called, and we drank ſome beer, and when we were going, he ſaid, he had a great coat to ſell, and aſked me, if I would buy it; he went and fetched it, he ſaid, he bought it of a Jew for a half-guinea, and had had it four months, and I ſhould have it for that money, and not for leſs; there was a watchman ſaid he wanted a coat, and deſired I would get a great coat for him, I was going to take it to him, and a coachman of my acquaintance aſked me what I was to do with it, I ſaid, I was going to ſell it; he ſaid, he would buy it of me, and aſked me the price, he ſaid, he would give me five and twenty ſhillings for it.

PRISONER's DEFENCE.

I was going down the Minories, and I met a man, and he aſked me if I would buy a great coat, he ſaid, I ſhould have it for nine ſhillings, I looked at it and bought it of him.

NOT GUILTY.

The priſoner called two witneſſes to his character.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

96. JOHN WESTBROOK was indicted for feloniouſly ſtealing, on the 9th of September laſt, one blue cloth coat, value 50s. one cloth coat, value 20s. a waiſtcoat, value 10s. and a ſilver laced hat, value 20s. the property of Arthur Pigott, Eſq.

The Proſecutor not appearing the Priſoner was

ACQUITTED.

97. JOHN ROBERTS was indicted for feloniouſly ſtealing, on the 15th of November laſt, one leather calf-ſkin, value 1s. the property of John Mittier.

GUILTY.

To be fined 1s. and impriſoned one month in Newgate.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

98. JAMES FOGG was indicted for feloniouſly ſtealing, on the 3d of November laſt, three ſilver watches without caſes, value 30s. a pair of ſilver watch-caſes, value 30s. five chains, value 4s. one pivot burniſhed, value 6d. and one claſp knife, value 1d. the property of Charles Bailey.

GUILTY.

To be privately whipped and diſcharged.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

99. WILLIAM PERRY was indicted for feloniouſly ſtealing, on the 4th of December laſt, twenty-eight pounds weight of pickled pork, value 12s. and one towel, value 1d. the property of William Waddle. And one linen apron, value 4d. the property of Frances Burton.

GUILTY.

To be privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

100. THOMAS PRICHARD was indicted for feloniouſly ſtealing, on the 6th day of December, fifty pounds weight of lea

lead, value 5s. belonging to Thomas Ayrton, Eſq; and then and there fixed to a certain building of the ſaid Thomas Ayrton, againſt the form of the ſtatute.

MARY ELIZABETH SILVESTER *ſworn*.

I heard a noiſe, and a knocking noiſe in this houſe, I looked in the kitchen and ſaw nothing, about eight in the evening, I went over the way to Mr. Spiers.

JOHN SPIERS *ſworn*.

Mrs. Silveſter came over to me, I took a candle and went down and looked all about, I could ſee nobody, and as I was coming away I turned round and looked up the chimney and ſaw a man's legs, and I went to the door and called ſomebody, and while I was at the door ſome perſon withinſide ſhut the door, and I found it faſtened upon me: Garret and me went round and got over ſome pales, and looking in a neceſſary I found the priſoner, we took him into cuſtody, he ſaid he got over the wall with me on hearing the cry of thieves.

Court. You did not ſee any thing but the man's feet in the chimney?—I ſaw the whole body except the face.

Was there any fire in the chimney?—No.

RICHARD GARRETT *ſworn*.

I was coming by this houſe in Berner's-ſtreet, they ſaid there were thieves; when we got over the wall and opened the door we found the priſoner.

Did any body get over the wall at the ſame time that Mr. Spiers and you did?—Nobody but ourſelves.

Are you ſure of that?—Yes.

What did the priſoner ſay?—He ſaid he had nothing about him, and he unbuttoned his breeches, he was ſtanding cloſe up in the corner to hide himſelf from being ſeen, he ſeemed in the poſture of hiding himſelf, he ſaid, going to the Juſtices, he was no thief.

Did you compare the pieces of pipe that were cut off and laying down on the kitchen floor with the pieces of pipe that lay on the wall?—Yes.

Were his breeches down?—No.

THOMAS AYRTON, Eſq; *ſworn*.

My Lord, it is very difficult to ſwear to property in lead pipes, I can only ſay, about three months before this happened, I had a quantity of lead pipe put in the kitchen for the convenience of lodgers, when I went on the Saturday after the robbery was committed, the pipe was then gone; I cannot ſwear to the identical pipe.

Garrett. I ſaw the pipe entire the day before.

PRISONER's DEFENCE.

I was coming down Berner's-ſtreet, and I ſaw ten or a dozen men had got into the yard, and I was a fool to get over to ſee what was the matter, there was a puddle of water, and I ſtept in the neceſſary becauſe I would not ſtep in the wet; they ſaid, here is a thief, I ſaid, ſearch me.

GUILTY.

Court to Priſoner. I am very ſorry to ſay that you have been very frequently tried here before, though you are ſo young, and therefore depend upon it, you will not remain in this country.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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101. **JAMES BOWEN** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Henry Bowen between the hours of two and five in the afternoon, on the 26th of November laſt, no perſon being therein, and feloniouſly ſtealing one ſilver watch, value 30s. one ſteel chain, value 6d. one ſilver

ſeal, value 12d. two cotton gowns, value 12s. two linen gowns, value 10s. one black crape gown, value 10s. ſix check linen aprons, value 6s. five white linen aprons, value 10s. two pair of ſtockings, value 10s. one black ſilk cloak, value 10s. one ſcarlet cloth cardinal, value 10s. one dimity petticoat, value 3s. two ſtuff petticoats, value 20s. five caps, with laced borders, value 6s. one yard of ſtuff, value 2s. and one linen napkin, value 18d. the property of Mary Price, widow.

A ſecond count for ſtealing the ſame goods in the ſame dwelling houſe, omitting the breaking and entering.

MARY PRICE *ſworn.*

I live in Mr. Henry Bowen's houſe, in Somers-ſtreet, in Cold-bath-fields: Mrs. Bowen is the priſoner's mother: on the 26th of November, I went out about ſeven o'clock in the morning, I left the landlady in the houſe, and every body that lives in the houſe, I ſtaid till almoſt ten o'clock; when I came home, I went to unlock my door, and found it open: I lodge up two pair of ſtairs, I miſſed the things mentioned in the indictment, the priſoner confeſſed, on the 27th of November, when he was taken up, that he ſold the clothes for a guinea and an half, I urged him to tell me: I told him I would not trouble him if he would confeſs, but he never would tell where they were, nor what was become of the watch; he came up the next morning that I made the alarm, and I told him I had loſt my keys of my trunk, and he bid me look upon the bed under the things, and there I found them.

RICHARD HANWIN *ſworn.*

The priſoner ſent for me on the 26th of November, at ſeven o'clock at night, out of my work which was in Hare-ſtreet, Cold-bath Fields, and when I came over there, he gave me five ſhillings for ſome clothes that his maſter bought of me, a coat and waiſtcoat, and he aſked me to drink, and then he gave me a watch to keep for him till morning, he ſaid he was afraid of loſing it, I gave him the watch again, it was a white watch, I cannot be poſitive whether it was ſilver, and a white ſeal, and a ſteel chain, or an iron one.

Mrs. Price. Mine was a ſilver caſe, inſide and outſide, and a ſmall ſilver ſeal.

JOHNATHAN REDGRAVE *ſworn.*

I apprehended the priſoner on an information, and took him before the magiſtrate: at firſt he totally denied any knowledge of the robbery, and we aſked him whether if the perſon was brought that he gave the watch to he would deny it then, he ſaid, there was no ſuch perſon, then we brought the laſt witneſs, and he told the priſoner to his face, that he did deliver ſuch a watch to him, and deſcribed it, and the priſoner ſeemed angry with him for acknowledging it: then he altered his mind, and ſaid he was the perſon that did commit the robbery, and that he had ſold the things to one Mr. Woolley, that keeps an old iron ſhop, for a guinea and an half, and half a crown, and the watch he had left with a man, but had not ſold it; we went immediately and ſearched the man's houſe, but could not find the things; we brought the man before the magiſtrate; then the priſoner denied the man, he ſaid, he was not the man; he then cried and ſaid, what a fool and villain am I to myſelf, this is the man I ſold the things to.

JOHN DINMORE *ſworn.*

What Redgrave has ſaid, is what paſſed before the magiſtrate, word for word.

RICHARD BROWN *ſworn.*

I had the priſoner in cuſtody, and during that time they went out and left him with me, he told me he ſold the watch to a man in Mutton-lane, and the man was brought before the magiſtrate, and then he denied that was the man, and when he was taken to gaol he ſaid it was.

PRISONER's DEFENCE.

They took me to the publick houſe and gave me ſome beer, and they perſuaded me to ſay things that I did not know off the next morning.

Court. Was he ſober ?—Yes.

Court to Proſecutrix. What was the value of the things you loſt ?—I dare ſay ten or twelve pounds, they were almoſt all new things, he took all but what I had on when I was at my labour, and has entirely ruined me.

GUILTY

Of ſtealing to the value of 30s. but not of breaking and entering.

Court to Priſoner. You have been, I am informed, capitally convicted three ſeſſions ago, and you have now had a very narrow eſcape indeed : if you come here a third time, in all probability it will be the laſt time you will ever come here at all.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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102. WILLIAM JONES was indicted for feloniouſly receiving on the 21ſt of October laſt, fourteen locks made of ſteel and braſs, value 4l. and ſeventeen iron keys, value 17s. the property of James Oldham, whereof William Lennard was at the laſt ſeſſions convicted of ſtealing, knowing them to have been ſtolen.

(The record of the conviction of William Lennard produced and read.)

JAMES OLDHAM *ſworn.*

I am an ironmonger in Holborn, William Lennard was my ſervant, Mr. Blackborough ſent two of his people with ſome locks, deſiring me to look at them, they had been found in a houſe that he ſuſpected for ſtolen goods, I knew them immediately to be mine, they were patent locks, and had my marks on them, I went to Mr. Blackborough, he aſked me ſome queſtions which led me to ſupect the warehouſeman, he was a weekly ſervant, and we agreed that when he went home in the evening, he ſhould be followed and his lodgings ſearched, they followed him, and in a ſhort time they returned with him, and a conſiderable deal more property than had been taken that evening, in taxing him with it he was a good deal moved, and frankly confeſſed that he had robbed me of ſeveral things, then he equivocated by and by, and ſaid he intended to pay me two guineas which he had borrowed the next morning before the Juſtice.

Mr. Chetwood, Council for the Priſoner. I beg that Mr. Oldham may be ſtopped as to any thing that the other priſoner ſaid.

Mr. Oldham. After theſe people were taken up, the priſoner Jones came and appeared to be very buſy in getting theſe people off.

Are theſe part of the locks of which Lennard was convicted ?—Yes.

—— ISAACS *ſworn.*

I am a conſtable, I produce theſe locks, they were produced on the trial of Lennard.

Mr. Chetwood to Proſecutor. You ſell vaſt numbers of theſe locks ?—Yes Sir, I do, but I have the numbers down of all of them.

Did you know theſe were loſt before Lennard was apprehended ?—Theſe locks were marked and put into a particular ſhew-glaſs for gentlemen to ſee, they have been ſtolen out of that ſhew-glaſs, and have never been ſold, and they were hudled together with wrong keys.

Mr. Iſaacs. On the 21ſt of October a perſon came to Mr. Blackborough's office for a ſearch warrant to go to ſee for ſome property that had been ſtole from him, I went where I was directed to Mr. Dunn's in Turn-mill-ſtreet, I found nothing there that I went after, but on looking in a cloſet, concealed, I ſaw a quantity of theſe locks, I aſked Mrs. Dunn whoſe they were.

Mr. Garrow, another Council for the Priſoner. You muſt not tell us what ſhe ſaid.

Mr. Sylveſter Council for Proſecution. He muſt tell his ſtory.

Mr. Garrow. Then I will apply to the Court whether this man is to tell us what Mrs. Dunn and Mrs. Brett ſaid.

Court. No, Certainly not.

Mr. Sylveſter. When Jones was preſent what did they ſay?—Mrs. Brett declared ſhe had the property of Jones, and Jones has repeatedly at my houſe, offered Redgrave and me five guineas a piece not to ſay any thing about it, and that we might do what we would with the locks.

Where does Jones live?——In Fleet-lane.

What kind of a ſhop does he keep there?—An old iron ſhop.

You knew him before?—Yes.

Mr. Garrow. You had no information on the ſubject of theſe locks?—No.

Your information was againſt Mrs. Dunn or her houſe?—Yes.

In which houſe Jones did not live?—No.

In which houſe he had no ſhop?——Not that I know of.

And in which houſe Jones did not carry on any buſineſs?——That I do not know, he might.

You and I have very different accounts of this offer?—Very likely.

Where did this happen?—At my houſe, he was a priſoner then.

In what way do you mean?——He was taken for receiving theſe things by Mrs. Brett's declaring ſhe had theſe things from him.

Was this an offer to ſuppreſs the evidence againſt Jones, or an offer of commiſeration to Mrs. Brett?——It was to ſuppreſs the evidence againſt Jones, he offered to give Redgrave and me five guineas apiece not to ſay any thing of the matter.

Mr. Garrow. I beg Mrs. Dunn and Mrs. Brett may go out of Court?—*Court.* It is too late now.

Will you ſwear this man was in cuſtody at that time?——Yes, it was after he was committed.

Did not he ſay he would rather give five guineas?—There was no ſaying rather five guineas at all about the matter, he poſitively declared he would give five guineas apiece, if we would ſay nothing about him.

Upon your oath was there at that time any intention of proſecuting Jones?—Yes, he was then committed.

Mr. Oldham. I had then taken a warrant out.

Mr. Garrow to Iſaacs. When was it?—The 22d of October, I believe it was three days after.

Mr. Sylveſter. The offer was after he was in cuſtody?—Yes.

Mr. Garrow. Do not you know that Jones himſelf went to Mr. Blackborough's, and was there diſcharged?—That was on the night of the 21ſt.

He went voluntarily to the Juſtice's?—I do not know that.

You did not take him there?—No.

Nor any body elſe to your knowledge?——No.

Do not you know that he went voluntarily?—I do not know.

What do you believe?——I cannot tell.

When did you apprehend him; on the 22d, 23d, or 24th?—I cannot rightly tell.

Come think a little, we muſt have it; did he come to your houſe, or did he not, Sir?—I believe he came to the office, but he was taken at home at his own houſe.

That is the queſtion that I aſked you juſt now, and you could not recollect it.

Mr. Sylveſter. What was that about handkerchiefs?

Mr. Garrow. Will your Lordſhip hear that.

Court. We have nothing to do with that.

Court to Iſaacs. When Mrs. Brett and Jones the priſoner were before the Juſtice confronted, and Mrs. Dunn and Mrs. Brett charged them with having given them the locks, and that they received them from him, did he diſown it?—He did.

JONATHAN REDGRAVE *ſworn.*

Examined by Mr. Silveſter.

You are one of the officers of juſtice?—Yes.

What do you know of theſe locks?—Mrs. Dunn very frankly told us ſhe had them of Mrs. Brett; I went to Mrs. Brett, ſhe was at home, and ſhe was taken up.

Mr. Silveſter. When Jones was before the magiſtrate, who did ſhe ſay ſhe had them from?—From Jones; Jones came the ſame night, and denied ſhe had them of him, he came the next morning to Mr. Iſaacs, he ſaid he would make an acknowledgment provided we would ſtifle the matter; he ſaid all theſe things ſhould be delivered up provided the matter was ſettled, and no proſecution had.

Did he make any offer to you?—I cannot ſay that he mentioned any particular ſum of money.

Croſs-examined by Mr. Chetwood.

Jones was not at that time in cuſtody.—I cannot ſay.

Mrs. Brett was in cuſtody.—Yes, Mrs. Dunn was diſcharged.

Jones came to that houſe, I ſuppoſe, as a friend to Mrs. Brett?—I ſhould ſuppoſe ſo.

Then he wiſhed to ſerve the woman who was in cuſtody, he himſelf being at large.—I cannot ſay whether he wiſhed to ſerve her or himſelf; he was at large, he came to the magiſtrate's and denied knowing any thing of the things.

ELIZABETH DUNN *ſworn.*

I live in Turnmill-ſtreet.

Where does Mr. Brett live?—In Turnmill-ſtreet.

Where had you them braſs locks and keys that were found in your houſe by the officer?—I had them from Mrs. Brett about three hours before they were found.

Do you know from your own knowledge who ſhe had them from?—No.

How came they to be brought to your houſe?—Mrs. Brett told me ſhe was going in the country, and aſked me to let her leave them there.

Mr. Garrow. Pray Mrs. Dunn what may you be?—What am I?

Aye, what are you?—My huſband is a bricklayer, I keep an iron ſhop.

The ſame way of buſineſs as the priſoner?—I keep a bit of an iron ſhop.

Your's is only a bit of one; who is Mrs. Brett?—Who is ſhe, Sir, ſhe is a neighbour.

Does ſhe carry on any buſineſs?—Yes.

A bit of an iron ſhop too, perhaps; well, the officers came to your houſe about ſome other buſineſs. They found nothing but theſe things that belonged to ſhe.

What were they brought to your houſe for?—Till ſhe came out of the country.

Was you to do nothing with them in the mean time?—Nothing Sir, ſhe thought her houſe was not ſafe enough, for the lock ſhe had on her door was not a good one, and any body could get in, and ſhe was afraid of being robbed.

Did ſhe bring all all her property?—That, and a great deal more.

Did thoſe officers take the reſt of her things?—Yes, they took them all.

This was not old iron that wanted ſuch ſafe cuſtody, may be there was a little plate?—No, no plate.

A little linen?—I ſuppoſe that gentleman knows what there was.

We would rather have it from you, what there was that belonged to Mrs. Brett?—I cannot tell you what they were, I did not examine, and they had nothing belonging to me.

Theſe people took you away I believe?—I was obliged to go to ſay how I came by them.

I ſuppoſe you mean juſt what I ſaid, that they took you away?—No, they did not.

Had not they a warrant againſt you?—That I do not know.

What do you believe about it?—I do not believe any thing about it, I cannot believe, becauſe I do not think any thing about it; I went to Juſtice Blackborough's.

You had been there before perhaps?—No, never in my life.

You did not ſuppoſe you was going to pay a viſit of compliments to the Juſtice? No, Sir, I was not qualified for that.

Did you go there as the receiver of theſe goods, knowing them to be ſtolen?—No, Sir, that I did not.

You ſaid you received them from Mrs. Brett, and ſhe went there in the character of the thief?—What character ſhe went in I do not know, I had them from ſhe, and that is all I have to ſay.

She was taken in conſequence of a warrant?—I do not know, when the officers came to me I told them they were very welcome to ſearch.

Mr. Silveſter. Why Mrs. Brett was a neighbour of yours, and lived within a few doors?—Yes, I did not think any harm.

Mr. Garrow. Mrs. Brett was not gone out of town?—She was to go that ſame evening.

But you found her when you wanted her?—Yes.

FRANCES BRETT *ſworn.*

I live in Turnmill-ſtreet, within a few doors of Mrs. Dunn, I keep an iron ſhop, I have known Jones theſe two or three years, theſe braſs locks which were left at Mrs. Dunns, I received of Mr. Jones, he gave them to me.

How long before?—Five or ſix days before, I never opened them, but one of the papers was broke.

Did any thing particular paſs when he left theſe locks?—No further than he brought them in, and laid them down on the corner of the counter.

Did he ſay any thing to you about them afterwards?—Not that I recollect, I ſaw him at Juſtice Blackborough's, he then ſaid the locks were none of his, and he did not give them to me, he never ſaid any thing to me himſelf, he ſent word for me to ſay I bought them of ſomebody elſe, but I never ſaid any other than that I had them of him.

Upon your oath, had you the locks of him?—I had.

And he deſired you to take care of them?—Yes.

Mr. Chetwood. When was it that theſe people came to ſearch your houſe?—They did not ſearch my houſe, they came to me the ſame day they ſearched Mrs. Dunn's houſe, that was the 21ſt.

How long was it before they were found, that you carried them to Mrs. Dunn's?—Mrs. Dunn had them of me at my houſe a few hours before.

You did not carry them then to Mrs. Dunn's, and tell her you was going into the country?—Mrs. Dunn carried them home herſelf.

Nor you did not carry any bundles of linen to Mrs. Dunn's?—Yes, ſeveral times, but I had carried none that day.

Did you give her nothing elſe that day?—Nothing but a bit of cotton for a gown, that was at my own houſe; I had had the locks five or ſix days before, I am ſure of that; I never had any converſation with Jones afterwards, but before the Juſtice; he laid them down on the corner of our counter, and ſaid, take care of them.

In that five or ſix days you heard nothing more from Jones?—Not that I recollect.

I believe you have, before now, taken care of Jones's ſhop?—The week before I did.

You have managed his ſhop when he has been out of town?—I bought nothing, nor ſold nothing for him, only looked after it.

You ſay upon the 21ſt, when they came to examine your houſe, you had been in poſſeſſion of the locks five or ſix days?—I cannot ſay how many days.

Was you at Mr. Blackborough's when Lennard was examined?—I was.

Was not it aſked by Mr. Blackborough to Lennard, if he could find out the man?——Lennard ſaid he did not know Jones, when the queſtion was put to Lennard.

How far was Jones from him at the time?—Cloſe by him on the other ſide.

Did he look about for him?—He pretended to look about and did not ſee him.

You made no information, nor ſaid any thing of it, till you yourſelf was apprehended and in cuſtody?—No.

Mr. Silveſter. Then you knew Jones very well before this?—I have known him theſe many years.

Where was the linen from, that you have been aſked after?—I had it of Mr. Jones.

You had frequently things of Mr. Jones. ——Yes, I have had linens and muſlins.

Court to Mrs. Brett. What reaſon did you give Mrs. Dunn for leaving theſe things with her?—I left them with her to take care of, I have nothing in my own houſe, and if I had loſt them, may be Mr. Jones would have valued them more than I could have paid for.

Jury. Was any perſon preſent when the priſoner at the bar delivered you the locks which you underſtand to be the things mentioned in the indictment?—There was nobody preſent.

Where did he deliver them? In my ſhop.

You never ſaw the packet opened?——No.

Priſoner. I leave my defence to my Counſel.

The witneſſes for the priſoner examined apart.

AMOS ADAMS *ſworn.*

Examined by Mr. Garrow.

I am apprentice to the priſoner's father, I am employed in the ſhop of the priſoner, I know Mrs Brett.

Had ſhe and your maſter ſometimes dealings?—I believe ſhe had, but not to my knowledge.

Do you recollect at any time any thing paſſing between Mrs. Brett and the priſoner, with reſpect to any locks?—No, on the 29th of September Mrs. Brett came and aſked if my maſter was come home, he had been in the country; upon being informed that he was not, ſhe addreſſed herſelf to Mr. Woodward, who was in the ſhop, and aſked him if he knew any body that wanted a good lock, and he told her no: My maſter was at Cambridge, Mrs. Brett was left to mind the ſhop; there was no buſineſs, if there had ſhe would have ſeen what had been bought, ſhe was in the ſhop during the time my maſter was in the country; ſhe went away every night, ſhe came there from morning to evening, he was gone eight days before that, he went on the Monday and came home on the Monday.

Who is Woodward?—He lives there, he was to lay down at my maſter's ſhop during the time of my maſter's abſence: Mrs. Brett aſked him if he had any acquaintance that wanted a good lock or two, and ſhe ſhewed him ſome, and I believe ſold him two, but I will not be ſure whether ſhe ſold him any or not; he was to ſell them for her, I did not hear her mention the price, I was obliged to go into the ſhop, I had ſome buſineſs to do there, there was a cuſtomer; the locks ſeemed to be braſs and iron locks for boxes.

Were they high finiſhed locks?—They were very well finiſhed, whether he bought any I cannot ſay, nor the price, I did not ſee any left there, there was none left there.

Did the trade ſtand ſtill entirely while your maſter was out of town?—No, I ſold what I could, and if an opportunity offered bought.

Croſs Examined by Mr. Silveſter.

How long have you been with him?—Five years, I was bound apprentice to the father, he is a tin-plate-worker, and to ſerve under the ſon.

You underſtand the buſineſs pretty well I take it at this time?—The brokery buſineſs.

What day did he go out of town?—It was Monday when he went out, and the 29th of September, which was the Monday after, he returned at ten o'clock; theſe locks were iron and braſs locks.

Common locks?—I do not think they were common, they looked to be very bright, the inſide was ſteel and the outſide braſs.

Mrs. Brett and your maſter had great dealings together?——If there was it was unknown to me.

You only buy old iron?—It is an old iron and broker's ſhop.

Your maſter deals in muſlin?—I believe he does, he buys any thing what he can.

What did he go out of town for?—He went with a neighbour to an acquaintance that was in the country, he was going to Sturbridge Fair with the acquaintance.

Did he leave word where he was to be found, if Mr. Catchpole, or any body in the city called on him?—Yes, he was at home till he was taken up.

Then Mrs. Brett did not manage his ſhop when he was at home?—No.

Nor his friend Mr. Woodward?—No.

GEORGE WOODWARD *ſworn.*

Examined by Mr. Chetwood.

Do you know Mrs. Brett?—Yes.

How long have you known her?—About five or ſix months.

Where do you live?—In Fleet-lane; I am a neighbour of the priſoner's, I do not live at his houſe.

Did Mrs. Brett ever bring any locks of any particular make to you at any time, and offer them to ſell?——On the 29th of September laſt I was at Mr. Jones's ſhop, Mrs. Brett came and enquired if Mr. Jones was at home, the boy ſaid he was not, I was going by, and ſhe aſked me if I knew any body that wanted a good lock or two, and ſhe gave me two to ſell for her; ſhe was to allow me ſomething for my trouble.

Have you ever returned thoſe locks to her?—No.

Have you got them by you?—Yes.

Shew them to the Court. Was Adams by at the time?—He was.

(Two locks produced.)

Croſs-Examined by Mr. Sylveſter.

What are you pray?—A carpenter, undertaker, and broker.

That is your buſineſs?—Yes.

No other?—No.

No old iron ſhop?—Yes, I keep an old iron ſhop at the ſame time.

Where is your iron ſhop?—In Fleet-lane, next door to the Fellowſhip-porter, I have a ſhop of my own which I attend to, but during Mr. Jones's abſence he deſired me to look in now and then; I have no further concerns: I attend it now, but not to tranſact any buſineſs, he deſired me to lay there in caſe any thing ſhould happen, there is nobody elſe in the houſe but the boy; I never go there till night.

Do you know a man of the name of Small?—Yes, exceeding well.

Do you know a man of the name of Iſaac Taylor?—I cannot ſay I do.

Do you know Holmes?—I know him exceeding well, he ſerves me with hats.

Where was the plan laid of producing theſe locks?—There was do plan laid at all.

Where was it firſt thought of?—It was at Mr. Jones's ſhop ſhe firſt came in.

Where have you had the conſultation about it?—I never had any conſultation with any perſon at any time, to the beſt of my knowledge, and I am pretty ſure.

To the beſt of your knowledge?—I have not, I never had any conſultation at all.

Now I will tell you where and when it was; it was the beginning of laſt week, in Newgate.

Was you there the beginning of laſt week, upon your oath?—I have been there numbers of times, I cannot ſpecify that particular time.

Was not there a conſultation with you and all the people in Newgate the beginning of laſt week, when this very plan was agreed to be ſet up?—It was not.

Was you in Newgate laſt week?—With Jones.

Who was in company?—Nobody that I

know of particularly, I cannot recollect any perſon particular.

Who did you go with?—I did not go along with any body.

Who did you meet there?—Nobody particular.

Will you ſwear that Small was not there?—I will not take upon myſelf to ſwear that; I go there every day, very ſeldom I miſs.

Will you ſwear that Small and Holmes were not there at the conſultation?—Not to my knowledge.

Will you ſwear they were not?—I cannot pretend to recollect.

It is not ſo long ago?—I do not know there was any made then.

Where was it made then?—Nowhere at all.

Was you there with Small?—Small was there one day laſt week.

Did you ſee Holmes there laſt week?—I did nor.

Did you ſee Taylor?—I do not know ſuch a perſon by the name.

Mrs. Brett is there: will you, upon your oath, ſay you bought theſe locks of Mrs. Brett?—I did not buy them of her, ſhe left them with me, theſe were the two; I never ſaw any thing of the kind before.

Did you not know Jones was taken up in October?—I know he was taken up on ſuſpicion of it.

You do not remember the month, perhaps you may remember the ſeſſions better?—It was before laſt ſeſſions.

Mrs. Brett. I never offered a lock to that man in my life: upon my oath, I never ſaw thoſe two locks till I ſee them now.

JAMES WATKINS *ſworn.*

I am a paper ſtainer; I have known Jones five or ſix years, and my wife has known him ever ſince he was born; I never knew any thing amiſs of him for my own part.

You believe him to be an honeſt man?—I know nothing to the contrary.

Mr. Sylveſter. Where do you live?—I keep a publick houſe in Fleet-lane.

Did you never hear any harm of him?—With reſpect to his way, of dealing is no buſineſs of mine.

Did you hear of his being in trouble?—I have.

For what?—I do not know; ſome time ago there was ſomething happened; I did not live at this end of the town, I came here by accident.

Do not you know friend he was tried here?

Mr. Garrow. And do not you know too that he was acquitted?

Court. It is a pretty bold thing to come and give a man a good character whom you know to have been tried here.

FOR THE PROSECUTION.

RICHARD SMALL *ſworn.*

Examined by Mr. Sylveſter.

Do you know Woodward?—Yes, very well.

Where does he live?—In Fleet-lane, he is an undertaker by trade, and keeps an iron ſhop beſides.

Who was in company with you laſt week along with Jones?—Mr. Woodward and I went in together to ſee Mr. Jones.

What was the converſation?—In regard that he would ſatiſfy me as far as lay in his power, that Woodward himſelf had bought ſome locks, or a lock, he did not ſay where he bought them.

What was he to do with theſe locks that he had bought; do recollect yourſelf; you have told Catchpole?—I never told Catchpole: he was to bring them here to ſhew that he bought ſome locks; he never told me who he bought them of.

Croſs-Examined by Mr. Garrow.

Where was this converſation?—In Woodward's own little room in his houſe, and once in Newgate.

So then this terrible conſpiracy and conſultation turns out to be no more than this, that Woodward was telling Jones what he could ſay with truth upon the trial: he did not ſay a ſyllable about the purpoſe of producing them here?—No.

What are you?—A plane maker, my wife keeps an iron ſhop.

Priſoner. Mrs. Brett has been in Newgate a number of times ſince I have been there, and ſaid, ſhe deſerved to be there inſtead of me.

Mr. Sylveſter. Theſe locks were not loſt till October, and thoſe they produce were bought as they ſay on the 29th of September.

GUILTY.

Tranſported for fourteen years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

103. SARAH THURLIN was indicted for feloniouſly ſtealing, on the 28th day of November laſt, one linen ſheet, value 2s. two table cloths, value 5s. one napkin, value 1s. one pillow caſe, value 1s. twelve knives and forks, value 6d. two glaſſes, value 1s. one tea-pot, value 6d. one cream-pot, value 2d. the property of Thomas Belton.

And ELIZABETH COURTNEY was indicted for receiving the ſame goods, knowing them to have been ſtolen.

FRANCES HART *ſworn.*

I am Mr. Belton's ſiſter; on the evening of the 29th of November, the priſoner Courtney was taken up on another charge, and ſhe deſired me to go to Mrs. Riley's and deſire her to get the box and all the things; Mrs. Courtney did not know what was in the box, but ſhe had left it there; I went there and found the box, the things that were in it belonged to Mr. Belton, and have been in my poſſeſſion ever ſince. *(Some of the things depoſed to.)* The things were carried the ſame evening to the watch-houſe, where the priſoner Thurlin was, and ſhe opened them herſelf: there was no promiſe made her, but on condition of her telling whether ſhe had any thing elſe, which ſhe never did, ſhe ſaid ſhe knew the things were Mr. Belton's property, and that ſhe took them for her own uſe, ſhe did not ſay when ſhe took them.

ELIZABETH RILEY *ſworn.*

I was preſent when theſe things were found in my houſe, Mrs. Courtney brought them to my houſe the 29th of November, in the morning, ſhe deſired I would be ſo good as to take care of them till ſhe called for them.

WILLIAM PASSLEY *ſworn.*

I apprehended the priſoners; I found Mrs. Courtney ſhut into a cloſet or a bed place.

THOMAS BELTON *ſworn.*

I keep the Golden-Croſs, Charing-Croſs; I miſſed the things mentioned in the indictment, and before Sir Sampſon Wright the priſoner Thurlin confeſſed to the things, and where the box was; I told her, if ſhe would confeſs I would forgive her; ſhe ſaid, there was not another thing but what ſhe had told me of, and the next day the box came; I imagine ſhe was accuſed of a ſheet at firſt.

Did ſhe tell you of theſe things before they were produced to her?—No.

After that box was found, did you then make her any promiſe of favour?—I did not, I heard her confeſs that all theſe things were my property.

A written confeſſion, ſigned by the Priſoner and by Sir Sampſon Wright, witneſſed by Frances Hardy, Read.

"Sarah Thurlin, her mark."

"The examination of Sarah Thurlin, charged with felony, 1ſt December, 1783."

Court to Hardy. Was there any promiſe made her by the magiſtrate or the proſecutor, previous to making her confeſſion?—No.

"That ſhe this examinant, about a
"month ago, feloniouſly ſtole in the houſe

“ of the ſaid Thomas Belton, (the things “ mentioned in the indictment,) and ſealed “ them up in a box, and gave the ſaid box “ with its contents to Elizabeth Courtney, “ a perſon who was then at the houſe of “ the ſaid Thomas Belton, and deſired her “ to take care of it, and afterwards deſired “ her to remove it to ſome other place, “ where it would be more ſecure.” Courtney ſaid ſhe did not know what was in it, but the maid had given her that box, and told her it came from Woolwich, and deſired her to take care of it.

Priſoner. I have nothing to ſay.

Court to Hardy. Before Courney was apprehended, did not ſhe know that Thurlin was accuſed of ſtealing theſe things?—I do not know that ſhe did, Courtney directed me to Mrs. Riley's on Saturday evening; after ſhe was taken up, I went to her lodgings the day before concerning ſome things ſhe had pawned.

Court. Then Courtney knew on the the 28th that there was a charge againſt Thurlin?—No ſhe did not, ſhe was not taken up then, it was the laundry maid that was taken up.

SARAH THURLIN, GUILTY.

To be privately whipped and confined to hard labour two years in the houſe of correction.

ELIZABETH COURTNEY, NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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104. THOMAS GRAINGER was indicted for feloniouſly ſtealing on the 5th of November laſt, one leg of mutton, value 2s. and two loins of mutton, value 5s. the property of Elizabeth Kynaſton.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

105. WILLIAM COCKBULL was indicted for feloniouſly ſtealing on the 10th of December, two marble mortars, value 10s. 6d. the property of Thomas Piper.

GUILTY.

To be whipped.

Tried by the firſt London Jury before Mr. RECORDER.

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106. MICHAEL FITZPATRICK was indicted for feloniouſly ſtealing on the 25th of November laſt, an iron hand-ſaw with a wooden handle, value 18d. the property of William Butler; a ſaſh ſaw with a wooden handle, value 18d. the property of William Jones, and an iron hammer with a wooden handle, value 1s. 6d. the property of Robert Moorey.

GUILTY.

To be whipped.

Tried by the ſecond London Jury before Mr. RECORDER.

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107. JOSEPH TAPP was indicted for feloniouſly ſtealing on the 19th of November laſt, one wooden caſk, value 6d. and thirty-one red herrings, value 6d. the property of Thomas Coleman.

GUILTY.

To be whipped.

Tried by the ſecond London Jury before Mr. RECORDER.

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108. JOHN PETIT was indicted for feloniouſly ſtealing on the 8th of December laſt, one worſted carpet, value 25s. the property of Elizabeth Gardner, widow.

GUILTY.

To be whipped.

Tried by the ſecond London Jury before Mr. RECORDER.

108. ANTHONY

109. **ANTHONY LETOOT** was indicted for feloniouſly ſtealing on the 10th of November laſt, one linen handkerchief, value 1s. the property of a perſon unknown.

GUILTY.

To be whipped.

Tried by the ſecond London Jury before Mr. RECORDER.

110. **JOHN ARROWSMITH** was indicted for feloniouſly ſtealing on the 20th of November laſt, a gallon pewter pot, value 5s. the property of John Holmes.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

111. **BENJAMIN BURRELL** was indicted for feloniouſly aſſaulting Mary the wife of Robert Oliver, on the King's highway, on the 18th of November laſt, and putting her in fear, and taking from her a cloth great coat, value 10s. the property of the ſaid Robert.

MARY OLIVER *ſworn.*

My huſband had a coat lent him on Sunday evening by a gentleman, and I was carrying it home between ſix and ſeven on Tueſday night, two men came paſt me, one ſnatched the coat from me, and the other threw himſelf down at my feet, and I fell over him; it was in Watling-ſtreet, I called ſtop thief, and followed him as faſt as I could to the end of Friday-ſtreet, he turned up there, and was ſtopped in the middle of the ſtreet, and one of the witneſſes brought the coat to me, it was the coat that was taken from me, it was the property of Samuel Watſon.

Court to Jury. I doubt whether in this caſe there is any property in the proſecutor, it differs from the caſe, ſhe was the carrier, and I think the property of this is wrong laid in the indictment, and in point of law the priſoner muſt be acquitted; at all events the caſe does not come up to the indictment, which is for a highway robbery, for the coat was not obtained from her by threat or violence, and the man throwing himſelf down for her to fall down, in order that the other might avoid the purſuit, was a ſubſequent tranſaction, and could not alter the circumſtances of the robbery at all.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

112. **JOSEPH GEORGE**, otherwiſe **PORTUGUESE GEORGE** was indicted, for that he on the 26th day of November laſt, about the hour of nine in the morning, the dwelling houſe of William Wright feloniouſly did break and enter, one Elizabeth Wright being therein, and twenty guineas, value 21l. and twenty-three half guineas, value 12l. 1s. 6d. in monies numbered, the monies of the ſaid William Wright, in the ſaid dwelling houſe, then and there being feloniouſly did ſteal, take and carry away.

WILLIAM WRIGHT *ſworn.*

I am a brandy merchant the corner of the Fleet market, on Wedeſday morning the 26th of November, about nine, I had told out two parcels of money, one was twenty guineas, and in the other was twenty-five half guineas; and I put the two parcels on my deſk, about a foot and an half from the window next the ſtreet, I was gone about five minutes, and on my return the window had been thrown up, and the money taken from the top of the deſk, the window was ſhut when I went out and I believe it was ſhut when I returned.

ZEPHANIAH LAMBERT *ſworn.*

I ſaw the priſoner on the 26th of November, about a quarter after nine, ſtanding facing the poulterer's door, facing the gulley hole, I have known the priſoner theſe eight or ten years as a weaver, I never knew any harm of him in my life, I took him to be a pigeon-flier; you may underſtand that.

What made you think he was a pigeon flier, they do not ſtand ſtill?—Yes, they do ſometimes, when their parties are gone into the office to do the numbers that they have been running for, I ſaw him ran very hard about a minute or two before, when he came to the Fleet he croſſed the way, and met ſome people and they joined him.

GEORGE MEECHAM *ſworn.*

I attend at the Public Office in Hyde-ſtreet, Bloomſbury, I took the priſoner into cuſtody, and he denied his name was Joſeph George coming along, but at the Juſtices he owned it.

DANIEL GUILFOY *ſworn.*

The priſoner had part of the money.

Court. I have great doubts whether you have laid a foundation for the evidence of this man who is an accomplice.

Mr. Sylveſter, Council for the Proſecution. His being ſeen on the ſpot at the time.

Court. So were twenty more people.

Court to Jury. There is no evidence whatever that affects the priſoner at preſent, and therefore, the law will not permit us to hear the accomplice.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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113. GODFREY STEELE was indicted for feloniouſly ſtealing, on the 10th of December, twenty pounds weight of lump ſugar, value 20s. the property of Robert Davis and Charles Higgins.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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114. JOSEPH POLTER was indicted for feloniouſly ſtealing, on the 18th of November laſt, one pewter quart pot, value 10d. the property of John Surflun.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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115. The ſaid JOSEPH POLTER was again indicted for feloniouſly ſtealing, on the 18th of November laſt, one pint pot, value 6d. the property of the ſaid John Surflun.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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116. GEORGE WHIFFIN was indicted for feloniouſly aſſaulting Mary Compton, on the King's highway, on the 7th of December and putting her in fear, and feloniouſly taking from her, one woollen great coat, value 5s. the property of Duncan Robertſon.

MARY

The Remainder of this Trial in the next PART which will be Publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 10th of DECEMBER, 1783, and the following Days;
Being the FIRST SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of George Whiffin.

MARY COMPTON *ſworn.*

I live in Baker's Row, Whitechapel, I was going over to Mr. Robertſon's facing my houſe, I was upon my own ſteps about half paſt five o'clock in the evening, and the priſoner came up to me and laid hold of the coat, I was not willing to give it up, and he pulled it ſo hard that I ſlipped down the ſteps; it was a child's great coat, belonging to Mr. Robertſon, the publican, I am ſure the priſoner is the perſon.

Court. Did the priſoner forcibly take it from you?—Yes, he ſaid nothing to me, and after he had got the coat, he took his hat off his head and violently threw it at me; I picked up the hat and carried it into Mr. Robertſon's houſe, and told him I was robbed, he purſued the priſoner, who ran away with the coat.

DUNCAN ROBERTSON *ſworn.*

In the evening of the 7th of December, which was a Sunday evening, Miſs Compton, who lives at the ſchool where my children go, came over for the great coat, which ſhe had, and in two minutes ſhe came back again and ſaid, ſhe was robbed, I purſued the boy and took him, there were three boys in the party, another of them had the great coat, which is in Court: I diſtinguiſhed him by his being without his hat.

Priſoner. I have nothing to ſay in my defence. I am not guilty.

WILLIAM HARISON *ſworn.*

On Sunday night the 7th of laſt month, the Sunday before laſt, as the priſoner was going down White-row, I ſaw him take a great coat from this young lady, I was juſt by him, he gave it me, I was in his company, we ran down the next ſtreet, the gentleman took the priſoner, and I threw it on a tree, I do not know what became of it.

Jury. What are you?—I live with my father, I am a weaver.

Jury to Priſoner. What age are you? —Turned of twelve.

What kind of life have you been in?—I worked for one gentleman three years, he is not here, he was here all day yeſterday.

JOHN BLOGG *ſworn.*

I knew the priſoner before he knew himſelf, his father is a maſter trimming-weaver, the priſoner has been trained up always under his father, his father failed ten or eleven years ago.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Common SERJEANT.

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117. **ANN LAWLER** was indicted for feloniouſly making an aſſault on the King's highway, upon George Anderſon, on the 15th of November laſt, and putting him in danger of his life, and feloniouſly taking from his perſon and againſt his will, four guineas, value 4l. 4s. and one half-guinea, value 10s. 6d. and two half-crowns, value 5s. his property.

GEORGE ANDERSON *ſworn.*

On the evening of November the 15th, about eleven o'clock, I was robbed, I was in the houſe of George Williams in Croſs Lane, and the priſoner was in the houſe, when I paid for my beer I took out my purſe, but recollecting I had ſome money in my other pocket, I put my purſe in my pocket, and went out to make water, the priſoner followed me into the yard and took hold of me round the middle, and on her going away I ſuſpected ſhe had robbed me, and attempted to follow her, but ſhe had faſtened the door, I went in to the landlord and deſcribed her to him, and ſaid, ſhe had robbed me.

Court. Was you ſober?——I was not drunk.

Are you ſure it was in your pocket when you went out of the houſe?—Yes.

What was in it?—Four guineas and a half and two half-crowns pieces, I am ſure that is the woman.

GEORGE WILLIAMS *ſworn.*

I remember this man coming into my houſe, between eleven and twelve o'clock, and calling for a pint of beer, I took it to him, I ſaw the purſe in his hand, he ſoon after went out and came in again, and ſaid the woman had robbed him, he was not in liquor, there was other people in the houſe.

JACOB FREEMAN *ſworn.*

I took the priſoner, I found nothing upon her.

PRISONER's DEFENCE.

I was drinking a pint of beer, and the priſoner came and drank out of my beer, he ſaid, he had a pint of beer coming and I ſhould drink with him; I then went home, I never took any thing from him.

GUILTY,

Of ſtealing, but not of putting in fear.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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118. **MARY BOTTEN** and **ELIZABETH CUNNINGHAM** were indicted for feloniouſly ſtealing, on the 4th of November laſt, thirteen yards of ſilk called ſattin, value 4l. the property of Robert Wynne, privily in his ſhop.

WILLIAM LLOYD *ſworn.*

On the 12th of November laſt, a man came into our ſhop I had a ſuſpicion of, he aſked for ſome ſilks, ſome grave ſilks, upon aſking what they were, he aſked for a card of the ſhop and went out; this woman (Potten) came in very ſoon after, and aſked for ſome white mode, and Cunningham alſo came in and aſked if that was mode on the counter, I ſaid, it was not, I called the boy, and I went to the glaſs, and I turned, and ſaw Mrs. Potten doubling this under her cloak, I immediately went to look at the parcel, and found a piece was gone, when ſhe ſaw my maſter come into the ſhop ſhe let it fall.

Court. Are you ſure it fell from her?—Yes.

Did you ſee it?—Yes, I heard it fall, and picked it up.

Might it not have fallen off the counter?—No.

Is that your maſter's ſattin?—Yes, I know it by the marks.

PRISONER POTTEN'S DEFENCE.

I never ſaw this woman in my life.

PRISONER CUNNINGHAM'S DEFENCE.

I went in to buy a piece of mode, I never touched any thing.

MARY POTTEN,
ELIZ. CUNNINGHAM, } GUILTY.

Of ſtealing but not privily.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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119. **ANN HOWARD** was indicted for feloniouſly ſtealing, on the 13th of November laſt, a pair of linen ſheets, value 8s. a woollen blanket, value 2s. a bolſter, value 18d. a tea kettle, value 2s. an apron, value 6d. the property of Henry Braley, being in a certain lodging room in the dwelling houſe of the ſaid Henry, let by him for a lodging to the ſaid Ann, againſt the ſtatute.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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120. **ELIZABETH COURTNEY** was indicted for feloniouſly ſtealing, on the 28th of November laſt, three linen ſheets, value 6s. two table cloths, value 4s. three towels, value 12d. and one pillow caſe, value 12d. the property of James Belton.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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121. **JOSEPH BARRET** was indicted for feloniouſly ſtealing, on the 5th of December laſt, twelve pounds weight of gunpowder, value 10s. and one wooden caſk, value 6d. the property of Henry Hall.

GUILTY.

To be fined one ſhilling, and impriſoned three months in Newgate.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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122. **ALEXANDER DUFF** was indicted for feloniouſly ſtealing, on the 13th of November, one black ſilk cloak, value 20s. the property of Eleanor Dodd.

REBECCA LEFEVRE *ſworn.*

I live with Mrs. Dodd, milliner, in Cranbourn Alley, ſhe loſt a black ſilk cloak, on the 13th of November, it was taken away from the door, where they uſually hang, I do not know who took it: Mr. Williams brought it in to me I knew it by the mark, I ſaw it that morning.

(The cloak produced and depoſed to.)

——— WILLIAMS *ſworn.*

I had this cloak from one Harris a blackſmith at the back of my houſe, it was thrown into this ſhop, I brought it to this young lady.

GEORGE

GEORGE WILTSHIRE *ſworn.*

I am a ſhoe-maker, I live at the corner of Cranbourn Alley, I have frequently ſeen the priſoner hanging about in the afternoons, and on the 13th of November laſt, I ſaw the priſoner hanging about at the corner of Rider's Court, and have often ſeen him him try at the cloaks at the doors, this was about nine in the morning, I ſaw him ſnatch the cloak from Mrs. Dodd's door, and run away with it, he ran up Earls Court, and I knew he had it under his coat all the way, and he fell down at the top of the Court, and I caught him and brought him back, and the boys ſaid he had thrown the cloak in the ſmith's ſhop.

PRISONER's DEFENCE.

On the 13th of November, I was going to my work, and that gentleman ſtopt me, and ſaid, I had ſtolen a cloak, I ſaid, he might ſearch me, I was ſurprized he ſhould charge a man going about his buſineſs.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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123. **JENNET MITCHELL** was indicted for feloniouſly ſtealing, on the 28th day of November laſt, two linen table cloths, value 3s. the property of James Belton.

GUILTY.

To be confined to hard labour ſix months in the houſe of correction.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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124. **SAMUEL HARRISON** was indicted for felonionſly ſtealing, on the 9th of December, one wooden till, value 4d. a piece of baſe metal made to the likeneſs of a ſhilling, value 2d. and twenty-eight ſhillings in monies numbered, the property of Thomas Grainger.

THOMAS GRAINGER *ſworn.*

I am a publican, I was robbed about half paſt ſeven this day week of my till and money, the till was in the bar, my girl called me down and ſaid Mr. Harriſon has got the till, I ſeized him with the till, he was taken before the Juſtice.

ELIZABETH HANWELL *ſworn.*

I live with Mr. Grainger, I ſaw the priſoner at our houſe ſeven between and eight, he called for a pint of beer, and was ſtanding by the bar door; there is a little window at the head of the cellar ſtairs, and I ſaw the priſoner go into the bar, I was looking through this window to the head of the cellar ſtairs, he went to the till and took it out, I came round and ſaid Mr. Harriſon has got the till, he put the flap of his coat over it, my maſter jumped and catched him in the paſſage, and took the till out of his hand.

Court. Were there many people in the room?—Only two or three.

(The till produced.)

——— CRISPER *ſworn.*

I am a carman, and I was ſitting down by the fire, I helped to ſeize the priſoner, and ſaw the till taken out of his hand.

PRISONER's DEFENCE.

I went into the bar for a pipe, and I ſaw this till open, and I took it, and gave it to Mr. Grainger, I thought it would have been loſt.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

125. **JOHN CARTY** was indicted for feloniouſly ſtealing, on the 1ſt of November, a black ſilk handkerchief, value 12d. a pair of cotton ſtockings, value 6d. and one yard and half of ribbon, value 6d. the property of Ann Daughin, and one pair of ſilver ſhoe buckles, value 20s. the property of Richard Nugent.

ANN DAUGHIN *ſworn.*

I loſt the things mentioned in the indictment; there was no lock on my box nor on my door.

RICHARD NUGENT *ſworn.*

I lodged in the houſe with this young woman, the priſoner laid in the ſame room with me, and I loſt my ſilver buckles: I had taken ſomething for a bad cold that I had, which made me fall aſleep, and whilſt I was aſleep theſe buckles were taken out of my breeches pocket.

Priſoner. There was another man ſlept in the ſame room.

Nugent. He ſlept on the outſide of the door.

WILLIAM SPENCE *ſworn.*

I bought theſe buckles the 21ſt of October of the priſoner, I did not aſk him how he came by them, I gave him two ſhillings and ſixpence for them.

(The buckles depoſed to.)

JOHN TATT *ſworn.*

I belong to the Rotation Office in Whitechapel, I ſearched the priſoner the 31ſt of October, and I found this ribbon, this handkerchief, and theſe ſtockings in his pocket.

Priſoner. I bought theſe things.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

126. **THOMAS WELLS** was indicted for feloniouſly ſtealing, on the 10th of December laſt, one ſilver cream pot, value 18s. the property of Sophia Watts. And **BRIDGET SMITH** was indicted for feloniouſly receiving on the ſame day, the ſame goods, knowing them to be ſtolen.

SOPHIA WATTS *ſworn.*

I loſt this ſilver cream pot on Wedneſday laſt, I live in Little Chapel-ſtreet, Soho; I had a chimney ſweeper about one o'clock, and after he was gone, when we went to tea, we miſſed the milk pot.

Is the priſoner one of them that ſwept your chimney that day?—Yes.

LOUISA WOOTTEN *ſworn.*

I live with Mrs. Watts, her kitchen chimney was ſwept laſt Wedneſday, the priſoner was one of the ſweepers, there were two more, another boy and a man, this boy's maſter; I ſaw the cream pot in the morning: I miſſed it at five, I ſet the tea things and I could not find the milk pot, and I am very ſure that nobody, but Mrs. Watts and myſelf had been in the kitchen, I went to ſeek for the chimney ſweeper, and I found him, and we found Wells, and he was ſearched, nothing was found on him, he would not own it, and his maſter ſaid, he knew a place where he uſed to take things, and he took us to the priſoner Smith's houſe, and ſhe diſowned it at firſt, that ſhe had ever ſeen the boy, ſhe keeps a ſhop: then one of her lodgers ſat by the fire, and ſhe told her to go and fetch it, and the conſtable and the proſecutor went to the pawnbroker's: The pawnbroker has it here.

Mr. Sylveſter, Council for the Priſoner Smith. Who is Mrs. Watts?—A widow.

You know nothing of the boy?—No, only from the report of the maſter.

THOMAS BROWN *ſworn.*

I am a pawnbroker, I took in this milk pot December the 10th, about three or four o'clock, of one Mary Wayland, ſhe ſaid, ſhe brought it for her landlady, but I took it in her own name, that is in the name of Wagan, ſhe ſaid her landlady was one Mrs. Smith, I lent her thirteen ſhillings on it.

MARY WAYLAND *ſworn.*

I lodge at the priſoner Smith's, ſhe is a very honeſt woman, and keeps a regular houſe, and ſhe called me down ſtairs out of my room, and ſhe ſaid I want a little money, go and leave this where it will be ſafe, and get me a duplicate, ſhe is as honeſt a woman as ever I lived with.

Did ſhe ſay whoſe it was?——No.

You have lodged ſo long in her houſe, did you ever ſee ſuch a thing in her houſe?——Never, but ſhe might have more value than that, ſhe is a decent houſekeeper, Sir.

Mr. Sylveſter. My Lord, I ſubmit to the Court that here is no evidence againſt the principal, and therefore none againſt the receiver.

Priſoner's Counſel to Mr. Wayland. This was given to you publickly?—In her own paſſage.

No deſire to conceal it at all?——No, none at all.

She is a very honeſt woman?—Yes.

PRISONER SMITH's DEFENCE.

That is the woman that this lad gave the milk pot to; aſk the lad.

Wayland. I never ſaw the lad till I ſaw him that night.

JOHN ROBINS *ſworn.*

I am a bricklayer, I live in Gray's-inn-lane, I know the priſoner Smith, her huſband is a labourer, I have known her about three years, they are tenants to me, and if I had not a good character of them, I would not have let them my houſe.

Has ſhe any children?——She has had children, but I believe ſhe has none now.

Jury to Brown. Is not it cuſtomary with people to pledge goods in different names?—Yes they do, but we do not know of any other name that ſhe had.

Court to Jury. I think Mary Wayland ſtands in ſome degree in a ſuſpicious ſituation; and this evidence is defective, though there is evidence to come home to the receiver, her ſending this woman to pawn this cream-pot which ſhe muſt know was not her's; yet by law ſhe cannot be convicted as the receiver, unleſs we can convict the principal, and againſt him there is no evidence at all, only that he was ſeen in the houſe with another boy and his maſter; it is very ſlight evidence, but I ſhall leave it to you.

THOMAL WELLS, GUILTY.

To be confined to hard labor ſix months in the Houſe of Correction.

BRIDGET SMITH, GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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127. JOHN WILSON and MARGARET WALLER were indicted for feloniouſly ſtealing on the 29th of November laſt, three pair of worſted ſtockings, value 4s. one bedgown, value 1s. four razors, value 2s. one tin tobacco box, value 4d. one linen pocket, value 3d. and three linen aprons, value 1s. the property of James Cogan.

JOHN WILSON, NOT GUILTY.

MARGARET WALLER, GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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128. JOSEPH BARKER and JOHN TILBURY SMITH (two boys) were indicted for feloniouſly ſtealing on the 1ſt of December laſt, fifty pounds weight of

lead, value 9s. the property of Charles Waller, and then and there fixed to a certain building of the ſaid Charles, againſt the ſtatute.

BOTH GUILTY.

Whipped and diſcharged.

And Barker's maſter offered to take him again.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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129. JOHN MURPHY was indicted for feloniouſly ſtealing on the 3d of November laſt, one metal watch, value 10l. one ſteel watch chain, value 3s. one braſs watch key, value 2d. and three ſteel hooks, value 1d. the property of Anthony Aſſerettie, privily from his perſon.

ANTHONY ASSERETTIE *ſworn.*

On the 3d of November I went to Drury-lane play-houſe, two minutes after I had been in the paſſage, I looked at my watch to ſee what time I had to wait before the door was opened, it wanted about three minutes to a quarter of an hour, and I put my watch into my pocket again; as ſoon as I had put my watch in my pocket, the priſoner who ſtood at ſome diſtance, there being two or three perſons between him and me, I obſerved him move from his place, and come between, I thought he meant to go away, and I made room for him to go paſt, but when he was near me he ſtopped, and therefore I remained where I was, the door opened in a minute, or a minute and an half, or two minutes, or thereabouts, and in the ſcuffle of the people puſhing, I ſaw the priſoner very buſy about me, I felt him abſolutely take my watch from me, I diſentangled my hands as ſoon as I could, and I took hold of him by the collar, he ſtruggled to get away from me, and in truth, by the people that were there with him, and his puſhing, we were drawn towards the door that leads into the ſtreet, when we were at the door, I had the good luck, if I may call it ſo, of taking hold of his coat, in running away, I fell down and hurted my leg very much, part of the coat remained in my hands, I cried out ſtop thief, and a perſon over the way ſtopped him, I went over and took hold of him again, and one Blandy came that moment to my aſſiſtance; we tried to get into ſome houſe or other, nobody would open their doors, ſeveral girls of the town wanted the perſon that aſſiſted me to take him to the Star and Garter, the perſon that aſſiſted me took him into an upholſterer's ſhop, the priſoner had no watch, he ſaid he was a gentleman, I thought if he was, all the ſatisfaction that a gentleman could receive, he ſhould receive from me; the people inſiſted on his being let out, and he run away again and we loſt him. On Wedneſday morning laſt, when I came from Ramſgate, I found Sir Sampſon Wright had ſent for me to go to identify this man, I never found my watch again; I am poſitive the priſoner is the ſame man, I had him in my hands for a quarter of an hour, and in the ſhop of the upholſterer, where there was light ſufficient; if I was not quite ſure, I would not give the leaſt hint in the world, but I am poſitive.

Mr. Garrow, Priſoner's Council. You are abſolutely ſure that you felt ſomebody take your watch?—Yes.

Now as to your certainty of the priſoner, you have no doubt but he was the man that was a quarter of an hour in your hands, I can eaſily conceive that?—Certainly.

And you have as little doubt that he was the man who was in the upholſterer's ſhop?—Certainly.

Will you have the goodneſs, Sir, to tell the Jury in what ſituation you found the priſoner at the publick office; was the priſoner marked out to you in any particular way?——He was brought to the bar whilſt I was in the room with ſeveral of the Juſtices.

Then the priſoner was brought to the bar?——There were ſeveral people in the room.

Was there any body elſe at the bar?——Nobody, there were ſome people near.

Then the priſoner was brought to the bar and charged as a felon?—Yes.

When you ſlipped down, part of the priſoner's coat remained in your hands?—Yes, all the ſkirt, I believe it was plucked out of my hand by ſome people that were in his company, I know it was a frock coat.

Has any apartment of the priſoner been ſearched at all?—Not that I know of.

Then you do not know that any coat of that deſcription anſwering to that has been ſeen in his lodgings?—No.

There were a great many people, it was a favourite tragedy?—Yes.

You were in the paſſage leading to the two ſhilling gallery?—I was.

I fancy there is no great degree of light in that paſſage?—Yes, it is light enough.

You will believe me, Sir, when I ſay, I do not mean to impute any thing unfair to you, it is my duty to put theſe queſtions to you; how was he dreſſed?—He was dreſſed in black, and his hair was powdered, I believe he had a cocked hat.

Were not every body's hands preſſed by the crowd as well as your's?——He had his hands down.

It did not occur to you to ſeize the hand of the perſon that was taking your watch?—No.

Was it poſſible for you to obſerve the hand that was directed to the pocket?—No.

You ſeized the collar of ſomebody that you ſuſpected to be the perſon that had his hand in your pocket?—So I did, but in the ſituation I was, I could not be any other way than poſitive, I had two gentlemen in my company behind me, on the right hand ſide was the priſoner, and before him there was a lady in a ſtraw hat and red ribbon, I did not take any particular notice of the people on the left hand ſide, the priſoner's face was rather turned towards my face, he was ſtopped immediately, and ſearched immediately, and nothing found upon him.

Can you undertake poſitively, in a caſe like this, to ſay that you did return your watch into your fob after you looked at it?—O certainly ſo, I not only put it in my fob, but I turned the chain within my fob.

Then the ſtruggle to get your watch muſt have been very great?—Yes, and the perſon that took it was very clever.

Mr. Garrow. As well fitted for a lady's hand in a ſtriped hat, as any body's elſe, I ſhould have thought.

RICHARD BLANDY *ſworn.*

I am one of the conſtables of Drury-lane houſe, I was informed a gentleman had been robbed, I came to the door of the play-houſe, I found a hat, I took it over the way where I heard the priſoner was taken, I came to the gentleman and delivered it to him, and he ſaid the priſoner had robbed him, I ſearched the priſoner.

Mr. Garrow. A great crowd at the theatre this evening I believe, it was one of the nights that Mrs. Siddons performed.

PRISONER's DEFENCE.

My Lord, there was about four people by the proſecutor, and on the opening of the door I was crouded back, inſtantly this gentleman laid hold of me, and he dragged me like a vagabond to the door, his foot ſlipped, and he fell, he immediately caught hold of me, brought me into a broker's ſhop, and ſearched me.

The Priſoner called three Witneſſes to his character.

GUILTY.

Of ſtealing, but not privately.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. RECORDER.

130. THOMAS TURPIN was indicted for feloniouſly ſtealing on the 9th of December, two pieces of oak timber, value 2s. and two pieces of elm wood,

value one shilling and six pence, the property of Bartholomew Godfrey.

GUILTY.

To be privately whipped and discharged.

Tried by the second London Jury before Mr. RECORDER.

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131. JAMES STEWART was indicted for feloniously stealing on the 3d of December last, thirty pounds weight of cheese, value 5s. the property of Edward Bevan.

GUILTY.

To be whipped.

Tried by the first Middlesex Jury before Mr. RECORDER.

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132. ANN ATHEY was indicted for feloniously stealing on the 6th of December, one half guinea, value 10s. 6d. the monies of Benjamin Woodward.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. RECORDER.

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133. JANE COCKRAN was indicted for feloniously stealing on the 8th of December, one silver watch, value 50s. one steel chain, value 6d. one stone seal, value 2d. one key, value 1d. the property of John Williams.

NOT GUILTY.

Tried by the first Middlesex Jury, before Mr. RECORDER.

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134. WILLIAM HUGHES was indicted for feloniously stealing, on the 10th of November last, a linen sheet, value 6d. a woollen blanket, value 2d. and a bolster, value 2d. the property of Richard Norman, the same goods being in a lodging room let by the said JOHN to the said RICHARD against the statute.

The names in the indictment being wrong, the Prisoner was

ACQUITTED.

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135. THOMAS BENNETT and MICHAEL COCKRAN were indicted for feloniously stealing, on the 22d of November last, one silver watch, value 40s. one silk string, value 2d. one metal seal, value 6d. one key, value 6d. the property of Isaac Carr.

The Prosecutor not appearing the Prisoner was

ACQUITTED.

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136. JOHN WILLIAMS was indicted for feloniously stealing, on the 4th of December, one black cloth coat, value 5s. one striped silk waistcoat, value 2s. 6d. one velveret waistcoat, value 2s. 6d. one pair of cloth breeches, value 2s. 6d. one pair of fustian breeches, value 2s. 6d. one hat, value 1s. one handkerchief, value 9d. and three pair of stockings, value 1s. 6d. the property of Thomas Adams.

And MICHAEL BRYANT was indicted for feloniously receiving part of the same goods knowing them to have been stolen.

THOMAS ADAMS *sworn.*

The prisoner Williams was my servant, and he left my service between seven and eight o'clock in the morning, and a bundle of clothes was missing, I sent after him, and he was brought back between one and two, he denied having taken any bundle away; I then observed this handkerchief about his neck which belonged to me; he then told me he took the other things the night before, and gave them to the other prisoner, Bryant; I positively swear to the handkerchief, and the boy did not deny taking it.

Did not you tell him it would be better for him to confeſs? — I told him it was out of my power to forgive him; there was another boy in company with the priſoner Bryant, when he received the things; we took charge of Williams and then went to Bryant's houſe, and in ſearching him we found a handkerchief which was mine, and the key of his room; we went to his room; the goods belonged to a perſon that is dead, whom I buried, and they were all put together, I am ſure the handkerchief was there, we found ſeveral more things which the conſtable has: Bryant ſaid, the boy gave them to him that he might do what he pleaſed with them; no promiſe was made to him.

SAMUEL ROBERTS *ſworn.*

I am a conſtable, I apprehended Williams, and I went into Bryant's room, and there was the priſoner Bryant and George Whitford, I took them into cuſtody, I found a handkerchief and a key on Bryant, and went to ſearch his lodgings, and the moment I opened the door, the firſt thing I went to lay hold of was theſe things: Bryant told me the boy gave them to him; and the next day before the magiſtrate, Bryant acknowledged where the other clothes were pawned; the black coat, ſtriped waiſtcoat, and white cloth breeches, I found at a pawnbroker's in Shoreditch, facing the Black-dog, one Mr. Cookley's: Bryant ſaid that Williams gave them to him out of his maſter's houſe the night before.

ELIZABETH POTIER *ſworn.*

Bryant told me his landlady was going to turn him out, and he had no money to give her; and he brought me this bundle of clothes, a coat, waiſtcoat, and a pair of breeches, and aſked me to pawn them for him; he ſaid, they were his own clothes; I pawned them for ſeven ſhillings.

WILLIAM WRIGHT *ſworn.*

I am ſervant to the pawnbroker; on the 4th of this month the laſt witneſs pledged this ſuit of clothes with us for 7s.

(The things depoſed to.)

PRISONER WILLIAMS's DEFENCE.

That hat my father gave me, this lad was a ſhip mate of mine, we came up together from Plymouth on Saturday night, I went on Sunday morning to Deptford, he was out of place, I got into place and he could not, in about a week after he was at me every day, wanting me to rob the houſe, and he came to me two, three, or four times a day, I would not conſent to do any ſuch thing, at laſt I told him, there was a bundle of clothes up ſtairs, and I would take them and come off with them, I gave them to him at the door, and he went and pawned them.

PRISONER BRYANT's DEFENCE.

Whoever told him to tell theſe ſpeeches to you I cannot tell, he gave me the clothes and told me he had them from his father, and I might do what I pleaſed with them, I was in want of ſome money the ſame night, and I pawned them.

The Priſoner Williams called two Witneſſes to his character.

JOHN WILLIAMS, GUILTY.

On the recommendation of the Jury and Proſecutor, to be twice publickly whipped and impriſoned one week in Newgate.

MICHAEL BRYANT, GUILTY.

Tranſported for fourteen years.

Tried by the ſecond London Jury before Mr. Recorder.

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137. JOSEPH DAVY was indicted for feloniouſly ſtealing, on the 21ſt of November laſt, one linen handkerchief, value 1s. the property of Robert Waſtencroft.

ROBERT WASTENCROFT *ſworn.*

On the 21ſt of November, I was within Guildhall, ſeeing the lottery drawn, I ſaw the priſoner there, I put my hand into my pocket and miſſed my handkerchief, he was near me, and juſt before that I ſaw a paper drop, which I knew was mine, I then ſaw the priſoner go under the bar in a great hurry, I followed him, he went under Blackwell-hall, he went out of the great door, he went as faſt as he could for the croud, he went into Cateaton-ſtreet, there was nobody particular in Baſinghall-ſtreet, and I did not like to go to him myſelf, I wiſhed to know where he went to in Cateaton-ſtreet, and I ſaw a man named Buckero, and I told him, and he purſued him, the priſoner had his hand in his pocket, he would not take it out, this Buckero then put his hand in the priſoner's pocket and pulled out my handkerchief, my name was marked on it.

ISAAC BUCKERO *ſworn.*

I joined in purſuit of the priſoner, he had his hand in his waiſtcoat pocket, and he would not take it out, I put my hand in and pulled out the handkerchief.

PRISONER's DEFENCE.

My Lord, I could not get any work, and I happened to go into Guildhall, and I ſaw this handkerchief lay down, and I took it up, and the man took me.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. RECORDER.

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138. **PETER BAILEY** was indicted for feloniouſly ſtealing, on the 8th of December, one linen handkerchief, value 1s. the property of John Davis.

GUILTY, 10d.

To be twice whipped and impriſoned one week.

Tried by the ſecond London Jury before Mr. RECORDER.

JOHN COOK was indicted for feloniouſly ſtealing four quartern wheaten loaves of bread, value 2s. the property of John Robinſon.

GUILTY.

On the recommendation of the Jury to be privately whipped and diſcharged.

Tried by the ſecond London Jury before Mr. RECORDER.

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140. **JOHN BENNETT** was indicted for feloniouſly ſtealing, on the 4th of December, one iron weight, containing fifty-ſix pounds, value 5s. the property of our lord the King.

Another count for feloniouſly ſtealing on the ſame day, another weight, value 5s. the property of a perſon unknown.

DAVID MONTAGU *ſworn.*

Laſt Thurſday night I was going up by St. Sepulchre's Church, I believe it was a quarter before ſix, and I ſaw the priſoner with another man ſtanding at the poſt juſt by the watch-houſe, and he had a white frock on, and I ſaw ſomething under his frock, and I ſays to him, ſays I, what have you there; ſays he, nothing; I ſaw it was a half hundred weight; ſays I, how did you come by that; ſays he, my maſter gave it me to carry; where does your maſter live, ſays I; ſays he, I brought it from Whitechapel, from the church with the high ſteeple; the other man that ſtood by ſaid, we are going to carry it to Smithfield; ſays I, then you know ſomething about it; I took hold of one with one hand, and the other with the other and the half hundred weight, and as I took them up the paſſage the other man tore off part of his coat, and he picked my pocket of my handkerchief; we put him in a coach, and took him before the alderman, and there appeared the broad arrow on the weight.

WILLIAM BEAU *ſworn.*

I am aſſay-maſter to his Majeſty's Cuſtom-houſe, I repair theſe weights when neceſſary to be repaired; I am ſure this weight belongs to the Cuſtom-houſe.

(The weight depoſed to.)

JOHN CHURCH *ſworn.*

I have ſeen the priſoner at the bar often loitering on the keys: this is one of his Majeſty's weights.

GUILTY.

Sentence reſpited being ſick.

Tried by the ſecond London Jury before Mr. RECORDER.

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141. **MARY PEWTERFOOT** was indicted for feloniouſly ſtealing, on the 14th of December, one pair of linen ſheets, value 10s. the property of William Burton.

GUILTY.

To be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond London Jury before Mr. RECORDER.

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142. **PETER WOODCOCK** was indicted for feloniouſly ſtealing, on the 10th of November laſt, a linen handkerchief, value 10d. the property of Thomas Rice.

GUILTY.

Fined 1s. and impriſoned three months in Newgate.

Tried by the ſecond London Jury, before Mr. RECORDER.

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143. **JAMES BIXBY** was indicted for feloniouſly ſtealing, on the 5th of November laſt, two pieces of lump ſugar, weight forty pounds, value 20s. one loaf of ſugar, value 5s. one pound of ſugar-candy, value 1s. two pounds weight of raw ſugar, value 1s. and a wicker baſket, value 1s. the property of James Baſſett.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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144. **JOSEPH PHIPPS** was indicted for feloniouſly ſtealing, on the 2d of December, two men's linen ſhirts, value 6s. five neckcloths, value 10s. the property of Elizabeth Hooper, three handkerchiefs, value 18d. and one pair of buttons, ſet in ſilver, value 3s. the property of Mary Swann, ſpinſter.

EDWARD HOOPER *ſworn.*

On the 2d of this month, I was in my office and deſired my clerk to carry a book up ſtairs, the door was open and there were ſeveral people on buſineſs there, and in carrying up the book he ſays, Lord, Sir, here is a man going up ſtairs without his ſhoes; I went immediately out on hearing that; I jumped up and caught the priſoner by the collar, at the bottom of the ſtairs; he had by this time ſlipped into his ſhoes; this was between twelve and one o'clock, I meant to have kicked him out of my houſe; I aſked him what he was going up ſtairs for; he ſaid, for his prize money; I ſaid, you raſcal, I will give you that in a minute; juſt as I had got him to the door a perſon ſaid you had better examine him; he kept himſelf leaning againſt the wainſcot: I thruſt in my hand in his boſom, and pulled out a ſhirt wet, he was then examined, and between us we pulled out from him two ſhirts, and five neckcloths, they were wet; the girl came in and ran up ſtairs, and ſhe came down again and ſaid ſhe had loſt her buttons; we examined him, and out of his breeches we pulled out three handkerchiefs, and he put his hand into one pocket and pulled out one button, and we found the other; the things were put up together by themſelves; I could not get any conſtable; I ſent for a coach, and I put them into the coach, and the other witneſs and myſelf went away over to Guildhall, and then we gave the things to the clerk, and a conſtable was ſent for, and the priſoner was committed.

MARY SQUIRE *ſworn.*

I waſhed the things, and carried them up ſtairs, and put them in the garret, my miſtreſs was to hang them up, ſhe ſent me out, and while I was out they were taken.

THOMAS HUDSON *ſworn.*

I was in the houſe of Mr. Hooper when the priſoner was ſtopped and theſe things taken from him: I helped to ſtop him and ſearch him.

(The things depoſed to.)

PRISONER's DEFENCE.

I was going to look after my prize money, and I was ſtanding at the door, and a woman came down and gave me theſe things, and I had them in my hand and was taken; I live at Falmouth; I belong to the Alert ſloop of war, Captain Williams commands it; ſhe has eighteen guns; ſhe is at Woolwich.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. RECORDER.

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145. JACOB THOMPSON was indicted for feloniouſly ſtealing, on the 20th day of Auguſt, 1782, in the dwelling-houſe of George Preſcott, George William Preſcott, Andrew Grote, Joſeph Grote, William Culverden, John Hollingſworth the elder, and John Hollingſworth the younger, one promiſſory note, called a Bank poſt bill, value 30l. marked No. A. 3913, dated London, 7th Auguſt, 1782, ſigned and ſubſcribed by William Lander, for the Governor and Company of the Bank of England, promiſſing to pay at ſeven days ſight, to Mr. John Wilkinſon or order, 30l. ſterling; indorſed John Wilkinſon and Co. the ſame being the property of the ſaid George Preſcott and Co. and the ſaid ſum of 30l. payable and ſecured by the ſaid note, being then due and unſatiſfied, againſt the form of the ſtatute, and againſt the King's peace.

A ſecond count charging him with ſtealing it in the dwelling houſe of John Hollingſworth the elder.

A third count charging him with ſtealing it in the dwelling houſe of John Hollingſworth the younger.

JOHN HOLLINGSWORTH the younger *ſworn.*

I reſide in the banking houſe at preſent, and I did ſo in Auguſt, 1782, I know the priſoner, he was our porter at that time; he was diſcharged in September following.

JOHN WOODHOUSE *ſworn.*

(The Bank poſt bill ſhewn him.)

This was carried to the credit of Mr. Collins, the 19th of Auguſt, 1782; I wrote Mr. Collins's name upon it the 19th of Auguſt, 1782.

Mr. Fielding Council for the Priſoner. You are ſpeaking from memory of what paſſed in the year 1782?—Yes.

That is your writing?—Yes.

What other circumſtance have you to carry your memory back but your own hand writing?—Theſe notes were loſt, the books and the letters will ſhew it, there is the numbers upon the bill.

You only know it from containing your hand writing?—I know that Mr. Collins has had credit for it, and that we never have received the money.

Mr. Sylveſter council for the Proſecution. Have you any doubt of that being the bill that was in your houſe, Sir?——Not the leaſt.

ISAAC PATMAN *ſworn.*

I am a clerk of the Bank.

(Looks at the note.)

What is that?——A Bank of England poſt bill; I entered it.

Whoſe name is ſubſcribed to it?—William Lander.

(The bill read.)

"Bank poſt bill, No. A. 3913, London, 7th of Auguſt, 1782: at ſeven days ſight I promiſe to pay this, my ſola Bill of Exchange, to Mr. John Wilkinſon and Co. or order 30l. for the Governor and Company of the Bank of England." The ſignature is torn.

HENRY CLAYTON *ſworn.*

I paſſed that bill in the caſh book the 19th of Auguſt, 1782.

Mr. Fielding. Where did you depoſit the note?—I put it in a box where we always put them after I had paſſed it.

JOHN COOK *ſworn.*

I am a clerk in this banking houſe *(looks at the bill.)* here is the number that I entered it by, on the 19th of Auguſt 1782, I likewiſe charged it out in my charge book, to go out the next day by another clerk for acceptance.

Mr. Fielding. After you have entered it then you put it into a book which was a memorandum of the place to which it was to go?—After entering it, it was put into the place where the other bills are uſually put till we come to charge them out.

What is done with the bill after it has gone through that ceremony?—It goes to the perſon that is to take charge of them the next day.

Who was that perſon?——Mr. Foſter, they go into the office, and they are examined to ſee if they are right.

I underſtand from ſeeing a number of gentlemen ſtanding up here, that a many people have acceſs to the place where theſe bills are put?—Yes, they are put into one of the back offices, and then given out at evening to the reſpective clerks.

JOHN FOSTER *ſworn.*

I am a clerk in this banking houſe, I examined theſe bills on the 19th of Auguſt, 1712, which were charged out for the 20th, they were all right when I had ſorted and examined my bills, and ſorted them regularly according to the walk I was to go, which was the city walk, I then took them round to the place where I uſually put them, which was behind the counter; I put them in my own caſe; not finding the large caſe which was appointed to put theſe bills in, I put them in my own caſe, which I was to go out with the next day, and put them behind the place where I uſually put them; there are partitions behind the counter where we uſed to put them; I did not take any more notice of theſe bills which I put up, ſuppoſing they were ſafe and right; in the morning when I came to look for my caſe ot bills which I put up on the night before they were miſſing, I enquired of all the clerks.

Court. Then there were other bills beſides thoſe that were loſt?——There were thirty or forty; I did not find my caſe.

Court. Whoſe buſineſs was it to put thoſe bills of yours into the tin caſe?—Mr. Hollingſworth's, or one of the clerks; I enquired of all the clerks if they knew any thing of my bills; and when we could not find the caſe of bills any where, we agreed to go and ſtop the payment of the bills which were charged out, the bills for payment, and the bills for acceptance, which were all examined together, on account of going regularly in the walk: we went out to ſtop the payment of the bills for payment and the bills for acceptance; we found no ſuch bills, nor heard nor learnt any thing during the time we were out concerning the bills; we came home, and the gentleman agreed to advertize the bills that were loſt, with the particulars; I was ſo flurried with the loſs of my caſe, and was ſo unhappy for myſelf and my friends who were ſecurity for me, that I could not draw up any advertiſement or do any thing; I went down into the kitchen and ſet by the fire, and was lamenting the loſs of my caſe;

I was unhappy and uneaſy on the account of it, as the gentlemen and the clerks had ſearched for it; the priſoner ſtood at the corner of the kitchen door, and ſaid, he was very willing to go up and ſeek with me, where I ſhould choſe to go; I ſaid it was in vain to ſeek for it; however, thro' the perſuaſion of the ſervants and himſelf, I went with him to ſeek for the caſe; this was between nine and ten o'clock, we began at one part of the office and went on regularly round till we came to where there was a bureau bedſtead, which was moved by him or me, and he held down the candle, and looking behind the bedſtead, he ſaid he ſaw ſomething, I looked behind the bedſtead with great anxiety, and ſaw a hair broom which lay towards the ground, and the corner of the caſe ſeemed to appear under the hair broom; I drew it out, and to my great ſurprize, found there were my bills; I did not examine them that night by the book that I had entered them in; I looked them over and ſuppoſed they were all right, in the morning I found that one bill which was upon John Boldero for 10l. which was wrote upon at the top, Bank poſt bill, very ſmall, I found that that bill was miſplaced, had been taken out of the partition where I had placed it, and put in another partition in the caſe, as I ſuppoſed the perſon or perſons who ever found it, thought that to be a Bank poſt bill as well as the reſt.

Mr. Garrow another Council for the Priſoner. This tranſaction is near a year and a half ago?—Yes.

Do you affect at this diſtance of time, to ſpeak with all that degree of accuracy as to all theſe minute circumſtances, which you ſhould do in a circumſtance of this kind?—Yes.

I fancy your ſituation at this houſe was, at that time, the ſituation of an out door clerk?—Yes.

You have told us, that there were certain bills charged out to you the 19th of Auguſt, to be delivered on the 20th; theſe were charged out by you to ſome other perſon?—Yes.

But it is not your buſineſs to charge them out?—No.

Then theſe bills were not diſpoſed of in the uniform uſual courſe of your office?—No, the caſe was not to be found.

You therefore put them into another caſe and carried them round behind the counter and placed them there?—Yes.

When was this?——In the evening, between ſeven and eight o'clock.

You have a great number of clerks in your houſe?—We have eleven.

This place in which you depoſited the caſe was not locked up?—No.

Then all the partners in this houſe, and all the clerks in this houſe, had acceſs to this place, and all the ſervants, if they pleaſed, had acceſs?—Nobody is ſuffered to go behind the counter but the clerks, without it is when the porter locks up the place and ſhuts up the ſhutters, which is whilſt there are ſome of the clerks in the office.

Some of the clerks ſleep in the office?—Yes.

Is not it uſual for the clerks to have their hair dreſſed in the ſhop?——We uſed to do theſe things, but we have left it off now.

Oh, you uſed to do theſe things then, but you have left them off now; pray why is it left off now?——The gentlemen did not know what to think, theſe things being loſt, the only reaſon I believe for that, Mr. Preſcott, the head partner came one morning as as we were having our hair dreſſed, ten minutes before nine o'clock.

Was there an old clothes man introduced into the ſhop?—I do not know.

When the book was found, you ſay you did not examine it with much minuteneſs?—I did not with any great degree of accuracy.

Did you expreſs to the priſoner your ſatisfaction at having found all the bills right?—I do not recollect particularly, it is poſſible that I did.

I ſuppoſe this tranſaction made a good deal of noiſe in the houſe?—Yes.

When the caſe was recovered, it became neceſſary I imagine, to take off the ſtoppage of thoſe bills that you had recovered.——We ſtopped the payment at the Bank immediately, and I believe it was advertized.

It was perfectly notorious in your houſe and made a great noiſe?—It did not make a great noiſe, we were very much alarmed, we did ſuppoſe that the caſe had been in poſſeſſion of ſome perſon or perſons by theſe two bills being miſſing.

Mr. Sylveſter council for Proſecution. You ſaid it was the porter's buſineſs to ſweep the ſhop and ſhut the ſhutters?—Yes, and rub down the counters and ſuch buſineſs as that, and to make our beds and bring our ſuppers up.

(The charge book produced.)—

Mr. Garrow. That is not your writing?——No.

(Read.)

" 30. P. B. (or poſt bill) and P. 539. he is either to bring home theſe bills, or a memorandum for it.

Jury. Was your own eaſe locked up that night or did it remain unlocked?——That I cannot tell.

Jury. Is it an eaſy thing for a perſon to get behind the counter?——We let nobody come behind the counter.

Is it an eaſy thing; could a porter in the houſe get behind the counter?—Yes, Sir, he goes behind the counter to ſhut up the ſhop.

Did you put your book that night in the place it is uſually put into?—Yes.

When the buſineſs of the day is over, and you gentlemen clerks are diſmiſſed from your buſineſs, is the place where your book was, open to the acceſs of any body in the ſhop, or open to the acceſs of the ſervants of the houſe?——It is open; the ſervants never come into the office: I did not ſleep in the ſhop myſelf, ſome of the clerks did.

Where were the beds in the ſhop?—One was near the office where we ſup, that where the caſe was found, that was near the office where we ſup.

Court. Does the porter ſleep in the houſe?—Yes.

Do you gentlemen clerks, after the buſineſs of the day is over, never go out of the ſhop till you go to bed?—Frequently.

Is there ſomebody always left in the ſhop?——Always one perſon appointed to attend at home.

But I want to know whether you are ſo ſtrict on the ſubject, as that you make it a rule never to leave the ſhop without one clerk in it?——I cannot ſay we are.

Now ſuppoſing it might happen, none of the clerks were in the ſhop, could the porter have acceſs during the momentary abſence of a clerk?——After locking up, the porter might go in any part of the ſhop.

Jury. Suppoſing the clerks were out of the houſe in the evening, the pigeon holes where you put your notes, the porter, if he had ſo been diſpoſed, might have had acceſs to it?——He might.

JOHN CATLEY *ſworn.*

I am likewiſe a clerk in this houſe, on the 20th I went to ſtop payment of part of the bills, and in the evening of the 20th, the caſe was found; the next morning, Mr. Hollingſworth deſired me to go to preſent the bills for payment, on receiving the caſe for that purpoſe, I immediately told the bills over, and I then found there were two ſhort of the number charged in the book, but as it was late, it might be ten o'clock in the forenoon, I went out with the bills to ſee which two bills they were that were wanting; on my return home, and examining the book, it immediately ſtruck me when I ſaw the two poſt bills charged out, that theſe were the two bills, I then went to the bank and ſtopped the payment, we had not ſufficient particulars, afterwards it was fully ſtopped.

Mr. Fielding. Then I underſtand when this book was miſſing in the morning, then it was that there was an activity in order to ſtop the payment ?—Yes.

In the evening of that day the book was diſcovered ?—Yes.

Then this book was afterwards put in your poſſeſſion to carry out the bills ?—It was locked up that night, and the next day it was delivered to me.

How came Foſter not to be ſent out with his book the next day ?——Becauſe it was ſuppoſed they would pay me ſooner than any other clerk.

You have lived ſome time in this houſe ?—Yes.

You have heard acts of careleſſneſs in theſe clerks ?——There have been miſtakes.

The maids ſweep out the ſhop ?—No, the porter.

The maids may come into the ſhop ?—I do not ſuppoſe any body would prevent them, but I never ſaw them go into the ſhop after the hour of buſineſs in my life.

Court. There were a good many bills in this caſe ?——Yes.

Were any but theſe two, bank poſt bills ?—No more, there was a bill drawn upon Mr. John Boldero, and Co. which had the appearance of a bank poſt bill, poſt bill was wrote on the top, in the manner of a bank poſt bill.

Court to Mr. Foſter. That is the bill you ſay was miſplaced ?—Yes.

PETER LANG *ſworn.*

I live at Wells in Somerſetſhire, I am a hoſier, I know the priſoner, I ſaw him at Wells on the 11th of Auguſt, 1783.

Did you receive any bank poſt bill from him ?—This is the bill that went through my hands.

Did he ſign it ?——I told him as he was a ſtranger to me, it would be proper for him to indorſe it, he did immediately, and wrote Charles King, and I immediately wrote my name under it, he had of me ſome caſh, and a twenty pound bill drawn on Mr. Pope, the hoſier in Fenchurch-ſtreet, which bill he took from me, I drew the bill payable to Mr. Lloyd in Wells, I was introduced to him, he gave me the bill to change.

JAMES COLE *ſworn.*

I live at Bridgewater, I am receiver general for the county; in the middle of October I received a letter from an acquaintance informing me——*Mr. Garrow.* Hold, don't tell us of any information !—I was deſired to find him out, and I met him in the market, I aſked him if his name was Thompſon, he ſaid yes, I took him to my houſe and aſked him if that name was his hand-writing, and he ſaid it was, I aſked him how he came by that draft; this was the draft that Lang gave him, he ſaid that this was his hand-writing, I then aſked him how he came by that draft of twenty pounds, he ſeemed much confuſed and ſaid, Sir I will give you the twenty pounds for it, I told him that would not do, he then ſaid he received it of one King, I aſked him where he received it, he heſitated very much, and he preſſed me to take the twenty pounds, I told him this draft I ſuppoſed to be a bad one, he then ſaid, between Bridgwater and Briſtol, as he was going to Briſtol, this King overtook him, and aſked him if he was going to Briſtol, and if a bill would be more eaſy carriage to him and more agreeable than caſh, and that he then gave him twenty pounds for the bill, I told him I thought this was a very unlikely matter, ſays I, Peter Lang denies his having ever put his name to the draft, and Lloyd ſays he never did, I told him I ſhould take him before a magiſtrate, upon that he then ſaid, why, Sir, if you will keep a ſecret, I will tell you the whole buſineſs.

Mr. Garrow. Did not you ſay you had threatened to carry him before a magiſtrate ?—I told him that I thought this buſineſs a very unlikely one, and unleſs he gave me a more ſatisfactory account, I ſhould.

Mr. Garrow. I ſubmit to your Lordſhip whether you will, after what he has told us, hear what Mr. Cole may ſay, I do not know what he is going to ſay.

Court. Why to be ſure one is always very chaſte in theſe kind of things, I think we had better not hear it, I do not know what Mr. Cole is going to ſay, but if it is any confeſſion made by him, if it is made immediately after a threat, we ſhould not hear it.

Mr. Sylveſter. It is not a threat.

Court. Why it ſcarcely amounts to that, but he is hardly a free agent at that time.

Mr. Fielding. It is much more efficacious than that, it coaxes him.

Mr. Sylveſter. I never knew the objection but where there was a promiſe that you would not proſecute.

Court. Suppoſe Mr. Cole had ſaid I can hang you, you had better confeſs, if you you do not, I ſhall certainly carry you before a magiſtrare; and if the man under the terror of that threat had made a confeſſion, to be ſure that is not evidence; now Mr. Cole is much too prudent to do that, he only ſaid, unleſs I have a more ſatisfactory account, I ſhall take you before a magiſtrate, and then the man ſays, why then Sir, that is, ſince you will carry me before a magiſtrate, if you will keep a ſecret, I will tell you the whole buſineſs, this is the ſafe ſide, and I own I never like confeſſions.

—— COLE *ſworn.*

In the evening he ſent to me to deſire I would come to the gaol where he was.

Court. That is the ſame thing.

Mr. Garrow. You had been at the priſoner's houſe before you met him in the ſtreet, and when you met him, he went with you without any ſort of heſitation?—Yes.

Court to Mr. Hollingſworth. This note is the property of your houſe?—Yes.

Mr. Garrow to Mr. Hollingſworth. How long after this affair did the priſoner continue in your ſervice?—About three weeks.

I am deſired to aſk you whether after he left your ſervice, he did not upon ſome occaſion or other, give you notice where he might be heard of, and that he was about to leave London?——He did.

The payment of the bills were ſtopped then?——Yes, and they were advertiſed.

Court. Did he tell you where?——In Mead's-court, ſomewhere by Soho.

Court. When did you begin to ſearch after him?—About a month after.

Priſoner. I leave it to my Council.

Mr. Garrow. You underſtand we cannot ſay any thing to the Court or Jury in your defence, we can only examine witneſſes.

Priſoner to Mr. Foſter. You remember Sir, when the pocket-book was found, you was with me.

Court to Priſoner. God forbid that you ſhould be hindered from ſaying any thing in your defence, but if you have only queſtions to aſk, I would adviſe you to leave them to your Council.

A WRITTEN DEFENCE OF THE PRISONER'S READ.

My Lords and Gentlemen of the Jury: In anſwering this charge which is now made againſt me, I ſhall be under the neceſſity of troubling the Court with ſome account of myſelf. Before I came into the ſervice of the proſecutor, I carried on the buſineſs of a maltſter to a conſiderable amount, but was reduced by loſſes, and recommended by Mr. Fothergill to the houſe of the proſecutors; my duty was that of porter, and in that ſituation I was neither intruſted with bills or notes nor had the means of ſecreting them; in September, 1782, I was diſmiſſed the plaintiff's ſervice, on account of theſe bills being miſſing; the plaintiff's ſuſpicion did not reſt on me alone, ſince then they diſcharged another of their ſervants, whoſe opportunities ſeem more calculated to warrant their ſuſpicions; I continued ſome time in London after my diſmiſſion from the plaintiff's ſervice, and when I went into the country I gave notice to Mr. Preſcott where I was gone to. If I had been conſcious of having ſtolen theſe bills from him, your Lordſhip will not think I ſhould have been ſo mad as to negotiate them; after I left the plaintiff, I inſured lottery tickets with great ſucceſs, and having got money, I went to purſue my former buſineſs, and I was induced to aſſume another name. In the courſe of my tranſactions with lottery offices, I was frequently paid in bank notes, and this note I received at Mr. Palmer's office, in Fleet-ſtreet, one night in payment of forty guineas: I hope the bare poſſeſſion of the bill, at the diſtance of two years, cannot prove me guilty of the offence of ſtealing it.

——— FOTHERGILL *ſworn.*

Examined by Mr. Garrow.

I believe you are a very conſiderable corn factor?—I am in that line of buſineſs; I have had very conſiderable concerns with the priſoner, to a very large amount; and ſince I have been ſubpoened in this buſineſs, I have had reference to our ledgers, and I ſee I dealt with him from January 1779 to November 1781.

By what name did he deal with you?—By the name of Thomas Jacobs; I believe from misfortunes and from an extent iſſued by the crown for malt duties; he found it neceſſary to leave that part of the country, I believe that was his motive, becauſe there were warrants againſt him for revenue duties merely.

You gave your opinion of him as an honeſt man?—We did.

He there lived by the name of Jacob Thompſon?—Yes, after he failed in the country he remained with his friends; finding he could not appear there he came to town; he wrote a note to our houſe, requeſting a little money, and ſigned it Jacob Thompſon, in the poſtſcript he ſays, "you know my motive for changing the name of yours, T. J." My dealing with him from Midſummer, 1780, to Midſummer, 1781, was for ſix thouſand and odd pounds.

In all the dealing you have had with him, have you reaſon to look upon him as an honeſt man?—We had particular reaſon on this account; he had frequently occaſion to over-draw us, he requeſted the indulgence to accept before aſſetts came, and we have frequently accepted two or three hundred pounds in advance to him, and when he promiſed to ſend aſſetts he never diſappointed us: after he had quitted the ſervice of Mr. Preſcott and Co. I heard they had ſome ſuſpicion about ſome matter, and in about a week after he called on me; I told him, and deſired he would call and clear it up, which I afterwards underſtood he did; he told me his lodgings were in Meard's-court at that time.

Mr. Sylveſter. You gave a character of him to this gentleman, in a name that you knew did not belong to him?—I confeſs I did, and for the reaſon I have mentioned.

Mr. Garrow. We have many other witneſſes to character, but I believe it is totally immaterial to call them.

NOT GUILTY.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

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146. DAVID GRIFFITHS and RICHARD EVANS were indicted for feloniouſly ſtealing, on the 2d of November laſt, thirty ſkins of red leather, the property of Thomas Hodgſon.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

The Trials being ended the Court proceeded to paſs ſentence as follows:

Received ſentence of death. 23.

Robert Dewar, alias Dewars, alias Deewar, James Roberts, alias York, Henry Horn, Alexander Kennedy, John Codd, John Jones, Joſeph Hall, Benjamin Roberts, Patrick Bowman, Robert Croſs, Rebecca Bidwell, William Maynard, William Richardſon, Mary Humphries, George Weſt, William Crouch, William Homes, John Harvey, alias Seagrove, Mary Moody, Margaret Moreing, Eleanor Mc. Cabe, Ann Sherlock, John Rich.

Tranſported for fourteen years. 2.

William Jones, Michael Bryant.

Tranſported for ſeven years. 29.

Robert Phillips, John Hudſon, Charlotte Ware, John Fendlow, John Spence, alias Pearce, John Roberts, Thomas Martin, John Anderſon, James Cherwick, James Johnſon, David Birmingham, Joſeph Biſhop, Charles Biggs, William Croſby, James Mc. Cawley, Oten Batley, Thomas Pritchard, James Bowen, Ann Lawler, Mary Potten, Elizabeth Cunningham, Alexander Duff, Samuel Harriſon, John Carty, Bridget Smith, John Murphy, Joſeph Davy, and Joſeph Phipps.

Confined to hard labour two years in the Houſe of Correction, 1.

Sarah Thurbin.

Confined to hard labour twelve months in the Houſe of Correction, 4.

Elizabeth Fagan, Ann Parker, Elizabeth Parker, Heſter German.

Confined to hard labour ſix months in the Houſe of Correction, 22.

John Taylor, James Godfrey, Samuel Baker, Thomas Weſton, Henry Solomons, George Holliday, Elizabeth Cumberbridge Norris, Elizabeth Harriſon, Hannah Carter, William Woolford, John King, Samuel Richards, William Hill, Ann Cooling, John Conway, Henry Morgan, George Ferguſſon, Suſannah Dawſon, Jennet Mitchel, Thomas Wells, Margaret Walter, Mary Pewterfoot.

To be Impriſoned three months in Newgate, 3.

Joſeph Bowlus, Joſeph Barret, Peter Woodcock.

To be Impriſoned one month in Newgate, 8.

Margaret Duvall, alias Henſhaw, Elizabeth Knight, Daniel Clayſrom, Michael Young, Peter Malone, William Dillon, Simon Solomon, John Roberts.

To be publicly Whipped, 20.

Richard Claridge, Daniel Clayſrom, (twice) Michael Young (twice), Simon Price, William Woolford, John King, Samuel Richards, William Walker, Thomas Knight, Mary Moon, Simon Solomon (twice), William Cockbull, Mitchael Fitzpatrick, Joſeph Tapp, John Petitt, Authony Letoot, Samuel Stewart, John Williams, Peter Bailey (twice), Henry Morgan.

The following priſoners having been capitally convicted at former Seſſionſes, received his Majeſty's pardon on the following conditions. viz.

To be Tranſported to America for life. 1.

Thomas Limpus.

To be Tranſported for ſeven years, 9.

William Blunt, John Bennyman, Joſeph Abrahams, William M'Namara, Morgan Williams, Andrew Rowland, John Barker, William Glanville, Peter Williams.

Confined to hard labour on the River Thames for three years, 8.

John Wright, John Fuller, Robert Stewart, Thomas Sutton, Dennis Shahan, Richard Sharpling, Charles Stokes, Thomas Wilſon, alias Henry Hart.

To be fined 6d. and Impriſoned in the Houſe of Correction for one year, 3.

Margaret Ann Smith, alias Gibbs, Thomas Tanner.

Fined 1s. and Impriſoned in the Houſe of Correction for ſix months, 2.

Ann Farmer, and Elizabeth Jones.

To be kept to hard labour on the River Thames for the term of two years, 3.

George Shipley, William Templer, Robert Hampton.

To be kept to hard labour on the River Thames for one year, 1.

Michael Hafferly.

To ſerve as a ſoldier in the Eaſt Indies for life, 3.

John Sharman.

Pardoned, 2.

Enock Shortridge, John Taylor.

John Aſh, for forgery, and Captain Kennith Mackenzie for murder, Joſeph Dunnage, and Joſeph Harriſon remain to next ſeſſions.

Jacob Levy Woolfe convicted of felony laſt ſeſſions, on giving ſecurity to tranſport himſelf beyond ſea, and not to return for three years, fined one ſhilling, and diſcharged.

Sentence on John Hunt and John Bennet, was reſpited till next ſeſſions.

The next Seſſions begins on WEDNESDAY the 14th of *January* at the OLD BAILEY.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of JANUARY, 1784, and the following Days;
Being the SECOND SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable ROBERT PECKHAM, Eſq; LORD MAYOR of the City of London; The Hon. Sir WILLIAM HENRY ASHURST, Knt. one of the Juſtices of his Majeſty's Court of King's Bench; the Hon. JOHN HEATH, Eſq; one of the Juſtices of his Majeſty's Court of Common Pleas; The Hon. JAMES ADAIR, Eſq; Serjeant at Law, Recorder of the ſaid City; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
Henry Ward	Henry Atkins	William Halfpenny*
James Gadſden	Silver Criſpin	James White
John Peter Duroveray	Nathaniel Morgan	William Newman
Richard Martin Bird	John Pearſon	John Scott
William Ellis	Martin Robinſon	John Page
Richard Birkett	John Bickley	William Baily
Joſeph Brown	Edmund Smith	Samuel Totty
James Everett†	John Earnſhaw	William Humphries
John Chambers	Edward Goodrick	Philip Paſſavant
Thomas Thompſon	James Scarlett	Francis Fether
Thomas Ruſſell	Jeremiah Sinderby	John Swinder
John Holyoake.	Humphrey Symonds.	Henry Roſe.

† James Green ſerved the laſt day in the room of James Everett.

* A priſoner, John Lee, challenged Willam Halfpenny, upon which for his trial only Philip Howell ſerved.

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147. SAMUEL OLIVER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Ayliffe, about the hour of twelve in the night, on the 17th of December laſt, and feloniouſly ſtealing therein

two cloth livery waiſtcoats, value 30s. two yards and an half of hair ſhag, value 20s. one ratteen Bath great coat, value 40s. one blue cloth coat, value 20s. one cloth waiſtcoat, value 10s. part of a boy's Bath great coat, value 3s. one white dimity waiſtcoat, value 2s. one brown great coat, value 3s. and five linen ſheets, value 30s. the property of the ſaid John.

JOHN AYLIFFE *ſworn.*

I live at Twickenham, on the 17th of December my houſe was broke open, I went to bed by eleven o'clock, I was the laſt perſon up in the houſe, I faſtened the door, I firſt perceived the houſe had been robbed a little after ſix in the morning, the men came to work in the morning and found it open, and the things miſſing that are mentioned in the indictment.

Court. Can you form any gueſs in what way the houſe was broke open?—I cannot, they came in the back way over ſome gardens.

How did they get into the houſe?——They broke it open.

What part?—The ſhop, they came in at the window of the waſh-houſe which was broke, and broke open the ſhop door.

Is your ſhop backwards?—Yes.

The window was faſtened at night, was it?—Yes, the priſoner was taken on the Saturday morning after, a perſon told me where the things were, and I went to ſee them, and they were mine.

——— WILSON *ſworn.*

I have lived in Kingſton-lane thirty years, I produce the beſt part of the things, they were in a ſack which I found on the priſoner, there are ſome things that were found upon him that are not here, the ſhag breeches and one of the waiſtcoats are not here, there were five wet ſheets when I ſtopped him, this great coat, and a great many more things, and this waiſtcoat he had on; there were two of them, I marked the one he had on, and this piſtol I found upon him, (*The things depoſed to by the Proſecutor*) I went for a pail of water, and the priſoner put down the ſack, ſays I, what have you here brother ſailor? ſays he, I have a bed, a bed ſays I, where did you bring it from? he ſaid he brought it from Portſmouth, ſays I, did you bring it all the way on your back from Portſmouth, yes, ſays he, I did, ſays I, that is a long way to bring it, I clapped my hand upon it and I felt ſome buttons, a young man was coming by and we ſeized him, and opened the ſack and ſaw theſe clothes, ſays I how came you by theſe clothes, ſays he, I found them in the road on this ſide of Wandſworth, I took him to the Rotation-office in the Borough, and he was committed to New-gaol; this was on the Saturday, and that gentleman came down on the next day, and owned the cloathes.

PRISONER's DEFENCE.

I have nothing to ſay, I have no witneſſes. I picked the ſack up with the things in it about five o'clock in the morning.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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148. GEORGE MUSLIN was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Richard Manning, about the hour of eight in the night, on the 21ſt of December laſt, and feloniouſly ſtealing therein one pair of linen ſheets, value 8s. one patchwork counterpane made of linen and cotton, value 5s. one linen ſhirt, value 2s. 6d. two linen ſhifts, value 5s. two linen aprons, value 3s. two handkerchiefs, value 1s. fourteen linen clouts, value 3s. two linen bedgowns, value 3s. one linen waiſtcoat, value 1s. one ſilk pincuſhion, value 1s. ſix child's caps, value 3s. four linen child's ſhirts, value 2s. two blankets, value 2s. one linen ſafeguard, value 1s. one linen collar, value 6d. one pair of ſtockings, value 1s. four child's linen gowns, value 3s.

one child's dimity ſhirt, value 2s. the property of the ſaid Richard.

RICHARD MANNING *ſworn.*

My wife was taken in labour laſt night at twelve o'clock.

Who can give the beſt account of this robbery?—She can.

MAGDALEN NEWTON *ſworn.*

What are you?—I live next door to the proſecutor.

What do you know of the priſoner breaking open the proſecutor's houſe?—I know nothing about the priſoner, only I made part of the child-bed-linen.

MICHAEL SYMONS *ſworn.*

I produce ſome property, I was ſent for on Monday morning.

MOSES HENRY *ſworn.*

I am a conſtable, I apprehended the priſoner the 22d of laſt month, I found this bundle upon him.

What did you ſay to the priſoner?——I aſked him what theſe things were, and he ſaid they did not belong to him, he was in a houſe in Bell-lane, Spitalfields, Michael Symons came to me and deſired me to apprehend the priſoner.

Michael Symons. A little boy came to me on the Monday morning before eight o'clock, and ſaid, you muſt come to a houſe in Bell-lane, when I came there the priſoner offered theſe things to me to ſell, and I offered him twenty-five ſhillings for them, and I ſaid, I will go and fetch the money, and I went for a conſtable; there was ſome wet things among them, and he ſaid, I ſhall not be in a hurry to ſell them till I can get them dry, and ſhall ſell them in about a fortnight's time; he ſaid, they came from not far off, he aſked me where I ſold my things; I told him ſometimes in Monmouth-ſtreet, and ſometimes in Ragfair; when the conſtable came he knocked him down.

Priſoner. I never ſaw the man before with my eyes till I ſaw him at the office.

Court to Henry. Did he ſay any thing when you took him into cuſtody?—No, he ſaid we brought the bundle into the houſe ourſelves, but I took them out of his own hands in the bag.

Magdalen Newton. I made part of the child-bed-linen.

(Depoſes to the making two caps and a ſhirt, having made them about two months ago.)

JOSEPH BARNET *ſworn.*

I was going to Spitalfields-market, and I came round Bell-lane, and ſaw ſome people ſtanding round the door, I went to ſee what was the matter, and the conſtable called me to aſſiſt him, I ſaw the priſoner at the bar ſcuffling with the conſtable; I helped to ſecure him with the green bag.

Court to Manning. Have you any body here to prove the loſs of theſe things?—I can ſwear to ſome of the things myſelf.

When did you ſee them laſt?—About three weeks before they were ſtolen, before I went down to Plymouth.

Court to Proſecutor. If you had mentioned this, this trial might have been put off.

Court to Jury. Gentlemen, here is a defect of evidence, here is too much reaſon to believe that the priſoner at the bar is guilty of the offence, but here is no evidence in the world to ſhew that the things were loſt.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

---

149. THOMAS LEDGER and GEORGE ALLEN were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Doney about the hour of one in the night, on the 15th of December laſt, and feloniouſly ſtealing therein, one table knife, value 2d.

two hundred and twenty-one copper halfpence, value 13s. 4½d. and fifty-eight copper farthings, value 1s. 2½d. the property of the ſaid John Doney.

JOHN DONEY *ſworn*.

I live in St. Ann-ſtreet, Weſtminſter, in the pariſh of St. John; my houſe was broke open the 15th of December, I went to bed about ten minutes before eleven o'clock, my wife and me went to bed together, I made a rule every night, and that night, to go round and faſten all the doors and windows, I was in bed, and an alarm was given of thieves in the houſe, about one o'clock; I awoke and came down ſtairs with a candle in one hand and a cutlaſs in the other; when I came down ſtairs, I ſaw the watchman with the priſoner George Allen in cuſtody in my kitchen, and I heard a noiſe in the bar; they informed me there was another in the bar, I heard Thomas Ledger was there, I did not ſee him, he was making uſe of very bad expreſſions indeed, as damn your bloody eyes, and you bloody thieves; I ſaw the halfpence lay ſome in the till and ſome on the floor, and fourteen ſhillings and ſeven pence laying on a table in halfpence and farthings.

Court. Then they had not taken any of the money out of the houſe?——The watchman had taken it out of George Allen's pocket, in ſearching to ſee if he had any weapon that would do him a miſchief, there was thirteen ſhillings and four-pence halfpenny in halfpence, the till was open; it was put into a cupboard, and the bar door was locked up ſecure; when I came down, they had broke through the pantry window and the kitchen door, and cut away beſides a part of the ſaſh of the bar, and taken out the glaſs; then I went and fetched the key of the bar door which was locked; before I came to enter the bar, Thomas Ledger ſays, damn my bloody eyes, I will cut your bloody melt out, I will do for the firſt that comes here; I opened the cellar door and went in with my cutlaſs, and brought him out and gave him to the watchman, they had no arms that I ſaw, he ſaid he had dropped a favourite knife, and begged to have it looked for, but I did not ſee it; he ſtruck at one of the people, and I hit him over the arm with the back of my cutlaſs; he ſtill went on with bad expreſſions, the priſoners know themſelves to be guilty; here is a letter that they ſent to me ſince they have been in priſon; they owned to the fact.

JOHN DOBBINS *ſworn*.

I am a journeyman baker; about one o'clock I went out of the bake-houſe into the yard, and the proſecutor's bar is next to our yard, and I heard a noiſe in the bar, I thought at firſt it was the people belonging to the houſe, then I thought it was thieves, and I went up ſtairs and called my maſter, and he came down ſtairs, and I fetched two watchmen and when they came, they went the back way through our yard into Mr. Dony's yard, and we ſaw a light in the proſecutor's houſe, then we went to the door, and George Allen ſtood againſt the door, and we went in and he ran into the pantry where he got in; ſo we followed him into the pantry and took him; John Short the watchman took him; then Ledger, who was in the bar, began damning very much, then we called the proſecutor up, he came down and unlocked the cellar door, and let Thomas Ledger out, when he came out, he ſwore he would be revenged of me, and ſtruck at me ſeveral times.

JOHN BROWN *ſworn*.

I am maſter to the laſt witneſs; I live in St. Ann's-ſtreet; about a quarter before one o'clock, my man came up to my bed room door and called me to get up, once or twice, he ſaid, for God's ſake get up, there are thieves in Mr. Doney's bar, I came down ſtairs and went into the bake-houſe, and I aſked him if he was ſure they were in Mr. Doney's houſe; we then ſent for John Short and William Wadham, two watchmen; whilſt this man was gone for the watch I heard a noiſe in the houſe, in about ten minutes he returned with the two watchmen, I let them through my back way into Mr. Dony's yard, we perceived a light, and on hearing the alarm the light went out directly, the watchman and my man went up to the backſide of Doney's houſe and forced in the door, I was with them, and perſuaded John Short the watchman to lay hold of George Allen and take the fourteen ſhillings and ſeven pence out of his pocket, and likewiſe a broken knife; after he was ſecured, Mr. Thomas Ledger uſed very bad expreſſions, called us all bloody thieves, and ſaid, he would do for the baker.

(The knife produced by Joſeph Percival and depoſed to by the proſecutor.)

JOHN SHORT *ſworn.*

I am a watchman, I was fetched to the proſecutor's houſe, when I came there, going through the baker's paſſage, as ſoon as ever we came into Mr. Dony's yard I ſaw a light, and I immediately ſaid, Sir, there are thieves in the houſe, upon coming to the back door of the houſe the light was immediately put out, two or three of us forced in together, I happened to be foremoſt, and ſaw the priſoner making his eſcape from the bar window through the kitchen, I ran into the pantry and ſhut the door againſt him, I forced the door and ſaid, let you be who you will I will have you if I loſe my life, I fetched him out of the pantry and brought him into the kitchen, and there was a table ſtanding in the middle of the kitchen, and I had a ſuſpicious thought that he might have ſome foul weapon, I put the lanthorn on the table and ſearched his pockets, and took out this fourteen ſhillings and ſeven pence in halfpence, and this broken caſe knife; I then ſaw the priſoner Thomas Ledger looking out of the bar window where he had broke in, he ſaid to me, you bloody thief, I wiſh I was by you, I would have your life, and he ſays to Allen, damn your blood, why do not you knock that old thief down.

Priſoners. We have nothing to ſay, we have no witneſſes.

THOMAS LEDGER,
GEORGE ALLEN, } **GUILTY, Death.**

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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150. FREDERICK NORBURG was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Skutt, about the hour of three in the night, on the 2d of December laſt, and feloniouſly ſtealing therein, one repeating watch, with a ſilver caſe, value 10l. three ſilver tea ſpoons value 4s. a mourning ring, value 10s. a tortoiſeſhell ſnuff-box, with a ſilver lid, value 5s. a pair of piſtols, mounted with braſs, value 20s. one cloth coat, value 20s. two ſilk waiſtcoats, value 20s. a pair of jean breeches, value 3s. ten linen ſhirts, value 5l. five pair of cotton ſtockings, value 10s. the property of the ſaid John Skutt; and one cloth coat, value 10s. and one glove, value 2d. one handkerchief, value 10d. the property of John Smith; and two gowns, value 40s. one cloak, value 40s. one ſilk and cotton handkerchief, value 6d. three linen ſhifts, value 10s. and two aprons, value 3s. the property of Elizabeth Gunhouſe.

And THOMAS NEWTON was indicted for feloniouſly receiving on the ſame day, one linen ſhirt, value 10s. part of the ſaid goods, knowing them to be ſtolen, againſt the form of the ſtatute.

ELIZABETH GUNHOUSE *ſworn.*

I am ſervant to the proſecutor; I remember my maſter's houſe being broke open on the 2d of December, I went laſt to bed, between eleven and twelve, I heard nothing in the night, I faſtened the door, I found the back door unbolted in the morning, I bolted it over night, I came down in the morning between ſeven and eight o'clock, I was the firſt that came down, it was then quite light, when I came down all the doors were wide open, the parlour door and all the locks broke open, and all the papers on the floor, I loſt two gowns, one cloak, two aprons, ſix ſhifts, and a ſilk and cotton handkerchief, my maſter loſt the things mentioned in the indictment, my things were down in the kitchen, I had been a waſhing and hung them up to dry; my maſter's property was in the parlour, I ſaw ſome of the ſhirts and ſome of the ſtockings; my maſter was in the country.

JOHN SMITH *ſworn.*

I am clerk to the proſecutor; on Tueſday night, the ſecond of December laſt, I went to bed about eleven o'clock, and in the morning about the hour of eight, the maid came and informed me that the houſe was broke open, I went down ſtairs and found the houſe in the ſituation ſhe has juſt deſcribed; I heard no noiſe in the night, I went into the office and found Mr. Skutt's drawer and my own drawer broke open, and the papers ranſacked about, the locks were broke off, I loſt a brown coat that was hanging in the paſſage, and in that coat was a linen handkerchief and one glove.

JOHN SKUTT *ſworn.*

I live in Great Ayliffe-ſtreet, I am an attorney, I loſt the things mentioned in the indictment, there was a tortoiſeſhell ſnuff box, with a ſilver lid with a bird engraved upon it, and a mourning ring of my mother's, and ſome ſhirts, I cannot tell how many, the drawers were open in which the ſhirts lay, and a pair of old riding jean breeches, I loſt a ſilver watch, double gilt, capped and jewelled, they had broke open the lock of the cloſet, and in that cloſet Mrs. Skutt had put the watch, it was a repeating watch; before the Juſtice I ſaw the ſtockings and this pair of breeches, one or two of my ſhirts and the breeches and ſome of the ſtockings are here.

SAMUEL YARDLEY *ſworn.*

On the 9th of December I had information that ſome of Mr. Skutt's things was in Bethnall-Green, I went there and found one ſhirt in the priſoner Newton's houſe, the priſoner Newton was not at home, I waited for his coming home, I then took him to the magiſtrates, he ſaid it was brought to him, he ſaid he would go and ſhew where he had them from, and I ſent him with two other officers, and they went and found the other priſoner, when they brought the other priſoner in, I made him take off his ſhirt, which ſhirt is here.

(The ſhirt depoſed to by Elizabeth Gunhouſe, which was found in Newton's houſe.)

Mr. Keys, Council for Priſoner Newton. Is there any mark on it?—No, I ſwear to it, I made it.

To Yardley. When you came to Newton's houſe you ſay you found a ſhirt?—I found this.

He was not at home?—He was not.

He ſaid it was brought to his houſe?—Yes.

For what purpoſe?—He ſaid he had it to waſh.

JAMES SHAKESHAFT *ſworn.*

On the 9th of December I had information, and I went down to a houſe in Saltpetre Bank, and Newton went with me, I went to the houſe, and took this Norburge at the houſe where Newton directed me, I brought him out, and according to the information I had, I ſaid, they wanted him for a robbery; he ſaid, the things were not his, and he came there to aſk about a pair of ſhoes that he had brought to be mended. I brought him to Juſtice Wilmot's, and the ſhirt was taken off his back, he ſaid, it was his own and he had had it months; I ſhewed it to Mr. Skutt's ſervant, and ſhe ſaid it was her maſter's. I aſked him where he lodged, he told me at No. 8, Back-alley, St. Catherine's: I went to his lodgings, and there I found a pair of breeches, two pair of ſtockings, and one glove, they have been in my cuſtody ever ſince.

(Produced, and the breeches and ſtockings depoſed to by the proſecutor; the ſhirt ſhewn to

Elizabeth Gunhouſe, and depoſed to by her as ſhe made it; the glove depoſed to by Smith which was left in the coat pocket, he having the fellow to it.)

PRISONER NORBURG's DEFENCE.

I have had them two pair of ſtockings a long while, the woman that waſhed for me is not here, I bought the ſhirt, the breeches, and the handkerchief in Roſemary-lane; in the public fair.

Court to Gunhouſe and Smith. Did you hear any noiſe in the night?—No.

Court to Jury. There is no circumſtance that affects the priſoner Newton, with the knowledge of this being ſtolen; the crime of burglary conſiſts in breaking open a houſe by night, that is, when it is ſo dark that the lineaments of a man's countenance cannot be ſeen, either with intent to ſteal, or actually ſtealing ſome property thereout, where it is laid for actual ſtealing: but it is acceſſary that the houſe ſhould be broke open in the night; now the maid ſervant went to bed in the night, and did not get up till it was clear day-light; and in all caſes you know, if it be a matter indifferent as to the whole of the charge whether the priſoner is guilty or innocent, the preſumption is ever in favour of innocence; if, therefore, you think the houſe was not broke open in the night time, the priſoner muſt be acquitted of the burglary, for people are not to be found guilty upon conjecture.

Proſecutor. I have a watchman here that ſaw a light in my houſe about 3 o'clock in the morning.

Mr. Juſtice Aſhurſt. They cannot call him now.

Mr. Juſtice Heath. I cannot call him now, it is a dangerous practice, I have no doubt in this particular caſe, but the practice itſelf is a dangerous practice, if after a Judge has made obſervations on the defect of evidence, then the proſecutor is to come and ſupply that defect.

Court to Jury. Gentlemen, as to the capital part of the charge you have no clear account that the houſe was broke open in the night; as to the other part of the charge which conſiſts of his ſtealing theſe things, of that you have much ſtronger evidence, they were took the 2d, they were found in his poſſeſſion the 9th, and when called to give an account of them, he gives ſuch an account as is not conſiſtent with truth; that is a ſtrong circumſtance that he was the perſon that ſtole them; if you think there is no evidence to convict him of the breaking by night, you will acquit him of the burglary, and find him guilty of the larceny only; or, if you think he is not guilty generally, you will acquit him of the whole of the charge.

FREDERICK NORBURG GUILTY

Of ſtealing goods to the value of thirty-nine ſhillings, but not guilty of breaking and entering the dwelling houſe.

Tranſported for ſeven years.

THOMAS NEWTON NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

151. HENRY SUTHERLAND was indicted for feloniouſly aſſaulting Richard Dillon, on the King's highway, on the 18th of December laſt, and putting him in fear and danger of his life, and feloniouſly ſtealing from his perſon and againſt his will one watch, with a metal caſe, value 30s. one ſteel watch chain, value 6d. one ſteel ſeal, value 1s. three claſp knives, value 10d. two braſs inkſtands, value 1s. five pair of metal ſhoe buckles, value 2s. 6d. twelve glaſs ſeals, value 1s. 6d. four penknives, value 1s. eighteen pair of metal ſleeve buttons, value 1s. one ſteel corkſcrew, value 4d. three japanned nutmeg graters, value 4d. three pair of plated ſhoe buckles, value 3s. two metal hat buckles, value 3d. two ſteel razors, value 7d. one butcher's ſteel, value 10d. one wainſcot box, value 5s. and four ſhillings in monies numbered, his property.

The witneſſes examined apart at the requeſt of Mr. Litchfield the priſoner's councel.

RICHARD DILLON *ſworn.*

I know the priſoner, I was robbed the 18th of December, between the hours of ten and eleven o'clock at night, by the priſoner, he was one of the party, I do not know that I ever ſaw him before that night.

Was it dark?—Yes.

How can you take upon you then to ſwear to him when it was dark?—My lord, after I was robbed this man turned back, and came to me and put his hand to my breaſt, and ſaid, you bugger, if you ſpeak a word, I will have your life; ſo I had a full view of his face when he came cloſe to me.

Court. There was no moon or ſtars?—It was ſtar-light, I loſt the things mentioned in the indictment.

What was in your box?—Buckles and buttons and ſuch things as that.

Had you any knives?—Yes.

How many?—I cannot ſay.

Rather under than over?—It is mentioned in the bill; there was a good many buckles that I recollected at that time.

How many buckles?—I cannot be particular to what number of buckles I had.

Speak to the loweſt number you can be ſure of.—I dare ſay I had a dozen pair.

Had you any ſleeve buttons?—Yes.

How many pair?—Sixteen or eighteen, one or two cork-ſcrews, three nutmeg graters, ſome plated buckles, ſome hat buckles, two razors in a caſe, and four ſhillings in money; a woman came to me one day ſince this happened and told me——

Mr. Litchfield, Councel for the Priſoner. Do not mention what the woman told you: it was dark and no moon?—Yes.

Nor no houſe near?—No.

Do you know John Selfage?—Yes.

Had you been in his company that day?—Yes.

Do you remember on the next day going to the houſe of Mr. Grainger?—Yes, I went to enquire for him.

Do you remember your converſation?—Yes.

Do you remember aſking him if he knew where you had left the box?—I aſked him ſo becauſe I ſuſpected him to be one of the party that robbed me.

Did you aſk him if he knew where you had left your box?—I wanted to ſound him.

Did not you tell him that you thought you had loſt it?——Yes.

And you did not know where?—Yes.

Did you ſay any thing to him about your having fallen into a ditch?—I ſaid I was thrown into a ditch, I cannot recollect ſaying I had fallen into a ditch.

Upon your oath did not you ſay ſo to him?—Upon my oath I did not.

Did you ſay any thing to him about your being drunk the day before?——No; I had been drinking the day before, but not to get ſtupid and drunk.

What converſation paſſed?—I do not remember that.

Do you remember Selfage going with you to ſeveral houſes in order to ſearch for this box that you ſaid you had loſt?—Yes.

Among other places I believe you went to this very ditch, that you ſaid you had fallen into, to look for this box?—Yes, becauſe I ſuſpected him to be one of the party.

Court. Did you tell him that you had been thrown into the ditch, or that you had fallen into it?—Yes, I told him ſo to put me in the way.

I think you ſaid juſt now that you did not tell him that you had fallen into a ditch, did you tell him any thing about being drunk?—I did not.

Now you ſay you did tell him you had fallen into a ditch, recollect yourſelf a little more, was not there ſome converſation about your being drunk the night before?—Not a word.

Court. You did not tell us upon your firſt examination that you was thrown into a ditch?—I had been thrown into a ditch.

By whom?—By the priſoner.

Mr. Litchfield. After you had ſearched this ditch and did not find the box there, I believe you went to ſomebody's houſe in Well Cloſe Square?—We went to ſeveral houſes, we went to another houſe, a man that makes pies, I do not know his name.

Did you go to any houſe in Roſemary Lane?—I went to Mr. Grainger's where he lodged.

I believe on the Saturday following this tranſaction, you had ſome converſation with Selfage?—I have never ſeen him ſince.

Did not you tell Selfage on the Saturday following that you had been robbed?—I did not.

And you never deſired him not to appear before the Juſtice?—Never.

On the 18th of December, I believe you went to ſeveral public houſes, and had not money enough to pay your reckoning, and Selfage paid your reckoning for you?—I was ſhort in a penny, but I had four ſhillings that I would not let him know I had, becauſe he ſpunged upon me.

That Selfage was an old acquintance of yours?—I have known him four or five years.

JOHN WILLIAMSON *ſworn.*

I am a watchman in Aldgate Pariſh, I had been the half-hour after eleven o'clock the 18th of December talking to the patrole, and I heard a jumbling noiſe, like a parcel of horſes; I went to ſee what it was, and the priſoner walked very faſt, I hung my lanthorn to my back, and by the ſhade of a lamp at Whitechapel, I ſaw him ſlip the box off his left-arm and away he ran.

What box was that?——It was a Jew pedlars box, I jumped over the way and purſued the priſoner, and called out to Adrew Hopkins to ſtop thief; accordingly he ſecured Blackhouſe yard, and he turned down the turning where there was a fire ſome time ago in Petticoat Lane, and he fell down, I never loſt ſight of him all the time, when he fell he ſeemed to me to throw a buckle out of his hand, he fell down again, we found a buckle afterwards and could find nothing elſe, and he got up and run again, I would have ſtruck him but I thought of the melancholy accident that happened in Petticoat Lane ſome time paſt, therefore I did not ſtrike him; I purſued him, and he run into a large neceſſary, I up with my ſtaff and took him there, and brought him out into the lane, there we took the buckle up, and took him to Whitechapel watch-houſe, the Jew's box was left in the lane, I called to John Hopkins to let him know that he had dropped a box, I jumped over it to run after the priſoner, John Hopkins picked it up.

JOHN HOPKINS *ſworn.*

Did you take up that box when the laſt witneſs was in purſuit of the priſoner?—Yes.

Was that box produced before the Juſtice?—Yes, it was locked up in the Juſtice's cloſet, it was ſealed up and delivered by him to me this morning.

(The things depoſed to.)

ANDREW HOPKINS *ſworn.*

On the 18th of December, I went out to watch, and on Friday morning I heard Williamſon call to me, Hopkins! Hopkins! Stop him! Stop him! Stop thief! inſtantly I went from my ſtand and almoſt came up with the priſoner and with Williamſon, with that the priſoner run off into the opening where a houſe formerly ſtood that was burnt down, I then went and ſecured Blackhouſe-yard, expecting the priſoner to come that way, he went up a paſſage where there is a dye-houſe, and was taken there.

Priſoner's Council. I believe he made no reſiſtance?—No.

Was you preſent at the time of his examination before the Juſtice?—Yes.

There was no watch found upon him?—No.

JAMES MATHEWS *ſworn.*

I am one of the beadles of Whitechapel, the man was given in charge at the watch-houſe to me, about eleven o'clock on the 18th of December, they ſaid, they had a man for a robbery, and they ſaid, they had got a box, I ſaid where is it, Williamſon and Hopkins ſaid, they had left it behind them, and they went and fetched it; in the mean time, I ſearched the priſoner and found theſe three knives upon him in his pocket, and this key, I aſked him how he came by them, he ſaid, he had them to take to ſea with him, I ſaid, you take plenty of knives with you? he ſaid, yes, we ſeafaring men always do; he told me his ſhip's name, but I forgot it, in the interval they brought the box, and a remarkable buckle along with it, which Andrew Hopkins ſaid, he ſaw him throw away, the priſoner ſaid, he knew nothing of it.

(The buckle and knives produced, and the buckle and one of the knives depoſed to by the Proſecutor.)

Court. Is there any mark on that knife? —I had a mark put on before Mr. Juſtice Staples, and there is a little crack, a dent on it.

Priſoner's Council. Whereabout is the crack?—Near the handle where it ſhuts.

Do you remember the name on it?—No.

Nor whether there was one on it or not? —No.

I ſuppoſe any other knife that you had, might be chipped in the ſame way as this is?—I do not know.

Was not the reſt of your knives chipped in the ſame way?—I cannot ſay.

Court. Carry it to the Jury yourſelf, and ſhew the Jury were the mark is, that you believe it to be your's by.

Mathews. I went round into Petticoat Lane, where they told me they apprehended the priſoner in a privy, and there I found this ink ſtand, and this handkercheif together.

Jury to Proſecutor. Was the box locked at the time you loſt it?——The box was locked, but the drawers were open.

Court to Dillon. Look at that ink ſtand? —I had but two in my box and theſe was but one in the time it was opened.

Mathews. There was but only one, it ſeemed to be the fellow.

(The two ink ſtands handed to the Court, the one that Mr. Mathews found, and the other that was in the box.)

Where did they ſay the box was left?—At a perſon's houſe at ſome place, I cannot be poſitive.

Did you go alone to the neceſſary when you found this ink ſtand?—I went with the officer.

Court. Were there any more knives of the ſame kind than that?—Yes.

(Some of the knives handed up.)

Court. This knife looks as if it had been uſed.

ELEANOR SWINNEY *ſworn.*

I lodge in the houſe with the proſecutor, and I was at home when he came home, and his wife cried out, what is become of your things? and he ſaid, hold your tongue, I am robbed of them by two men in ſailors dreſs.

What time did he come home?—I cannot rightly tell, it was paſt eleven.

Was he drunk or ſober?—He was not drunk, he was *pretty happy*.

Priſoner's Council. You could ſee he had been drinking?—Yes.

For the PRISONER.

JOHN SELFAGE *ſworn.*

I know the proſecutor, I lodge at one Mr. Grainger's, the Crooked Billet, I was with him on the 18th of December at different places, we had three ſhillings worth, and about three gallons of beer, and he was drunk before we had that, he was going to fight with a ſailor, he was very drunk and very quarrelſome, I parted with him about ten, he would have three pots of beer at Mr. Martin's, he bid me good night, he and one Long that is a witneſs, and I thought he was going home, I went away, and I came back again, and he was drinking again, where the people's name is Charlton, there he had been toſſing up for half a gallon of beer, this was between ſix and ſeven, we then agreed among us to toſs up for ſix pennyworth, and we did ſo, and he beat three of us, and three of us beat him again, he had not quite money enough to make out the laſt ſix pennyworth in his pocket, I held the ſhilling, and an acquaintance of ours, one Long that will be a witneſs, lent him the remainder, I think he lent him three farthings, he ſaid he only wanted a halfpenny, then Long called for a gallon of beer out of his own pocket to treat us with, as I ſometimes deal with him; after that we had another pot, Mr. Dillon had no money, and he borrowed a penny of Long, to pay for this pot, he wanted to borrow ſome money of me, but I knew him to be a very bad principled man, he borrowed ſixpence of me ſome time before, and I knew he would not pay me; we then got over to Mrs. M'Clough's, to have a parting pot, he then offered to wreſtle with this Long for a crown, he pulled his handkerchief off and opened his boſom, he came to me again, and ſaid, lend me a ſhilling, I ſaid no, I will buy an article at prime coſt, but I will not lend you any thing, he then ſaid he thought he could lick me, and another that was there, I ſaid I did not think he could; words aroſe and we had ſome blows, he then ſaid he had enough, he got up and took his box, and ſtaggered out; I ſaw him no more that night, I waited and had ſomething to drink with my friends, and was talking how likely it was he ſhould loſe his box; we ſaid to one another, if he does loſe it, he cannot blame us, for we perſuaded him to leave it at Mr. Charlton's and Mrs. M'Clough's.

Priſoner's Council. When he ſtaggered out he was very drunk and very quarrelſome?—He was, I was pretty ſure he never would be able to carry his box home, the next morning he came to enquire for me, he ſtood up againſt the table, he looked very muddy and dirty, I aſked him how he did, he ſaid very middling, ſays he, do you know any thing about my box or watch, he did not mention any money, I told him I knew nothing of it, that he had it ſafe when he left me, I directly aſked him if he was robbed of it, no ſays he; I aſked him two or three times, and he poſitively declared he was not robbed; if you was not robbed of it ſays I, Mr. Dillon, I will take the trouble of going to the houſes that we uſe in Wapping and enquire for it, he ſaid he had left it ſomewhere, or loſt it in the ſtreet by tumbling about, but he was ſo drunk he could not tell where, I am poſitive ſure of what I ſay upon my oath; we went out of my landlord's houſe with intention to look for this box, we firſt went to the chandler's ſhop in St. Catherine's-lane, ſhe ſaid he had not left his box there for three or four months, we then went to St. Catherine's-ſtairs, ſometimes he went with me into the houſes, and ſometimes not, I dare ſay we went into one hundred and fifty different houſes to enquire for his box, in ſeveral of theſe houſes the people aſked him how he loſt it, he always declared he was not robbed of it, but he was ſo drunk he could not recollect what was become of it, but he always poſitively ſaid he was not robbed; I went with him to King James's ſtairs into this houſe where we had quarrelled the night before, I treated him there to a pint of beer, the woman aſked us whether we had come to wrangle again; I told her no, but Mr. Dillon had loſt his box, ſays I, I ſhould have thought he was robbed of it, but he ſays not, he put his hands up and declared he was not robbed of it, we went to two or three houſes further, and he declared the ſame thing; we went to Mr. Long's, there he ſaid the ſame, then we were going home and had given it up, I ſaid to him, now I do not know what to ſay in this matter, I will tell you what I would have you do, get a parcel of bills printed, about a thouſand, and offer a ſmall reward of about five ſhillings, and if any honeſt perſon has it, they will return it to you; as we were going home, ſays he, is there no ditch here, I believe I muſt have fallen into a ditch.

Did he talk of being thrown into a ditch?—I am confident he ſaid juſt as I ſay, that he did not know but he had fell into the ditch by being ſo muddy; I took him to the New Cut that leads from Wapping Church to Ratcliffe-highway, one walked on one ſide, and one on the other, by and by I went to a place where I thought the ice was diſturbed, ſays I, perhaps your box is here, now lend me your ſtick and I will pok all about, and feel, but I could not find his box in the ditch; after that he was going homewards, and the next day I went to the Juſtices, and there he ſaid he had been robbed, I aſked him why he did not tell me ſo the day before, he ſaid he did not recollect himſelf, and could not tell me ſo, becauſe he did not recollect himſelf; he told me if I did appear to ſay he had a licence, but he had not taken any out this year, for he had not ſold any goods this year; and then he ſaid do not appear at all, but if you do, you may ſay you heard me ſay that I was way-laid by three ſea-faring men; I told him I did not know I ſhould appear at all in the matter, though my intention was to attend.

DENNIS LONG *ſworn.*

I know Dillon the proſecutor, I was in company with him on the 18th of December, at ſeveral public houſes, and drank a great quantity of liquor, he behaved very quarrelſome, and wanted to borrow five ſhillings of another man in order to wreſtle with me; I was with him at Mrs. M'Clough's and perſuaded him to leave his box there I parted with him about ten o'clock, he was very much in liquor, the next day I ſaw him, and aſked him if he was robbed of his box, or where he left it; he ſaid he did not know, he was very drunk.

MARTHA M'CLOUGH *ſworn.*

I remember Selfage, and Dillon, and Long coming to my houſe, and they had a little bit of a ſcuffle.

In what ſituation was Dillon?—Very much in liquor, he could ſcarce walk, he wanted me to take charge of his box, and I would not; the next day they came to my houſe, he put his hands together and ſaid, he did not know whether he was robbed, or whether he had loſt it, and he ſhewed me how dirty he was.

The priſoner called three more witneſſes, who gave him a very good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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152. **ROBERT SHERIDAN** was indicted for feloniouſly ſtealing on the 1ſt of January, one glaſs quart decanter, value 1s. 6d. one glaſs pint decanter, value 1s. 3d. one blue and white bowl, value 2s. one milk pot, value 6d. and two mugs, value 2s. the property of John Seller and John Bacon.

JOHN SELLER *ſworn.*

I am a glaſs manufacturer, my partner's name is John Bacon; on the 1ſt of January, the priſoner came in company with a woman that was going to purchaſe ſome goods, he pretended to be a porter to the ſame woman, and while the woman was buſy in looking out the goods with my ſervant, the priſoner took the opportunity of walking about the warehouſe by himſelf and took ſome things, my ſervant informed me of it, I went after him and brought him back, he denied it firſt; but I heard the goods rattle in his pocket, and I ſent for a conſtable and ordered him to be ſearched by one of my ſervants, the conſtable's name was John Guiſe, we found one quart decanter, one pint decanter, a blue and white bowl, a milk pot, and two ſmall muggs, his pockets were full, they were in his pockets, he immediately acknowledged it when he ſaw part of the goods taken out of his pocket, and deſired we would not take him to priſon.

JOHN GUISE *ſworn.*

Confirmed the above account, and took charge of the priſoner on the firſt of January.

(The things depoſed to.)

Court. Were theſe things any part of what the woman had bought?—No part of them, the things ſhe bought were packed up.

PRISONER's DEFENCE.

This woman employed me as a porter, ſhe went into the warehouſe along with the clerk, and the things were laid down on the floor, I thought they belonged to the woman, and I put them in my pocket for ſafety.

Court to Proſecutor. Were theſe things ſet by the things that the woman bought? —No, they were ſtanding in their ſeparate places.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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153. JOHN BRYANT and JONATHAN DARLINGTON were indicted for feloniouſly ſtealing, on the 10th of January, one woollen cloth coat, value 10s. and one man's hat, value 3s. the property Richard Price.

(The witneſſes examined apart, at the requeſt of the priſoners.)

RICHARD PRICE *ſworn.*

I loſt a coat and hat on Saturday laſt, it was in my maſter's houſe in Baſinghall-ſtreet, it was found on the priſoner by the conſtable.

EDWARD RIGLY *ſworn.*

On Saturday between two and three in the afternoon, I ſaw the two priſoners at the bar in Baſinghall-ſtreet, oppoſite the White Bear, I thought they were not doing the thing they ought to do, looking in at the window, and I watched them about 20 minutes, and I went and rung at a gentleman's door, and deſired them to let me into the houſe for a few minutes, for I thought there were two thieves in the ſtreet; and the clerk let me in, the priſoners walked up and down the ſtreet ſeveral times, and I ſaw one point to the other to go into the houſe, he ſtaid there about four minutes, and the other waited at the door, I deſired the clerk all the time to keep the door open, that I might have a run; I expected a run, and juſt as I came to the door the two priſoners came up with this coat, and hat under one of their arms, and the other offered to take it from him, but I ſaid, I will take care of it and you too; I did ſo, and the clerk took the other priſoner, I took him to Guildhall, and I ſent for a Mr. Hippy, I think the gentleman's name is, and he ſaid, it was his ſervant's property.

(The things depoſed to.)

Court to Price. Were theſe things in your maſter's houſe that day?—Yes.

CHARLES WILKES *ſworn.*

On Saturday laſt, between two and three o'clock, Mr. Rigly rung at our bell, and aſked to come into our little office to watch the two priſoners, I looked through the window and we watched them ſome ſhort time, and after being ſometimes backwards and forwards, the one in brown opened the hatch and went into the paſſage of Mr. Hippey's dwelling houſe in Baſinghall-ſtreet, and after being in a ſhort time he returned out with the ſervant's coat, and hat; the other waited at the door, and they walked together, and as he came out, him in blue would have taken the things from the other, but he did not chuſe to let them go, then they came on together till they came to our door, then we came out upon them, and the conſtable took him, that had the coat and hat, and I took the other.

JOHN BRYANT,
JONATHAN DARLINGTON, } GUILTY.

Each to be tranſported for ſeven years.

Tried by the London Jury before Mr. Juſtice ASHURST.

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154. WILLIAM WARING was indicted for feloniouſly ſtealing, on the 11th of December laſt, one copper tea kettle, value 5s. the property of Thomas Hill.

The Proſecutor not appearing the Priſoner was ACQUITTED.

155. **FRANCIS LYDIA** was indicted for feloniouſly ſtealing on the 27th of December laſt, three plumes of Oſtrich feathers, value 10s. the property of John White.

(The Witneſſes examined apart at the requeſt of the Priſoner.)

WILLIAM HUNT *ſworn.*

I know the proſecutor, he loſt ſome Oſtrich feathers from a hearſe which had been at a funeral.

Court. What was the worth of them? —I cannot tell.

How do you know the priſoner took them?—It was ſlippery weather and I got down to walk, and I ſaw the door move, I had tied the two pins in faſt with a cord, I called to the man to ſtop, and juſt then I ſaw a perſon at the hearſe door, appearing to me to come out of the hearſe; I ſaw his legs juſt before they came to the ground; he was pulling at the feathers, and theſe three he pulled out.

Court. Do you know who that perſon was?—I believe it was the priſoner, after he had got them into his hands I called ſtop thief! he ſaw me a coming and he ran, he took them a little diſtance from the hearſe, and he dropped them, I ran after him, and he was rather to quick for me but I ſaw him fall, he ran into James-ſtreet, on the dark ſide of the ſtreet, there was no lamps; then the next witneſs caught the priſoner, and ſaid, here he is; I had ran paſt him, I believe a yard or two yards, I did not ſee him, it being in the dark: I look upon the priſoner to all appearance as to his ſize and apparel, to be the ſame man that took the feathers.

Court. Did you keep him in your ſight till he was taken?—No, till the time he fell.

JOHN GILLS *ſworn.*

On the 27th of December, I was coming down the Haymarket, and there was a hearſe coming up, and a perſon cried from the hearſe, Stop him! Stop thief! I looked about and ſaw the priſoner run from the hearſe, he fell down, he got up again and ran into James-ſtreet, and I after him; he found I was purſuing him ſo cloſe and was going to catch hold of him, and about twenty yards off he ſtopped againſt the wall and began to run back again, I ſtopped myſelf immediately, and went and took hold of him.

Court. Had you him in your ſight from the time of his falling down to the time of your laying hold of him?—I had my Lord, I called out here he is, he aſked me if that was the man that fell down, I anſwered, yes, he is the man.

Priſoner. Whereabouts was you when you heard the cry of ſtop thief?—In the ſtreet, about forty or fifty yards.

Did you ever loſe ſight of me?—No, I did not.

Then I ſuppoſe you take upon yourſelf to ſwear that I am the identical perſon?—No, I do not, I ſwear you was the perſon that fell down.

THOMAS GREGORY *ſworn.*

(He having a great impediment in his ſpeech offered a paper to be read.)

Court. I cannot take it in writing.

—— DICKINS *ſworn.*

I had the care of the feathers, I was upon the hearſe and heard the cry of ſtop thief; the others being younger men than me got down firſt, I was the laſt that got down, I ſaw the others run after the priſoner, I did not ſee the priſoner fall.

Court. What is the worth of thoſe feathers?—About twenty ſhillings.

PRISONER's DEFENCE.

Be ſo kind as to examine the gentleman that has an impediment in his ſpeech.

Court. He cannot ſpeak.

Priſoner. He ſwore before the Juſtice that he purſued me with the feathers in my hand, from the corner of James-ſtreet to the corner of Panton-ſtreet, and that gentleman ſays he picked up the feathers near to the hearſe: my Lord I was going from a friend's houſe in Windmill-ſtreet, and going down James-ſtreet, I was walking very quietly, and this gentleman caught hold of me; I had not got into the Hay-market, and they were going to put me into the hearſe, and I was committed; the next morning Mr. Downes came to me and told me he had loſt a pall and hearſe cloths, and ſome other things, and ſaid if I would be the means of his getting his property again, he would give me five guineas and do any thing for me; I told him I was innocent, I adviſed him to advertiſe them, he ſaid he would; when I went up on Wedneſday for further examination; Mr. Downes ſaid he had not loſt any pall he only loſt ſix velvets; on the Sunday he ſent one Mr. Green who ſaid he had got this gentleman's property back again: now I leave you to think whether I took the things. I have no witneſſes.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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155. MARTHA RAY was indicted for feloniouſly ſtealing on the 15th day of October laſt, one woman's black ſilk cloak trimmed with black lace, value 5s. the property of Thomas M‘Cue.

CATHERINE M‘CUE *ſworn.*

I am wife of Thomas M‘Cue, I lodge in Rider's Court, St. James's, I left my cloak in the care of Mrs. King when I went out the day before it was loſt, the 14th of October.

ELIZABETH KING *ſworn.*

I lodge with Catharine M‘Cue, I went out in the morning to a day's work, and I left this Patty Ray in my room, I truſted her with the key; and ſhe came backwards and forwards to my room, ſhe was a ſervant out of place; I had this cloak in my poſſeſſion, the proſecutrix deſired me to keep it for her; I left my room between five and ſix o'clock in the morning of the 15th of October, and left the priſoner in my bed, I returned again, to the beſt of my knowledge, between nine and ten o'clock at night, and the cloak was on the top of my box when I went out, but on my return I miſſed the cloak.

When did you ſee the priſoner afterwards?—I did not ſee her for two months, I heard where ſhe lodged, which was Windmill-ſtreet.

Did you find any thing upon her?—No, the cloak was found at the pawnbroker's, where ſhe pawned it, he is here; I never ſaw her after the day ſhe went away, till the day ſhe came before the Juſtice.

WILLIAM MANSELL *ſworn.*

I am a pawn-broker, I live in Piccadilly, the priſoner came to me and pledged this cloak with me for 10s. 6d. in the name of Martha Ray.

(The cloak depoſed to by a place that was ripped.)

PRISONER's DEFENCE.

I have known the proſecutor about eighteen years, ſhe borrowed half a guinea of me, I aſked her for it, and ſhe told me ſhe could not pay me, and ſhe gave me the cloak with her own hands, and I went and pawned it for my own half guinea.

Proſecutrix. I never borrowed half a guinea of that woman in my life.

GUILTY.

To be privately whipped and impriſoned ſix months.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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156. MARGARET WILLIAMS was indicted for feloniouſly ſtealing on the 29th of December laſt, one pewter pint pot, value 10d. the property of James Whale.

JAMES WHALE *ſworn.*

I keep a public houſe; on the 29th of December laſt, between three and four o'clock in the afternoon, the priſoner came to my houſe and called for one pennyworth of twopenny, there was a pint pot ſtood behind where the woman was; my boy came to me and aſked me if I had moved the pot, I ſaid I had not, he ſaid he was certain the woman had got the pint pot, for it was there when he went down; I watched her, and in about ten minutes after ſhe went out of doors, I followed her, I ſearched her, and pulled the pot out which ſhe had concealed under her cloak.

JAMES GREENHILL *ſworn.*

Confirmed the above account.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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157. **STEPHEN WEST** was indicted for feloniouſly receiving on the 11th of November laſt, twelve buſhels of coals, value 10s. the property of George Nicholls, well knowing the ſame to be ſtolen.

The record of the conviction of George Holliday read.

EDWARD RICHARDS *ſworn.*

I am a watchman in New Brentford; about ſix o'clock in the morning of the 11th of November I went to the priſoner's houſe, he was walking backwards and forwards juſt before his door, I went there after ſome coals; I went down to the ſtairs, and at the bottom of the ſtairs I ſaw the priſoner's houſe open, and a candle burning therein, I did not go in, I went towards the water ſide, and there was a boat, and facing his own door there lay five ſacks of coals.

Court. In what place?—I take it on the premiſes, he told me himſelf that ſome part of it was, and ſome was not, they lay on the ground.

Were they in a ſack, or were they looſe?—All in ſacks.

Have you the ſacks here?—No, we had them here the laſt ſeſſions; the priſoner came through his houſe, and came out to us, he ſaid he knew nothing about the ſacks, he preſently went into his houſe and came out again, and owned the whole.

Did you tell him it ſhould be better for him if he owned it, or that it ſhould be worſe for him, that he ſhould be proſecuted?—No.

What did he own?—He owned that ſome laid on the premiſes, and ſome not, and he owned that he helped out with one of the ſacks out of the boat, he told me that Geo. Holliday had brought the boat up.

Did he tell you that any body elſe had brought the boat up?—No, he did not.

Did he tell you what time the boat was brought up?—No, he did not.

Mr. Silveſter, Councel for the Priſoner. What is Weſt?—A fiſherman.

He lives cloſe to the Wharf?—Yes.

This wharf is open to the water, I or any body elſe may land there?—I do not know.

Do not you, why what ſhould prevent me landing, is it a private wharf; upon your oath is not it the common paſſage?—Nobody can land upon that piece of ground, they tell me it is his private property.

Does not any body elſe make uſe of it?—I did not ſee any body.

You do not live there perhaps?—No.

Then how ſhould you know; where were theſe things, were they not at the water edge?—Yes.

Then it was not even upon the wharf?—The boat could not come up at low water.

Was it below high-water mark?—No, it was not, to be ſure they could not be landed there, they were brought by tide.

Was it above or below high-water mark?—It muſt be above.

Why ſo?—Becauſe I am ſure it muſt.

Was it above the edge of the river?—Yes.

How far, as far as you are from me?—No.

Not ſo far from the water as that?—No.

STEPHEN COLLINS *ſworn.*

I only know what Mr. Weſt told me, that he had helped out with the ſack, this was the 11th of November.

Court. Gentlemen of the Jury, here is no evidence at all, to be ſure it is not neceſſary in the trial of a receiver to give poſitive proof that he knew theſe things to be ſtolen; but circumſtantial evidence would be ſufficient, as for inſtance, if he had bought them at a lower price, or had bought them at an unſeaſonable time of night, but there is no evidence at all in this caſe, only, that the ſacks are taken out, and that he helped out with one of them, and there they lay on the beach.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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158. SAMUEL SMITH and JOHN DAVIS were indicted for feloniouſly aſſaulting George Hunter, on the King's highway, on the 9th day of January, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one ſilver watch, value 3l. and one piece of foreign ſilver coin, value 4s. 6d. his property.

GEORGE HUNTER *ſworn.*

About nine o'clock on Friday laſt the 9th of January, I was robbed in Great Hermitage-ſtreet, I was going home, and was within a few yards of my own door, and a man came up and demanded my money, I told him I had no money; he collared me and I collared him, then came up a ſecond man and caught hold of me, and then the watch was ſnatched out of my pocket.

Court. Which of them ſnatched the watch out of your pocket?—I believe it was the ſecond man; then a third came up and put his hand in my left-hand breeches pocket, and took out a piece of coin, then came up a fourth and got hold of me, they lugged me about the ſtreet till I fell down, and when I fell down I cried out murder, and one Mrs. Belſon, a lady that lives cloſe by me, lifted up the ſaſh, and cried out murder, murder, they are killing George Hunter; then they ran away.

Court. They did not appear to have any fire-arms, did they?——I did not ſee any arms, I kept one by the collar, and I tore a piece off his coat as he was running away, which I have in my pocket; they got clear off.

Court. Do you know who any of theſe men were?—I believe the coat to be the property of the accomplice.

But do you yourſelf know either of the priſoners?——I do not.

When were the priſoners taken up, and on what account?—They were taken up on Saturday morning, that is, he who is turned evidence was, and the priſoners were taken on his information. The officer has the watch.

WILLIAM WHITEHEAD *ſworn.*

On laſt Saturday morning I heard a gentleman had been robbed in Hermitage-ſtreet, and I ſaw the piece of the coat which the gentleman had tore off, and knowing Hall wore ſuch a coat, I concluded it muſt be him, and I went and took him out of a houſe of ill-fame in Nightingale-lane, I ſearched for the remaining part of the coat but could not find it; after he had been in cuſtody about an hour, he ſaid he would acknowledge the whole matter.

Court. Stop a little, do not tell us what he acknowledged; where did you ſell the watch?—In Duke's-place.

Is the perſon to whom it was ſold here?—No, he is upon bail, he is not here, he is not indicted yet.

Court. You know nothing of the priſoner but from the information of Hall?—No.

Did you ever find the coat of which the proſecutor had a part?—No.

Is there any further evidence?—No.

Court to Proſecutor. Do you know any thing of the perſons of either of theſe priſoners?—No, my Lord, nothing at all, it was very dark, I could not diſcern who they were, nor any thing of the kind.

Court to Jury. Gentlemen, the rule of law, which is founded on very wiſe reaſons is, that no man ſhall be convicted on the ſingle evidence of an accomplice, unſupported by other circumſtances, for nothing would be ſo eaſy, if the law were otherwiſe, as for any man taken up under circumſtances againſt himſelf, to get himſelf admitted a witneſs, and ſo ſave himſelf by a falſe accuſation againſt others; ſo that, though the law will admit the evidence of an accomplice to explain and connect evidence, yet, without that, the law will never ſuffer any man to be convicted on the evidence of an accomplice only.

SAMUEL SMITH, } NOT GUILTY.
JOHN DAVIS, }

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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159. The ſaid SAMUEL SMITH and JOHN DAVIS were again indicted for feloniouſly aſſaulting Daniel Vellum on the King's highway, on the 8th of January, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one ſilver watch, value 4l. 4s. the property of the ſaid Daniel.

This depending on the ſame evidence the priſoners were both

ACQUITTED.

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160. JOHN PARKER was indicted for feloniouſly aſſaulting Joſeph Jones on the King's highway on the 21ſt of December laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one man's hat, value 8s. the property of the ſaid Joſeph.

JOSEPH JONES *ſworn.*

I am ſervant to Mr. Grady, I was robbed on the 21ſt of December laſt, I was going in the evening through Groſvenor-ſquare, about twenty minutes after ſeven, and oppoſite to the late Marquis of Rockingham's houſe, there is a ſcaffolding erected, I was going under the ſcaffolding, and I ſaw two men concealed under the ſcaffolding, with their faces towards the wall, and as ſoon as I came under, they turned about and ſtopped me, and deſired me to deliver my watch and money, or my life immediately; they ſpoke in a very low tone, I did not immediately underſtand what they ſaid, I ſays to one of them, I beg your pardon Sir, I do not know what you ſay, they ſaid, do not heſitate Sir, but your watch and your money, or your life immediately; and one of them, I do not know which it was, caught at my chain, I puſhed him away with my left hand and halloo'd out for aſſiſtance for ſome time, then one or two came behind me.

Court. How many were there in all?—There were three or four, I am ſure it was three, the one that came to me, whether he intended to ſtrike me or catch me by the collar I cannot tell, but as he attempted to ſtrike me, I ſtooped and he caught my hat from my head; I then ſtooped between the two that came up firſt to me, and endeavoured to paſs them by, ſtooping under their ams to make my way under the ſcaffolding, and as I attempted to paſs them the priſoner at the bar ſaid, Damn him, ſhoot him, ſhoot him, if he will not deliver his money.

Court. Where did the priſoner ſtand?—He ſtood at the right hand of me.

How do you know it was the priſoner at the bar?—Very well my Lord, he had his hair hanging on his ſhoulders.

How near was you to the lamp?—About four yards.

You could not obſerve the features of his face?—I ſaw he was a little pitted with the ſmall pox.

You could not ſee him ſo as to ſwear to him?—Not from his being pitted with the ſmall pox, but from the colour of his coat and his face I could ſwear to him a month after; then they all ran away.

Did you obſerve any arms?—I did not, I ran after the priſoner immediately; he ran down Lower Groſvenor-ſtreet, I followed him, and at the corner of David-ſtreet he was ſtopped by Mr. Robert Fenton.

Was he out of your ſight from the time he committed the robbery till he was ſtopped?—No, he was ſcarcely out of my ſight.

Was he at all out of your ſight?—He was not twenty yards from me, if ſo far; when he was apprehended, I came up and took him to the watch-houſe in Mount-ſtreet, I found he was the perſon, and he was committed.

ROBERT FENTON *ſworn.*

I am a publican; I had been at a ſtable, and I was going down along David-ſtreet, and I heard the cry of Stop thief! and the priſoner at the bar coming running very hard on the coachway; I was on the footway, and as he was croſſing I caught him, and the proſecutor and ſome others came up directly, before I had time to ſpeak, and charged him.

What did he charge him with?——He charged him with ſtopping him and taking his hat.

What did the priſoner ſay to that charge?

He ſaid, you may do what you pleaſe with me.

He made no reſiſtance?—No.

PRISONER's DEFENCE.

If you pleaſe to order the evidences out of Court I will ſpeak.

Court. It is too late now, they cannot do you more harm than they have done.

Priſoner. The gentleman ſaid I was not out of his ſight, and when we were at the Rotation-office, he ſaid he loſt ſight of me for a minute or two.

Court. That is not material, he ſays now, you was ſcarcely out of his ſight.

Priſoner. Here is my maſter that I work with.

ANTHONY YOUNG *ſworn.*

I am an ivory turner; I have known the priſoner between eight and nine years, he was my apprentice.

What has been his general character during that time?—His general character has been very good, he ſerved me very faithfully.

GUILTY, **Death.**

He was humbly recommended to mercy by the Jury.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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161. GEORGE MELTON and THOMAS JONES (two boys) were indicted for feloniouſly aſſaulting Charles Lettilier the younger (a boy) on the king's highway, on the 13th of December laſt, and putting him in fear, and feloniouſly taking from his perſon and againſt his will, one guinea, value 21s. the property of Charles Lettilier the elder.

CHARLES LETTILIER the younger.

Court. How old are you?——Twelve next month.

Do you know the nature of an oath?—Yes.

What do you think would happen to you if you was to tell an untruth upon your oath?—I ſhould be in danger of hell fire.

Court. Then take care you ſay nothing but what is truth.

C. LETTILIER the younger *ſworn.*

Court. Was you robbed at any time?—Yes, at ſeven o'clock on Saturday night.

How long ago was it?—I cannot tell.

As near as you can gueſs, I do not mean exactly?—About a fortnight.

Where was it?——In Little Catherine-ſtreet.

Do you live there?——I live in a court next to it.

What did they take from you?—A guinea.

Who took it from you?—The leaſt of the two priſoners.

What is his name?—Thomas Jones.

What did the other do?—He held his hand before my mouth and noſe, that I ſhould not cry out.

The concluſion of this Trial in the next Part which will be Publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*;
HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of JANUARY, 1784; and the following Days;
Being the SECOND SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
And Publiſhed by Authority.

NUMBER II. PART II.

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MDCCLXXXIV.
[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of George Milton and Thomas Jones.

How came you to have all this money with you?—I went to change it at the public houſe.

For whom?—My father.

What is his Chriſtian name?—Charles.

How far was you from your own houſe when they attacked you?—I was in Little Catherine-ſtreet, I was juſt come out of the publick-houſe.

Did you know the two boys by ſight?—I never ſaw them before in my life.

Was it dark or light?—Dark.

How can you be ſure of them, it being dark, and not having ſeen them before?—I was under a lamp at the ſame time ſo I could ſee them.

Are you poſitively ſure now that theſe are the two boys that robbed you?—Yes, Sir, I am poſitive of it.

Jury. Had you changed your guinea?—I had been into the public houſe for change, but he could not give me change.

Did you ſee them in the public houſe when you went to get the guinea changed?—Yes.

Did they ſee you?—Yes.

Were there only theſe two boys in the public houſe?—There were more beſides them.

Priſoner Milton. When we were before the Juſtice this little boy ſaid there were five or ſix of us that went into the public houſe, and that we were taken out of theſe five or ſix.

Court to Proſecutor. Did you ſay ſo?—I ſaid four or five.

Then there were more beſides theſe two?—Yes; there were.

C. LITTULIER the elder *ſworn.*

On Saturday the 13th of December, at ſeven in the evening, I ſent my ſon to get change for a guinea, and in about 5 minutes I heard a great noiſe, and a mob came and brought a boy up to my houſe, which was Jones; and my ſon was crying, and ſaid, he had been robbed of his guinea, accordingly the boy was brought into my houſe, and we ſearched him to ſee if he had the guinea about him: We found no guinea about the boy, as we went along, ſome of the mob ſaid, there was another of them, pointing to the biggeſt of the two lads, and accordingly my ſon looked at him, and ſaid, that was the boy that ſtopped his breath, then we went to the Rotation Office and the priſoners were committed.

ARCHIBALD COBURN *ſworn.*

I keep this public houſe in Little Catharine-ſtreet, and the two priſoners with three more came into my houſe, and wanted a pot of purl, the ſame evening, which was the 13th of November; it was about ſeven o'clock, I would not ſerve the boys, I knew them to be of indifferent characters, then the child came in for change and I could not give it him, the little boy had a guinea in a paper, while he ſtood at the bar, and he went out before them, then the boys went out altogether, and in two minutes after, there was the cry of ſtop thief!

Are you ſure theſe two boys are two of the boys that were in your houſe?—Yes, I know theſe boys, but whether they robbed him I do not know.

PRISONER JONES's DEFENCE.

I went to ſee my Aunt, and coming up Catharine-ſtreet I heard the cry of ſtop thief, and I went to ſee what was the matter, and they laid hold of me, ſays they, here is one of them, ſays they, give me the guinea and I will let you go, I ſaid, upon my word I have no guinea; then they ſaw that boy, ſays they again, here is another; then they dragged us away to the Juſtice's, we have no witneſſes.

GEORGE MILTON,
THOMAS JONES, } GUILTY **Death.**

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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162. THOMAS EBBORNE was indicted for feloniouſly ſtealing on the 2d day of January, one piece of white Mancheſter quilting, containing fourteen yards, value 49s. the property of John Nickſon, privately in his ſhop.

Another count for feloniouſly ſtealing the ſame goods in the dwelling houſe of John Nickſon.

The Proſecutor and Witneſſes called on their recognizances, and not appearing the Priſoner was

ACQUITTED.

The recognizances were ordered to be eſtreated, but afterwards, on application to the Court, they were diſcharged.

163. JAMES POWELL was indicted for feloniouſly ſtealing, on the 24th of December laſt, two hundred and four cut glaſs drops and roſes, value 5l. four hundred and eighty cut glaſs drops, value 3l. ten cut glaſs ſtars, value 17s. five nozels, value 6s. one ſpying glaſs value 10s. ten ſmelling bottles, value 10s. ſeven inkſtands, value 4s. two covers for ſugar baſons, value 3s. one glaſs decanter, value 9d. ſix priſms, value 9s. three braſs nozels, ſilvered, value 3s. the property of James Need, James Maidnent, and Thomas Bailey.

THOMAS BAILEY *ſworn.*

I am partner with Mr. Need and Maidment in the glaſs buſineſs, the priſoner is a mounter of girandoles, he has worked for us ten years, on the 24th of Dececember, in the morning, the priſoner was ſent home with a pair of girandoles that were finiſhed, to a Mr. Hogg a merchant in the city, in the afternoon the ſervant of the gentleman the girandoles belonged to, came and informed me that there were two drops miſſing, and the priſoner was directly charged by one of my men with having taken the drops, he almoſt confeſſed it, and ſaid he would never do the like again, and he was kept in the workſhop whilſt a ſearch warrant could be obtained from Mr. Alderman Hart, and I went with the conſtable to ſearch his lodgings, and theſe things were found.

Court. Did you afterwards know that this place where you found the things, were his lodgings?—Yes, we knew that from his accounts and from his wife; and I ſaw ſome china images there that he bought of us ſometime ago, at the firſt ſearch we found a quantity of drops and various things that are uſed in our way, he was then committed; as he was going to the Compter, he aſked the conſtable whether we took thoſe things or not, from the box under the bed, and we went to his lodgings again, and found in two baſkets ſome more things, and under the bed we found a box that contained drops of various ſorts, that had been manufactured at different times for ſeven, eight, or nine years; the box was about nine inches wide and two feet long. On a ſecond examination he confeſſed every thing.

Was any promiſe of favour made him if he confeſſed?—No; the Lord Mayor ſaid, he did not know his ſituation; he ſaid he had done wrong and was very ſorry for it, he gave no account as to his taking the things.

Did he acknowledge that he had taken them?—He acknowledged every thing that was laid to his charge was true; we always looked upon him as an honeſt, induſtrious man, till we heard otherwiſe the beginning of December.

Court. Has he any family?——Yes, a wife and two children.

Have you compared the things?—I have.

EDWARD STAPP *ſworn.*

On the 24th of December I went to ſearch the priſoner's lodgings, his wife was at home, and we found a baſket with many things in it, and we took them to Mr. Bailey's houſe, and he was committed, and going along he ſaid, what did you take out of the box under the bed? I ſaid, nothing; and we went again to his lodgings and found the box under the bed.

Priſoner. I took the drops for Mr. Bailey's uſe.

EDWARD RAWLINS *ſworn.*

I opened the door by the order of the conſtable, and ſaw the things found.

AMBROSE MAZE *ſworn.*

Some of this is my cutting, and they were Mr. Need's property.

JOSEPH JONES *ſworn.*

I work for the ſame gentlemen, and I went to examine the work by Mr. Bailey's deſire, and I found ſome of them my work, I examined it carefully.

Court. Theſe things were uſed in girandoles?—Yes.

This man was mounter of theſe things?—Yes.

How long did he work for them?—Six years.

Did the work at home or at Mr. Need's houſe?—Sometimes he was at the ſhop.

PRISONER's DEFENCE.

My friends are here, I have an impediment in my ſpeech.

Court. Take time and do not hurry yourſelf, and if you have any thing to ſay for yourſelf ſpeak.

Priſoner. I am not capable of telling you.

Court. You ſaid you took them for the uſe of your maſter?—Yes.

Court. What was you to do with them?—To mount them by degrees, I never ſold any of them in my life.

Court to Mr. Bailey. In what manner did you ſupply this man with theſe articles neceſſary for mounting the girandoles?—The drops were generally told out when he took a pair of girandoles, but ſince we knew him he has gone to the drawers and helped himſelf.

Court. But was he ever intruſted with any very large quantities for the purpoſe of mounting?——There were drops that would mount twelve or fourteen pair, and every thing that is uſed for mounting, in this aſſortment, the morning this happened I aſked him if he had any thing of ours at home, he ſaid he had nothing but that pair; none of the drops that I found there did I give him out for any purpoſe to mount whatever, there are drops there that the moulds have not been uſed theſe ſeven years; there was a ſpy glaſs, I never had but two of them cut.

(Ten ſmelling bottles depoſed to, and ſome ſalts.)

JOHN JONES *ſworn.*

(Depoſed to the ſpying glaſs.)

PRISONER's DEFENCE.

Some of the things were mine.

The priſoner called ſeven witneſſes who gave him a very good character.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

164. **WILLIAM CLARKE** was indicted, for burglariously and feloniously breaking and entering the houſe of Abraham Brown, on the 23d of December laſt, about the hour of three in the night, and feloniouſly ſtealing therein, one wooden caſk, value 6d. and five gallons of a certain liquor called raſberry brandy, value [illegible] his property.

ABRAHAM BROWN ſworn.

I am a publican, I keep the King of Pruſſia, Salt-petre Bank; on the 23d of December I let the priſoner out of my houſe, he was the laſt man I let out, it was between twelve and one o'clock; about three o'clock I was called up, the watchman ſaid my cellar window was broke open, I came down and opened the ſtreet door, and went down to the cellar to ſearch, the watchman ſaid he would ſtay, but [illegible] I took him in doors with me, and ſhut my ſtreet door; I went down into the cellar, and before I had got down the ſteps, I found the gin cellar was wrenched, going along I picked up a mallet, I proceeded on, the cellars being very large, the houſe is all in one, there are four cellars, turning round I ſaw the priſoner at the bottom lay on the ground in the further cellar, there I took him, and the watchman who came to my aſſiſtance, and I took him up ſtairs to take him to the watch-houſe, he fought with me, and we both had a tumble in the cellar together; I took him to the Watch-houſe, he ſaid he had fallen down the cellar, and ſo he ſaid before the Juſtice.

Court. What ſort of cellar was it?—It was a dead cellar window, nailed with planks over it.

How were thoſe planks laid on?—It was planked up and the nails drawn.

Court. What was become of the caſk?—In the gin cellar, the lock was wrenched off, and the ſtaple was drawn, and the raſberry gin was taken out, and carried to the hole where they broke firſt in, ready to take it away, the cellar was eight yards diſtance from the window, and where I found him was ten yards diſtance.

DANIEL DONNEVAN ſworn.

I am the watchman, as I was going three o'clock, I paſſed Mr. Brown's door, and I found the cellar window open, I never ſaw it open before, I thought there was ſomething amiſs, and I called Mr. Brown, and we went down and found the priſoner on his ſide in one of the cellars, there are two or three cellars in one, it was in the further cellar facing the door a good way off.

PRISONER's DEFENCE.

I was drinking in the houſe till one o'clock, and was very much in liquor, and I went to the Black Boy the next door and had two pints of beer, and I [illegible] down coming along, I [illegible] myſelf with [illegible] down, and I laid down and went to ſleep.

Court to Proſecutor. Did he appear in liquor when you found him in the cellar?—I believe he was, for he had certainly been drinking of the liquors that were in the gin cellar.

Was he very much in liquor when you found him?—Not ſo much becauſe when I got him to the door, he would have fought me.

Court. Was he drunk when you let him out?—I look upon him at eleven to be fuddled, but he ſtaid till between twelve and one o'clock, and had nothing more to drink to my knowledge.

Court to the watchman. Was the priſoner drunk when you found him in the cellar?—No, I cannot ſay he was, he ſaid, he fell down, I ſaid, you ſhall not fall out, we will help you out.

GUILTY. Death.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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165. **JOHN HITCH** was indicted for feloniouſly ſtealing, on the [illegible] of January, two milch cows, value [illegible] the property of William Dellow.

WILLIAM DELLOW ſworn.

I am a farmer, I live at Ware in Hertfordſhire, I loſt two milch cows out of my yard the 1ſt of this month, I loſt them between five o'clock in the evening and eight and nine in the morning, we did not miſs them when we firſt got up having more; I looked all about for them and could not find them, I went on the Friday evening to Cheſhunt turnpike, and enquired after them, and traced them to Ponder's End, and I was informed a perſon was at a public houſe, and that he had been enquiring for a man to help him to drive two cows to town, and at the Goat I ſaw him, I ſaid to him, I heard you drove a couple of cows up, and I loſt two cows, I ſuſpect you have taken my cows, he ſaid, he bought them, and he dare ſay they were not mine; but if I would pay him for a day's work, he would go up to London with me and ſhew them me, if they were not killed, and I agreed to do ſo; I went with him to Smithfield, and when we came there, he ſaid, he did not know where they were, he ſaid, they might be twenty miles off for ought he knew. I was a ſtranger in town and could not find them, and I went back again, and the priſoner with me; I did not take him into cuſtody, he went with me as far as Enfield highway to the White Lion, and I left him and went to Cheſhunt, and I was perſuaded to take him into cuſtody that night, and I found him at the ſame houſe, he gave no account of himſelf, we took him before Mr. Juſtice Brooksbank, who diſcharged him, becauſe I could not make affidavit of them, and he agreed to go to town with me again, and as we came along he went into a ſlaughter houſe, belonging James Bradbury, and ſome carcaſes were hanging up, there was a lad in the ſlaughter houſe, and I aſked him whether this man brought two cows there, and he ſaid yes, and there were the two hides hanging up, and I knew them to be mine.

What was there ſo particular that you could know the hides?—By the colour and the mark.

Was there any mark that you could know them by?—Nothing no more than another cow has.

I cannot underſtand how you could know the hide unleſs there was ſomething particular obſerved on it?—I know them very well; [illegible] both the tips of them off.

Is not that a common thing?—I believe not; it is not: the priſoner ſaid these were the two cows that he had ſold.

What coloured cows were they?—The one was black and white, and the other a brindle, he ſaid he bought them, but of whom he did not ſay, he ſaid he bought them at Ware, and gave ſix pounds for them, but he did not know the man he bought them of.

Did you know the priſoner before at all?—Yes.

What is he?—A butchering lad at Ware.

Does he carry on buſineſs for himſelf?—Now and then he kills a beaſt.

JAMES BRADBURY ſworn.

I am a butcher; the other week at my ſlaughter-houſe the priſoner brought them down to me the ſecond of this month with intent to have them killed, and as the day after they were killed, they were to go to Leadenhall, he ſaid they were his own property, I never knew any thing about them.

Is it cuſtomary for the country butchers to bring up cattle to be killed?—[illegible] he came round as if he had been dealing in Smithfield market, and could not ſell them, and he had brought them to me to be killed, on Sunday morning following he came again with Dellow the proſecutor.

PRISONER's DEFENCE.

—I bought theſe two cows of a man at Ware for ſix pounds, I drove them to Smithfield that night, and they were not ſold, and I drove them to Bradbury's to be killed.

Court. Why did not you take the proſecutor to Bradbury's the firſt time you came to town?—Becauſe I thought it would be very hard for me to loſe my money, nobody at London knows me; the hides were both all over blood, and there were more hides like that.

Court to Bradbury. What reaſons did

the proſecutor give you for knowing the hides? —— When I came in Dullow field, that is my old cow's hide, and then he went to the others; there were ſome more hides lay with them, but none like the black and white hide.

Did you obſerve any mark on the horns? — No.

Jury. What were the cows worth? — About ten pounds.

To Priſoner. Had you any receipt? — No Sir, we never take any receipts; I was bred and born in Ware, I live along with my mother, I have no witneſſes, I thought I was to be tried at Hertford.

Jury to Proſecutor. Can you be ſure they are your cows? —— I can indeed, they have been in my yard a dozen or thirteen years.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

WILLIAM LIGHTMAN was indicted for feloniouſly ſtealing on the 27th of November laſt, one black gelding, price 4l. the property of John Earle.

JOHN EARLE *ſworn.*

I live at South Mimms; on the 27th of November I loſt a black gelding out of the field, I did not miſs him till the 28th in the morning; I ſaw him the afternoon before about one or two o'clock; I cannot tell who took him; three men came to our town, and they ſaid they ſaw him in a duſt cart, and I went and ſaw him come out of one of the witneſſes ſtables.

JOHN M'CLARA *ſworn.*

I bought a black gelding of the priſoner at the bar, the 2d of December, he told me he bought it at Harley-down fair.

When is Harley-down fair? — The 28th of November.

What did you give him for it? — A guinea and a half, and ſpent one ſhilling, and I ſold it for 3l. 1s. to one Tibbitt, he was very lame when I bought him, and had a ſhoe off, I kept him a week.

Court. Is Tibbitt here? — No, he lives at Horſham.

Court. Then who is to prove that this is the ſame horſe he ſold to Tibbitt.

JOHN ARMSTRONG *ſworn.*

I am a conſtable of Shore-ditch, on the 6th of January I was ſent for to the King's Head, near Haggerſtone, a farmer being there who had loſt a horſe from South Mimms, and had found it in a ſtable there, I went and enquired for the farmer, he was then at the ſtable door, that is the proſecutor, I aſked him his buſineſs with me, and he told me he had been robbed of a horſe about ſix weeks ago, and that he had ſeen it come out to water, and that it was then in a ſtable, and he knew it to be his horſe; I aſked him by what marks he knew it, he ſaid his name was branded on the hoofs. I diſpatched a man for Mr. Tibbit, and he came and told me he bought it of Mr. M'Clara; Tibbit very readily went with me to the Juſtice, the farmer made oath of his property, and the juſtice granted a warrant againſt M'Clara; on the Friday he came to the Public Office, and ſurrendered himſelf up, in the mean time he alſo apprehended the priſoner that he had bought the horſe of, and he was examined before the ſitting alderman; the ſitting alderman took the priſoner's own word for his appearance on the Saturday, when he was examined again; then a letter was ſent by Mr. Wilmot to the ſitting alderman, and an examination was taken again, then M'Clara gave ſuch a ſatisfactory account, that the juſtice thought there was no occaſion to bind him over.

Court. Was the horſe produced? — Yes.

Court to Proſecutor. You ſaw the horſe before the juſtice? — Yes.

Was M'Clara there at the time? — Yes.

And the priſoner owned to the ſelling of the horſe? — Yes.

Mr. Scott, council for the Priſoner. You ſay that upon the firſt examination before the alderman, the alderman diſcharged him on his bare word to appear again? — Yes.

Court. This [illegible] man's character, or elſe I ſhould not upon this evidence ſum up to the jury.

FOR THE PRISONER.

——— TAVERNER *ſworn.*

I live at Harlow.

Do you know the priſoner Lightman?—Yes.

Do you know Mr. White?—Yes.

Did Lightman and White come down at any time to your houſe?—Yes, they came to my houſe about half an hour after three o'clock, the 27th of November enquiring for lodgings, that was the day before the fair.

Do you recollect ſeeing Lightman purchaſe a horſe on the 28th?—Yes.

Do you recollect what the colour of the horſe was?—Yes, it was black, a long raw boned horſe with a long tail, I believe his off eye was out, and one hoof behind was off to the beſt of my knowledge; he wanted change for a guinea, I gave him 5s. in part of change, and he gave me a guinea, he then went to pay him; it is the cuſtom in thoſe times to ſell a little beer, and he called for a pot of beer, and he took his horſe, ſays he I do not know what to do with him; ſays I, put him into my yard.

Court to Proſecutor. Was your horſe a long tailed black horſe?—Yes.

Had he an eye out?—Yes.

Court to Jury. Upon the evidence for the proſecution, you find the priſoner directly owned where he had the horſe, and this was five or ſix weeks after he was ſtolen.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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167. JOHN RIGG, otherwiſe BIGG, and MICHAEL LYON were indicted for feloniouſly ſtealing on the 2d of January laſt, one tortoiſeſhell tooth pick caſe, value 5s. the property of William Dermer.

WILLIAM DERMER *ſworn.*

I loſt a tooth pick caſe on Friday the 2d of this month, at my ſhop in the Strand, I was at dinner about half paſt two o'clock and I was called to the door, and I obſerved a number of my neighbours with the two priſoners in cuſtody, upon their being brought into the ſhop I ſaid to Rigg, that I would ſearch him, but upon conſideration I thought it moſt proper that a conſtable ſhould do it, I ſent for a conſtable, and I turned round and obſerved Rigg with his hand to his waiſtcoat, as if unbuttoning it, which apparently drew my attention, immediately ſomething fell from him; I did not take it up but it was taken up by the next witneſs, Langſton, in my ſight, and given to me, there was my mark in it, and it was my property, it is in Langſton's poſſeſſion, and has been ever ſince.

——— LANGSTON *ſworn.*

I live within two doors of the proſecutor, on Friday the 2d of January, I obſerved the priſoner Lyon go backwards and forwards by the proſecutor's ſhop, he went a few doors below the proſecutor's and from thence brought the other priſoner, as ſoon as I ſaw the priſoners come to the proſecutor's window, I ran to the next door neighbour but one on the other hand, and told him I ſuſpected there were two men going to cut the proſecutor's window, and I ſaw them turn away from the window, and I went up running to ſee if the window was broke, I found the window broke, and we took the two priſoners, and he went and fetched another neighbour.

Court. Was you preſent in the ſhop when the tooth-pick caſe dropped?—I was, I was as cloſe to the priſoner as I am to this gentleman, I heard it drop, it dropped from Rigg.

(The tooth-pick caſe produced, and poſitively depoſed to.)

What is the value of it?—I valued it at five ſhillings.

PRISONER RIGG'S DEFENCE.

I have no witneſſes, I thought my trial would not come on ſo ſoon.

Priſoner Lyon. I have nothing to ſay.

JOHN RIGG otherwiſe BIGG, } GUILTY.
MICHAEL LYON, }

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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168. **EDWARD FLINN** was indicted for feloniouſly ſtealing, on the 24th of December laſt, four pair of velveret breeches, value 20s. two pair of blue cloth breeches, value 4s. three pair of callimanco breeches, value 6s. one pair of worſted breeches, value 4s. and one pair of everlaſting breeches, value 5s. the property of James Brown.

JAMES BROWN *ſworn.*

I live at Cockhill, I am a ſlopſeller, I was in the room adjoining, and my nephew called me, I immediately went to the door, and ſaw the priſoner, I purſued him, and came up with him ſo cloſe to ſee he had ſomething in his arms; in running after him he dropped eleven pair of breeches, I ſtill purſued him he run up a lane and Graves tripped him up; I was cloſe behind and I apprehended him.

Court. When you firſt ſaw at what diſtance was he?—As nigh as I can gueſs about twenty yards, this man picked up great part of the things, and the priſoner's hat under them; on bringing him down he aſked ſeveral times after his hat, I told him, I knew nothing of it, the priſoner turned round to me, and ſaid, I hope you will not hang me for it, I ſaid, if the law will hang you, I will hang you; then one Hurford came running after us, and ſaid, here is his hat.

WILLIAM HURFORD *ſworn.*

On the 24th of December, I was drinking a pint of beer at the Cock alehouſe, Cockhill; I heard the alarm of ſtop thief, I ran to the door; and the firſt thing I ſaw on the pavement was this bundle, I picked it up, and under it was a hat; I gave the things to an acquaintance of Mr. Brown's, and I went to help to take the priſoner.

Court. Did the priſoner claim that hat?—Yes, he ſaid it was his.

In whoſe cuſtody has the bundle been ever ſince?—In the proſecutor's.

(The things depoſed to.)

PRISONER's DEFENCE.

I was coming by, and I heard this man cry ſtop thief, and I ran as well as the reſt.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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169. **CHARLES FOX** was indicted for feloniouſly ſtealing, on the 24th of November laſt, one hand hand ſaw, value 2s. a tenant ſaw, value 3s. a dove tail ſaw, value 3s. one Turkey whetſtone, value 3s. and one carpenter's plow, value 4s. the property of Thomas Marſhall.

THOMAS MARSHALL *ſworn.*

I am a carpenter, I live Brook's Market, the priſoner worked for me, I went into the country, and left the priſoner in the care of one Mr. Fox, he worked for him during the time, I was in the country, I hid the tools mentioned in the indictment under the bench where I did buſineſs before I went away, and when I came back thoſe tools were gone, I enquired about them, and I found Mr. Fox the priſoner had pawned them.

ELIZABETH RAMSEY *ſworn.*

I am a pawnbroker, on the 10th of December, the priſoner brought thoſe goods, which I now have here, he pledged them for four ſhillings and ſixpence, I did not aſk him whoſe they were, I am poſitive it was the priſoner, I never ſaw him before, it was in the middle of the day.

PRISONER's DEFENCE.

I carried the things three or four different times, and pawned them; the gentleman that I worked with had taken my wages, and carried into Yorkſhire, and I had almoſt broke my thighs, and the men told me, if he had ſerved them ſo, they ſhould have been glad to make a ſhilling.

(*The things depoſed to.*)

Court to Proſecutor. Where did you go to?—I went to Weſtmorland.

Did you owe him ſomething at that time?—I owed him eight ſhillings, but I agreed with Mr. Fox, with whom he was to work, for fourteen ſhillings a week, and Fox was to receive ſixteen ſhillings inſtead of fourteen, and we were to ſettle it when I came back, inſtead of that I was ſix weeks gone.

Priſoner. In the room of giving me fourteen ſhillings, he gave me five ſhillings and promiſed to give me the remainder and did not: I told the pawnbroker, that as ſoon as ever the man I worked for returned I would fetch the things, and as to the plow, it was in the ſhop when he returned, and I only took the things for money to keep me, and the foreman and the men ſaid, if he had gone away with their money in that manner, they ſaid they would have taken three or four of his things.

Court to Marſhall. How came you to know that theſe things were at the pawnbroker's?—He told me of it.

Court. He was in diſtreſs and he pawned them, and you owed owed him money; this ſeems to be a very hard proſecution, and he acknowledges he pawned them through neceſſity.

Proſecutor. When I aſked him about them he abuſed me very much.

Court. Did any accident happen to him that you know?—None at all that I know of.

JOSEPH WEBB *ſworn.*

The priſoner worked for me up and down for theſe ten years; I have known him theſe fourteen years; he worked for me before he came to Mr. Marſhall; he always bore a very good character; I never knew any thing amiſs of him.

Court to Jury. I will leave it to you, whether this was a felonious taking or no, it ſeems to be a very hard proſecution; you ſee the man went away in debt to his journeyman, a man of very good character.

Jury to Webb. Did you ever hear that he uſed to pawn his own tools, or other peoples tools?——He never pawned any tools of mine, he might pawn his own.

Jury to the Pawnbroker. Did he tell you that on his maſter's return he would fetch them out?—Yes.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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170. WILLIAM BEARD was indicted for feloniouſly ſtealing, on the 9th of December laſt, one ſeaman's bed, value 5s. one woolen blanket, value 4s. two canvas jackets, value 2s. one pair of canvas trowſers, value 6d. two linen ſhirts, value 8s. the property of William Denniſon.

WILLIAM DENNISON *ſworn.*

I know the priſoner, I loſt the things mentioned in the indictment; I loſt them either the eighth or ninth, the firſt time I met the priſoner ſince we were paid off from the ſhip was in Ratcliffe Highway, he ſailed with me as a ſhipmate, we were paid off the the 8th of Auguſt, I aſked him how he did, he ſaid he was very poorly, he had not put a bit of bread in his mouth for two days; I ſaid that was very hard; I kept a ſhop my ſelf, and I had the misfortune to break, but however, I told him I would give him a bit of victuals as much as I could afford, and I took the priſoner home to my own houſe about three o'clock in the afternoon, I gave him ſome dinner, he ſeemed to eat very hearty, and was very thankful for it, he went home where he lodged, he ſaid, he paid one ſhilling a week for laying on the boards, and he ſaid it was very cold; I lent him the things mentioned in the indictment, and he ſtaid for about a week with me, and had victuals every day, and when he went out to look for work I gave him ſome proviſion out with him; he ſaid he had got work at a paviour's; on Sunday night my wife gave him the laſt halfpenny ſhe had in the world to buy him bread, and told him, when he came home the next day to dinner, if ſhe had any thing left he ſhould have it. On Monday morning a little after ſix o'clock, I heard the ſtreet door open, it was double locked; the door ſtood open for ſome conſiderable time, for a few minutes; and I ſaid, damn the fellow, he has left the ſtreet door open; and as I got up the door ſhut too; I went down and called to my wife, and aſked her if the bed and bedding was in the one pair of ſtairs, ſhe ſaid yes; I ſaid they were gone; and I heard no tidings of them till my wife brought the priſoner to Guildhall.

ELIZABETH DENNISON *ſworn.*

I took the priſoner in out of charity, I let him have that bed and blankets, he ſaid he paid one ſhilling a week, and had only the floor to ſleep on; I thought it very hard as I had that bed to ſpare; I bought him a halfpenny worth of bread when I had not another halfpenny in the world, becauſe he brought home turnips and potatoes and had no bread; I told him, if he would come home at twelve o'clock the next day, I would endeavour to get ſomething for him for dinner after his being at work, for he ſaid he had a place at a paviour's; he never came home again, and I never ſaw him again till I met him on London Bridge on the Saturday after; with that I aſked him how he could be ſo cruel, after my being ſuch a friend to him, to take theſe things away as I was but poor myſelf; he ſaid, he knew it was very wrong, but he expected to receive ſome prize money, and he would make me any acknowledgment whatever I deſired; but he ſaid, he had not made away with the things, he had them all, he told me, he would take me where the things were; I ſaid, I did not chuſe to go where they were; I ſaid, if he would go home with me to my huſband he might acknowledge the things to him, with that he walked out of Tooley-ſtreet to go with me, and he came down Thames-ſtreet, then he turned up a turning where I did not know my way home, I told him it was not the way home, I had hold of him by the right arm and he ſhifted to the left and gave me a terrible lick on the ſide with his elbow, and threw out my arm; he turned down a turning where a man ſtood at a cart, and I bid him lay hold of that man and he did; I took him to the Lord Mayor; when he was at my Lord Mayor's, I ſaid, I believed he had the trowſers on, and they were taken off, when my huſband came, he ſaid he knew the trowſers were his; I never found the things again.

Did you mention to him what things you had miſſed?—Yes.

What things did you tell him you had miſſed?—I aſked him what he had done with the bed, he ſaid he had got it; I mentioned the ſhirts, he ſaid he had not made away with any of them, nor would on any account; I never found any thing but the trowſers.

What were theſe things worth together?—About nineteen ſhillings and ſix pence.

(The trowſers depoſed to.)

JOHN CLARKE *ſworn.*

I took charge of the priſoner, and took the trowſers off him.

PRISONER's DEFENCE.

I am in a ſtrange place two hundred miles from home, I am a poor man and have no friends.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

171. HENRY SYMONDS was indicted for feloniouſly ſtealing on the 24th of December laſt, one linen oil-cloth umbrella, value 7s. the property of Richard Dakin.

JOSEPH WILSON *ſworn.*

I am a ſervant to Mr. Dakin, a braſs-founder and umbrella maker, No. 4, Long-acre; on the 2d of December, between three and four a lad came to the door and alarmed us that an umbrella was taken; upon this I went to ſeek for the perſon but did not find him, the lad deſcribed him rather taller than himſelf, in a light coat, round hat, and his hair tied behind; on my return home I miſſed three umbrellas, I ſaw nothing more that day; on Wedneſday the 24th of December, between three and four, as I was going into the parlour, James Carpenter came into the door, and I ſaw two men ſtand looking directly down the ſhop; on ſeeing theſe two men anſwer to the deſcription I received on Monday, I ſays to Carpenter, theſe certainly are the men who took the umbrellas on Monday; upon that he went up ſtairs, I followed him, I then went up ſtairs and looked through the banniſters, one ſtood looking in at one end of the window, and the other at the other, ſeeing nobody in the ſhop, nor no perſon looking at them, the priſoner lifted one off the hooks, I ſaw him and immediately ran out after him, and turning round the corner he was rather too quick for me, I cried ſtop thief, he perceived the alarm, and threw it off his ſhoulder, and he run off, and one Thomas Clapham laid hold of the priſoner, and I took hold of him and brought him back to the ſhop, and Carpenter picked up the umbrella; the value of it is ſeven ſhillings.

JAMES CARPENTER *ſworn.*

I was preſent on the 24th, and I ſaw the priſoner through the banniſters put his hand up and take this umbrella off the hook, I am ſure it was him, I ſaw him throw it down; I aſſiſted in taking him.

PRISONER's DEFENCE.

I picked up the umbrella, I do not diſpute but they ſaw me, they ſaid, ſtop that fellow, he has ſtole an umbrella, I dropped it immediately; I have *ſome characters* out of doors.

The priſoner called two witneſſes who gave him a good character.

GUILTY.

Tranſported for ſeven years.

172. JOSEPH HARRISON was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Gondoux, about the hour of eight in the night, on the 12th of December laſt, and feloniouſly ſtealing therein, one watch with a gold caſe, value 5l. one ſilk watch chain, value 1d. one watch key, value 1d. the property of the ſaid John.

JOHN GONDOUX *ſworn.*

I was robbed of a gold watch, ſilk ſtring and key, I keep a little watchmaker's ſhop No. 50, Lemon-ſtreet, Goodman's-fields, and the watch was hanging at the window, between eight and nine in the evening I was at the window in my ſhop, I perceived a man at my window, I was taking my watches down in order to ſecure them in my drawer; I ſuſpected ſomething was going forward, the priſoner looked at me and ſhewed his fiſt at my window; I then ſaid aye, aye, and then he fetched a blow in this manner, and bent through the pain of glaſs, he put his face through the hole in the pain of glaſs immediately, which he had made, and I cried out thief, thief; then he put his hand at the ſame time, *in a very quick hurry*, and got hold of the gold watch which is here; having it in his hand, which ſtood on a braſs hook, he broke the braſs hook and pulled it off, and he made off with it, he was ſtopped immediately, and brought back to my window, with his hand cut, and the blood bleeding freſh.

Court. Are you ſure of his face?—Very clear in it; I ſent for the headborough, and he was committed, and the headborough ſaid, you fool why do not you bring out a candle to look for the watch in the ſtreet, many candles were brought from my neighbours, and the watch was found in the ſtreet, and brought to me again, and then he was taken to the Rotation-office.

THOMAS GARDNER *ſworn.*

On the 12th of December laſt, between eight and nine o'clock I was paſſing through Lemon-ſtreet, and I heard the breaking of the window, and inſtantly the cry of ſtop thief; I ſaw the priſoner come running very fa[illegible]rom the window, I ſtruck him on the ſhoulder, and he came head formoſt into the middle of the ſtreet, I ſeized him by the collar, and then took him up to the window that was broke.

BRIDGET HENNISDAY *ſworn.*

I was coming down at half an hour after eight o'clock, and I ſaw a great crowd of people and evey body looking for a gold watch, and I went to look for it, and a young man was paſſing by with a candle; I cried out and he came to look for the watch, and we went about five yards in the middle of the ſtreet, and we picked up the gold watch; I hallooed out here is the watch, here is the watch; every body told me it was the proſecutor's, and I gave it to him.

(The watch produced by the proſecutor, and depoſed to by him, being his property intruſted to him for ſale, and which was in the window when the priſoner thruſt in his hand.)

THOMAS HORRED *ſworn.*

I was coming by with a candle, and the woman cried out for a light, and I went with her, and looked and found the watch; I ſaw the woman give it to the proſecutor.

PRISONER's DEFENCE.

As I was coming up Red Lyon-ſtreet it was very dark, and I ſtaggered againſt the window and broke the window, and the watch caught hold of my button, and I croſſed the way, and that gentleman knocked me down; when I am in liquor I am not right in my head, I have had a fracture in my ſkull in an action.

The priſoner called ſix witneſſes who gave him a good character.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURT.

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173. HENRIETTA HARRISON was indicted for feloniouſly ſtealing on the 22d of October laſt, a pair of linen ſheets, value 6s. a pillow beer, value 6d. a cotton handkerchief, value 12d. two tea ſpoons, value 2s. the property of George Martin, the ſame being in a certain lodging room, let by the ſaid George, to the ſaid Henrietta, to be uſed by her for a lodging room, againſt the form of the ſtatute.

REBECCA MARTIN *ſworn.*

The priſoner lodged in my houſe about eleven weeks, I loſt the things mentioned in the indictment, and other things; ſhe left her lodgings juſt before Chriſtmas, I did not miſs the things till ſhe was gone, ſhe was gone a week before I opened the door, ſhe took the key and gave me no warning, the perſon who took the room for her deſired me to open the door; we found her at a houſe in Clerkenwell, where ſhe lodged, we took her, and ſhe ſaid the things were at Mr. Nicholls's the pawn-broker's.

Was any promiſe made by you to her of favor if ſhe confeſſed?—Not any.

ALBERT NICHOLLS, *ſworn.*

I am a pawnbroker; I received two ſheets and two ſpoons; I took them of the priſoner; I knew her before; they were pawned at different times, all ſeparate; the laſt the 27th; they were pawned in their own name; they have been in my poſſeſſion ever ſince; they are the ſame things that the priſoner pawned.

(Two ſheets and two ſpoons depoſed to.)

PRISONER's DEFENCE.

I pledged the things, I meant to replace them again, I did not give up my lodging, I offered part of the things back again.

Nicholls. Two days before Mrs. Martin told me the things were ſtolen out of her houſe, the priſoner ſent money by a perſon from Clerkenwell, as I underſtood afterwards, to redeem them, and I would not give them out, becauſe I underſtood that the perſon herſelf was near where I lived, and therefore I would not deliver them.

Court. Why did not you tell us ſo upon your firſt examination?—I did not know whether it would be of any ſervice to the priſoner or not.

Court. You are to tell the whole truth, never conſider the effect of evidence, whether it makes for or againſt the priſoner, that the Court and Jury will judge of.

Court to Proſecutrix. How did this woman behave during the time that ſhe lived with you?—Some part of the time ſhe behaved very well, and another part of the time ſhe got acquainted with a Captain of a ſhip's lady, and ſhe borrowed ſome plate of them, and pawned the plate for thirty ſhillings, and after a while ſhe was taken up for that plate; I went and paid the money, and ſhe gave me a note of hand for payment in two days, and ſhe never paid it: ſhe was brought to me in the character of a Captain's widow, and I did not know whether ſhe had any huſband or no, but he was a foot ſoldier; ſhe was very well off, her brother had juſt done for her, and put her good clothes on.

Court to Priſoner. Have you any children?—One; ſome of my friends have been here to day.

GUILTY.

To be whipped, and impriſoned ſix months.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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174. MARY DEVINE was indicted for feloniouſly ſtealing, on the 7th of December laſt, three guineas, value 3l. 3s. one half-guinea, value 10s 6d. and four ſhillings in monies numbered, the monies of John Thomas.

JOHN THOMAS *ſworn.*

I was in a public houſe drinking two or three pots of beer, I came out of doors and met the priſoner, this was 7th of December, a little after four o'clock in the morning, the public houſe was in Broad-ſtreet, St. Giles's; ſhe aſked me to go home with her, I told her no; ſhe put her hands round my waiſt, I found her hand in my waiſtcoat pocket, and I inſtantly miſſed my money, it was in a purſe.

Court. Do you keep gold in your waiſtcoat pocket?—Not common, but I had pulled out my purſe in the public houſe to pay my reckoning, and I put it into my waiſtcoat pocket.

How long had you pulled it out before you met the priſoner?——About a minute.

How much money had you then?——Three guineas and a half in gold, and half a guinea and four ſhillings in ſilver.

Were you ſober?—Yes.

What at that time in the morning?——That is the common time in the morning that we are at work.

What buſineſs are you?—A brewer's ſervant.

What time had you come out that morning?—We had been out all night, it was Sunday morning.

Had you been at work?—No.

Then what did you mean by telling me, that was the common time of your being at work?—We had been having a ſupper that night.

Why did not you ſay ſo? What time had you ſupped?—About ten, and we were drinking after.

Were you ſober?—Yes.

Will you take upon yourſelf to ſwear that?—Yes, my Lord.

How came you to put your money in your waiſtcoat pocket?—I put in my money there accidentally.

Are you ſure you did put it in your waiſtcoat pocket?—Yes.

Had you felt it there after you had come out of the public houſe?—Yes.

Are you ſure of that?—I am ſure of that.

What occaſion had you to feel for it after you came out of the public houſe?—I put my hands in my waiſtcoat pockets, I moſt generally carry them there.

You ſay you immediately miſſed your money?—Yes.

What did you do upon that?—I went to ſeek after her, but could not find her.

How long was it after ſhe had been with you before you miſſed your money?—About a minute, ſhe went home, and I went back to the public houſe, I miſſed my money before I got half way there.

Where did you miſs it?—I was not a yard from the ſpot before I miſſed it.

How many yards was ſhe gone from the ſpot?—I cannot tell, ſhe did not go the ſame way.

But if you had gone but one yard one way, I ſuppoſe ſhe would have gone but one yard the other?—I went into the public houſe to tell ſome of my fellow-ſervants of it.

The firſt thing would have been to take the woman?—She might run up any alley.

But did ſhe?—I had my back to her.

While you was walking one yard ſhe could not be far gone.—She turned up Dyot-ſtreet.

Did you ſee her?—Yes.

How far was that from the ſtreet where ſhe laid hold on you?—About twenty or thirty yards.

And do you mean to ſay, that while you was going that one yard ſhe had gone twenty or thirty yards?—Yes.

When ſhe laid her arm round your waiſt ſhe run away directly—Yes, as ſoon as ſhe got looſe.

What do you mean by that, had you hold of her?—No.

Then what had ſhe to looſe from?——Only to take her arms off my waiſt.

Why did not you run after her?—I did not miſs the money then.

Did you ſtand ſtill?—I ſtood ſtill to make water before I went away from the place, after I miſſed the money I went to the public houſe, and told one of my fellow-ſervants, and we went and got a conſtable, we could not find her that day, we found her about a fortnight afterwards;

Did you know her before?—I never ſaw her before; ſhe was in the public houſe while we was there.

How long?—I cannot tell.

Was ſhe in your company?—She was in ſome of my fellow-ſervants company. We were all drinking together.

What did ſhe ſay when ſhe was taken up?—I cannot ſay, I was not there.

Did ſhe ever ſay any thing about it?—No.

GEORGE SMART *ſworn.*

I was one of the proſecutor's fellow-ſervants, I went with him to St. Giles's; I was going in the public houſe, and there were four or five of theſe bad women coming behind us, and the priſoner was one, and ſhe ſaid, ſhe would *do* ſome of us before ſhe left us; I went in and drank part of two pots of beer, and left them.

Did you and the proſecutor ſup together?—Yes.

Then you ſat a good while after it?—We frequently do my Lord of a Saturday night, we have nothing elſe to do, I was in bed juſt after the clock ſtruck one.

You had drank pretty well before that?—No.

Why of a Saturday night you make merry?—We make merry, but no diſturbance, I do not know that I left any liquor in the pot when I left them, we had only two pots for five or ſix, I paid only one pint.

SAMUEL MANNING *ſworn.*

I have known the priſoner ſome time, I keep the Blackeney's Head, St. Giles's, and ſhe came in about five, and put a guinea and three half-crown pieces into my hands, and deſired me to keep it for her, and a man called her, and I kept the money till ſhe was taken; I know no other but that ſhe is a very honeſt girl; at the time ſhe reſorted to my houſe I never ſaw any miſbehaviour of her; I believe it was a watchman that called her; this man came into my houſe that morning; they had been drinking at Sir John Falſtaff's in Broad-ſtreet, St. Giles's; the man came in, in the morning between eight and nine, to ſeek for her.

PRISONER's DEFENCE.

I never ſaw the man till he came to ſwear to me; I had witneſſes but I ſent them away, they ſaid, I ſhould not be tried to-day, becauſe I was not well with my headach.

Not Guilty.

Tried by the firſt Middleſex Jury before Mr. Recoreer.

175. **WILLIAM COX**, otherwiſe **VANDERPLANK** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Probart (with John Rich and Henry Palmer) on the 19th of October laſt, about the hour of three in the afternoon, no perſon being therein, and feloniouſly ſtealing therein, two ſilk gowns, value 3l. one ſattin gown, value 40s. ſeven cotton gowns, value 6l. one ſtuff gown unmade, value 10s. one ſilk and cotton gown, value 30s. one bed-gown, value 5s. ſeven petticoats, value 30s. one dimity petticoat, value 6s. and one white linen petticoat, value 6s. the property of Rebecca Spruce, ſpinſter.

ELIZABETH TONKS *ſworn.*

I left the houſe the 19th of October and went to church, but I cannot tell whether any body was in the houſe or not; when I returned, I found Mrs. Bruce's door open, and the things all about, and I called a neighbour.

REBECCA BRUCE *ſworn.*

On Sunday the 19th of October, about 12 o'clock I left my lodgings, and left my clothes, being the things mentioned in the indictment, I locked up my room and went out, there was a cheſt of drawers and two deal boxes broke open; I returned between nine and ten o'clock at night, it was not quite ten o'clock at night, and all theſe things were miſſing, I know nothing of the priſoner's taking them, only as I was informed; I never had any of my things again.

JOHN PROBART *ſworn.*

I know no more of the matter than that I left home about one o'clock, and I left Thomas Tonks in the houſe, his mother was not come from church.

MARY GRIERSON *ſworn.*

I work at the whip-making buſineſs, I was looking out of my window the afternoon the robbery was committed, I live two doors from Broad-yard.

How far do you live from Probart's?—He lives in a court, and I live two doors from that court, I was looking out of the window, and I ſaw two men paſs by with large bundles about a quarter before four o'clock, they came from Broad-yard and croſſed over, I could not poſitively ſwear to either of the men, one had a white coat on, and the other had a brown coat on, but I could not poſitively ſwear to the priſoner at the juſtice's, he is like him.

ANN GRIERSON *ſworn.*

I am ſiſter to the laſt witneſs, and we were looking out of the window, and I ſaw the two men paſs down the ſtreet, and about ten minutes after they returned back again; the priſoner at the bar was one of the men, they had two very large bundles, one in a red handkerchief, and the other in a yellow one; the priſoner had a yellow handkerchief under his arm, they walked very quick along, and as they came back again the priſoner at the bar ſtopped at the publick houſe door and tied his garter up; they had not the bundles with them then, I ſaw no more of them, I have ſeen the priſoner ſeveral times, I know him by ſight, I took the more particular notice of him becauſe it was Sunday, it was about a quarter before four o'clock to the beſt of my knowledge, and it being in ſermon time, my ſiſter ſaid to me, look at them two men what bundles they have got; the next morning I mentioned this; the priſoner was apprehended about a fortnight after, I ſaw him at the Rotation Office, and I knew him then, I charged him with it there.

Priſoner. When I was before the juſtice ſhe ſwore I was the man to the beſt of her knowledge.

Court. How did you ſwear at the Rotation Office, did you ſwear poſitively to him there?—Yes, I ſwore to him the ſame as I do now.

Have you any doubt whether it was the ſame perſon?—No, none at all, I knew his face before.

JOHN BESWICK *ſworn.*

I am a ſhoe-maker, I live at No. 29, Turnmill-ſtreet, about a hundred yards from this houſe; I was ſtanding up at the one pair of ſtairs window, between three and four o'clock on the Sunday, and I ſaw two men go by with large bundles, I knew one of them, the hat of the other man was flapped over his face.

Court to Ann Grierſon. Was the priſoner's hat flapped?—Yes.

How could you ſee his face then?——Becauſe when he ſtooped to tie up his garter he pulled off his hat and put it on again, I knew his face very well before.

——— ISAACS *ſworn.*

On the 19th I had information of this houſe being broke open, I was there about twenty minutes after the robbery was found out, and in ſearching the place I found this chiſſel and chopper that they broke open the door with left on the premiſes.

Whoſe property are theſe?—Tonks the evidence will give you an account whoſe theſe are.

THOMAS TONKS *ſworn.*

Being one of the robbers, I can tell you any thing you want to know of it.

Who beſides you were concerned in the robbery?—William Vanderplank the priſoner, John Rich and Henry Palmer; it was agreed upon on the Sunday to go to this houſe, which they did, and took out them clothes, out of John Probart's houſe, out of the two pair of ſtairs room, I was not with them, I was at the priſoner's lodgings, and was to receive the things there.

Whoſe property were the things?—The property of Rebecca Bruce.

What became of them?—I do not know, they were ſold to a perſon but I do not know who.

PRISONER's DEFENCE.

The day after peace was proclaimed, that man was drinking and he grumbled to pay his reckoning, and he then ſaid he would do for me. I have no witneſſes.

Guilty

Of ſtealing only, but not of the burglary.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. Juſtice Heath.

176. WILLIAM COUSINS was indicted for feloniouſly ſtealing, on the 23d of December, one woollen horſe cloth, value 18d. the property of John Smallwood.

JOHN SMALLWOOD *ſworn.*

I know the priſoner; I loſt a horſe cloth on the 23d of December laſt at night, it was in a two ſtall ſtable at the Star and Garter, Kew Bridge; I found it the 24th, upon him, he was upon a muſhroom bed in the ſhed, covered with hay, we found a knife in his pocket, and a piſtol lay between him and the wall, he was wrapped in the horſe cloth.

(The horſe cloth depoſed to.)

ROGER THORNE *ſworn.*

I took the priſoner; we miſſed this piſtol over night, the 23d of December, and it was found in the ſtable; it had hung up in the room; we let it remain where we found it, and between two and three o'clock the door was open and the piſtol gone, and about eight o'clock I ſaw the priſoner on the muſhroom bed, covered with this cloth; I went there to ſearch for the piſtol; the priſoner was hid under hay; I trod upon him before I ſaw him, and ſtirring aſide the hay I ſaw the piſtol; he ſaid he got the horſe cloth out of the ſtable, he ſaid he knew nothing of the piſtol; he was ſober.

Court. Did not you rather wonder that a man that had ſtole a thing in the houſe ſhould go and lay down in the ſhed.

The Priſoner called one Witneſs who gave him a good character.

Jury. What knife was it?—A pallet knife.

What had he a week?—Eighteen ſhillings.

Not Guilty.

Tried by the firſt Middleſex Jury before Mr. Juſtice Ashurst.

177. The ſaid WILLIAM COUSINS was again indicted for feloniouſly ſtealing, on the 23d of December laſt, one horſe

piſtol, value 15s. the property of our ſovereign lord the King.

The evidence being the ſame, the Priſoner was

ACQUITTED.

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178. JAMES DALY was indicted for feloniouſly ſtealing, on the 2d of January, one ſilver ſhoe buckle, value 1s. and one paſte ſhirt buckle, ſet in ſilver, value 12d. the property of Thomas Jackſon.

THOMAS JACKSON *ſworn.*

I am a watchmaker and ſilverſmith; on the 2d of January the priſoner came to my ſhop and deſired to look at ſome ſilver buckles, I ſhewed him ſome, and he pitched upon a pair, and I weighed them and told him the price, he then aſked me to ſhew him ſome breaſt buckles, and he pitched on one, he then told me he had no money to pay for them; I told him he was a pretty ſort of a fellow to look at buckles and have no money; he ſaid, if any body would go to his lodgings he would pay for them, and I ſent my boy with him.

HENRY BAKER *ſworn.*

I went with the priſoner to his lodgings with theſe buckles, to the White-Swan, facing Saltpetre-Bank, and he went in and called for a pint of purl and I drank with him, and he told me, if I would go with him to his lodging a little further he would pay me for the buckles, I went with him to his lodgings in a room in Black-horſe-yard, I went up ſtairs, and there was a woman ſat by the fire, and he ſaid to her, I have been to buy myſelf a pair of buckles, and a breaſt buckle, he ſat down and bid me ſet down, and he ſays to me, let that woman look at one of the buckles, I unwrapped the buckles, and held one to him, and he took and ſhewed it to the woman, then he aſked to let him look at the breaſt buckle, and I took it out of the paper, and he ſhewed it to the woman, and ſhe ſaid ſhe liked it very well; he then ſaid to the woman, go and pawn this buckle, and ſhe would not go, and he ſwore at her, but ſhe would not go; then the priſoner ſaid to the woman, go and fetch Jem the fidler; the woman ſaid ſhe did not know who he was; ſays ſhe, Poll is below, call her, and ſhe will go and fetch him; they called her, and ſhe would not go; at laſt he ſaid you know what Jem I mean very well, ſhe went down, and then in about three minutes ſhe brought in this Jem the fidler, ſo ſhe ſays to the priſoner, is this the man? he looks at the man and ſays, no damn it, but he will do all the ſame; ſo the man came in and ſhook hands with the priſoner, and he told him to ſet down; ſo I got up and I ſtood next the door, and I ſaid to him, my friend give me the buckle, for I ſee you have got no money, but he put it into his ſhoe and ſaid, blaſt you come along with me and I will pay you; I went down ſtairs firſt, and theſe two men followed me, and I ſtood at the bottom of the ſtairs till they came down, and I followed the priſoner cloſe at his heels, and he went and knocked at a little door where there was no light, it was not above three feet high; this was in Black-horſe-yard, he ran in doors, and Jem the fidler was behind him with a ſtick, and I was afraid to follow him, and I went home, and told my maſter; we returned to the alley, and the woman was there, ſhe ſaid ſhe did not know where he was, and we took her with us, and we went to ſeveral publick-houſes, at laſt we found him at the Brown Bear drinking with Jem the fidler, and the conſtable took him before the Juſtice, and he was ſearched and ſome money found on him.

JOHN ——— *ſworn.*

I am a watchmaker and Silverſmith; on the ſecond of January the priſoner came to my ſhop, and another man with him, he aſked if it was a ſilverſmith's, I aſked him what he would pleaſe to want, he ſaid he had a buckle to diſpoſe of, and he ſold it me for nine ſhillings and three pence; I aſked him if he had but one, he ſaid he was juſt come from Deptford, that he had ſprained his foot, wrenched it, and loſt one of his buckles, he had a breaſt buckle in a bit of paper.

(*The buckle depoſed to.*)

Proſecutor. The breaſt-buckle he ſaid he loſt.

PRISONER's DEFENCE.

I told the young man to come along with me to that houſe, and that I would get the money for him, he ſaid he would, and this man, Jem Davis, he is a fidler, he is a ſhipmate of mine; ſo ſays he, *but I cannot be ſtaying*; ſays Davis to me, damn him, ſays he, I ſuppoſe he is ſome Jew or another, let him go to the Devil; ſo ſays he, come along with me, and we will receive ſome money to eat and to drink on; ſo like a fool as I was, I went with him to ſell the buckle.

Court. Have you any witneſſes to call? —*Priſoner.* No, I can ſend for a character; my Captains are at Charing Croſs.

GUILTY.

To be whipped at Saltpetre Bank.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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179. JAMES HOWARD was indicted for feloniouſly ſtealing on the 12th of January, one iron Bath ſtove, value 10s. the property of Owen Stratton.

OWEN STRATTON *ſworn.*

I live the corner of Catherine-ſtreet; on Monday evening laſt I loſt a Bath ſtove, it was the outſide of the door faſtened with a chain and padlock; a man opened the ſhop door and ſaid a man had taken the grate away from the door, immediately my ſervant ran out after him, and caught him and brought him to the ſhop, the man went down on his knees; I ſaw the ſtove half an hour before it was ſtolen, I was behind the counter, and a man came and told me a ſtove was ſtolen.

—— DAWSON *ſworn.*

I followed the man immediately and overtook him with that very grate on his ſhoulder.

How far was it from your maſter's ſhop?——Between Exeter-change and the Savoy ſteps; I brought him back to my maſter's ſhop.

(*The grate depoſed to.*)

PRISONER's DEFENCE.

As I was coming along the Strand a man had this grate *under his arm*, and he aſked me to aſſiſt him, and I took it, and he bid me croſs the way, and he ſaid he would ſatisfy me.

The Priſoner called one witneſs to his character.

What is the value of the grate?—One guinea and an half.

Jury. Had he the chain in his cuſtody?——It was dropped in the ſtreet, and brought in by another perſon, the chain is broke; this falſe key he had ſtruck in with intent to open it, but it would not.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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180. ROBERT MOTT was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Twyford about the hour of eight in the night, on the 2d of January, and feloniouſly ſtealing therein, two pieces of figured velvet, value 24s. and two pieces of ſwan down, value 14s. the property of the ſaid John.

JOHN TWYFORD *ſworn.*

I live in the Strand, my ſhop window was broke open about eight o'clock in the evening, on the 2d of January; I was not in the ſhop at the time, my ſervant was.

—— JONES *ſworn.*

I am ſervant to Mr. Twyford, the window of my maſter's ſhop was broke open on the 2d of January, between the hours of ſeven and eight; I was in the ſhop, and the priſoner came to the window, he ſtood upon his toes and looked over the things in the window, to ſee, as I imagine, who was in the ſhop; there was a light in the window, I did not ſee him at that time attempt to do any thing at the window; about ten minutes after, I ſaw the priſoner at the window again, and I ſaw his hands at work; I did not obſerve any inſtrument in his hand any more than hearing a window crack, I immediately went out, but he was gone, the window was not broke, only cracked at that time; I came into the ſhop and was in the ſhop about ten minutes or thereabouts, and I heard ſomebody ruſtle, and I thought it was ſome of his accomplices got into the ſhop, I looked behind the counter, but there was nobody at all there, and preſently afterwards I could ſee the priſoner at the window again; I ſaw his hands at work, but not to ſee him take any of the things away, and I heard a piece of the glaſs of the window drop; I went out immediately, and found that the window was cut and the goods gone; I called my maſter out and went after the priſoner; I had not gone but a few yards, and he was coming back again.

How do you know him to be the ſame perſon?—I ſaw him three times, the light was in the window, and I am very poſitive he is the ſame perſon; upon his perceiving me he croſſed over the way and turned to a window where there was a light in it, on the other ſide of the ſtreet, and he took out his watch and pretended to ſee what o'clock it was, I looked him in the face and found he was the ſame perſon; I took him by the collar and told him he muſt go with me; he made no heſitation but came with me immediately; when I told he was the perſon that cut the window, he told me I was miſtaken, for there was a perſon with ſuch another coat, waiſtcoat, and the ſame kind of hat juſt gone by; I told him I did not know him by his coat or waiſtcoat, but I ſaw him three times at the window and I was poſitive to his face; Mr. Twyford went for a conſtable, and by that time the priſoner was returned to the ſhop; a man that kept a publick houſe next door but one, came in, and two or three more men with him.

Was any thing found upon him?—Nothing at all.

Was any thing miſſing out of your ſhop?—Yes, the things mentioned in the indictment.

Priſoner. My Lord, when I was committed, he ſwore he miſſed nothing.

Were they in the window of the ſhop?—Yes.

Were they in that place where it was broke open?—Yes.

When had you ſeen them there before?—I had not ſeen them, Mr. Twyford had.

Mr. Twyford, I ſaw them in the evening when candles were lighted, they were cloſe under the part of the window that had been broke, the window was broke ſufficiently for the things to be taken out; they were of no great bulk, they might have come through the hole made in the window.

Mr. Chetwood Priſoner's council. You mean by the candle light, three or four o'clock?—Yes.

This was near eight?—Yes.

To Jones. He did not offer to run away?—No.

There was nothing found on the priſoner?—No.

GUILTY

Of ſtealing but not guilty of the burglary.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

The next Part will be Publiſhed in a few Days.

ERRATA. NUMB. II. PART I. Page 170, firſt col. line 21. for *where*, read *here* and line 22, for *acceſſary*, read *neceſſary*.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of JANUARY, 1784, and the following Days;
Being the SECOND SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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181. JOHN PETRIE was indicted for feloniouſly ſtealing on the 16th of December laſt, eight cloth coats, value 6l. twelve waiſtcoats. value 5l. eight pair of breeches, value 3l. ſix handkerchiefs, value 6s. ſix ſtocks, value 6s. one pair of ſilk breeches, value 15s. ſix linen ſheets, value 20s. three linen table cloths, value 10s. ſix linen towels, value 3s. two morning gowns, value 50s. two fuzees, value 3l. a pair of pocket piſtols, value 30s. one ſilver mounted ſword, value 4l. four pair of ſilk ſtockings, value 10s. three pair of thread ſtockings, value 3s. and fifty linen ſhirts, value 20l. the property of Archibald Campbell, Eſq. and one ſteel mounted ſword, value 20s. the property of Duncan Campbell, Eſq. in the dwelling houſe of John Hayman.

COLONEL CAMPBELL *ſworn.*

To my misfortune the priſoner was my ſervant, he had been ſo about ſix months, on his ſucceeding my former ſervant, the things mentioned in the indictment, with a number of others, were delivered to him. At the end of September or beginning of October I came to London, and lodged in the houſe of John Hayman, No. 23, Queen-ſtreet, Bloomſbury; the priſoner lodged in the houſe, he kept the keys of my trunks; moſt of the things in the indictment I ſaw ſince I came to town, I had no ſuſpicions of his honeſty till about Chriſtmas, upon the 26th of December I miſſed two fuzees and two ſwords that ought to have been viſible in my room; on Friday morning I aſked the priſoner for them, he made a pretence that he had ſent them to be cleaned, upon which I deſired him to bring my keys and ſhew me my trunks, he pretended to go up to his own room for the keys, but ſlipped out at the fore door and diſappeared; upon this I employed people to look after him, and the next Saturday they found him with one Green, that goes commonly by the name of Captain Green, inliſted for the Eaſt India ſervice, he was at Mr. Green's houſe, which I believe is in St. Martin's-lane; I ſent my compliments to Mr. Green, and begged him to take care of him till Monday morning, and produce him at Juſtice Hyde's; on Monday he was brought there, he acknowledged there the making away with the things, and ſaid it was owing to bad advice.

Did he ſay what he had done with the things?—Upon the juſtice preſſing him to make all the reparation in his power by telling what he had done with the things, he ſaid, he had ſold and pledged ſome at many different places, and the reſt he had diſpoſed of to jews, and people that he did not know; the juſtice ſent men along with him to different places that he named, and the few things that were found at theſe places are here to be produced.

Court. Can you mention Colonel Campbell, from your own recollection and knowledge, all the things that were loſt?—My Lord, I have not mentioned half, I loſt every thing I had in the world but what I had on, beſides three ſhirts and a pair of ſilk breeches, and a pair of nankeen breeches was all I had left.

Can you ſpeak with certainty to the things mentioned in the indictment having been among thoſe that were loſt?—Yes, I had given him an inventory of them at the time, there were eight cloth coats, and a great number of waiſtcoats, regimental and others, more than twelve.

Was there any particular promiſe made to the priſoner before he confeſſed.—No.

FRANCIS FLEMING *ſworn.*

I am a pawn-broker, here is a ſteel hilted ſword, and a pair of black ſilk ſtockings.

Proſecutor. That was Captain Duncan Campbell's ſword.

Court. Who were theſe things pledged by?—By the priſoner; on the 15th of December there was a ſhirt alſo.

Did you know the priſoner before?—— I never ſaw him in my life before.

How do you know he is the man?—— I queſtioned him, he told me his maſter was a colonel, and his pay was not due, and he was very much in want of money, and he had ſent theſe things by him, and as gentlemen ſend things to our ſhop I did not doubt him.

(The ſword and ſhirt and ſtockings depoſed to.)

Colonel Campbell. I know the ſtockings, they were too long in the feet, and my waſher-woman cut off the tops of the feet, the ſhirt is marked A. C. No. 7. I have not the leaſt reaſon to doubt that it is mine, but I would not wiſh to ſwear poſitively to the ſhirt, as a man may be miſtaken; the ſtockings I have given a particular reaſon for knowing.

Court. What may the value of the ſword be?—I really cannot ſay.

Fleming. It is worth twenty ſhillings.

WILLIAM SHIPLEY *ſworn.*

I am a pawnbroker, I produce a pair of piſtols which the priſoner brought to my ſhop ſome time towards the latter end of November, and ſaid he wanted to diſpoſe of them and change them for a watch or any thing of that ſort, and he fixed upon a metal watch in the window, and two metal ſeals, and a metal chain.

Court. What may be the worth of them?——The watch and ſeals I gave him was worth about a guinea and a half, here is alſo a coat and a ſhirt, and two pair of breeches and a pair of ſtockings, the breeches was pledged by him in December.

What may theſe things be worth?—I lent twelve ſhillings on them.

What are they worth?—I ſuppoſe twenty-four ſhillings.

Proſecutor. The piſtols and great coat are mine, as to the breeches I cannot ſay, I had many ſuch, I cannot ſpeak to them with certainty.

WILLIAM DICKINSON *ſworn.*

I have two pair of breeches and a ſhirt.

What is the value of theſe things?—— About ſix ſhillings.

JOHN WATERFIELD *ſworn.*

I keep a ſale ſhop in the clothes way, I bought theſe things of the priſoner on Chriſtmas-day morning, a pair of breeches and a waiſtcoat, there was a ruffled ſhirt which I diſpoſed of before I knew any thing of the matter.

Proſecutor. I cannot ſpeak particularly to them.

Shipley. On the 10th of December, when he pledged the coat and waiſtcoat, I gave him a ſilver watch for two fuzees, I had them cleaned, and they were ſold previous to this being found out.

ELIZABETH LANDER *ſworn.*

I bought theſe things of the priſoner at the bar, two pair of breeches and a waiſtcoat, about three weeks or a month ago.

(The waiſtcoat depoſed to by the make of it, and the breeches with regimental buttons.)

Priſoner. I have nothing to ſay, I have no witneſſes.

Court to Jury. Gentlemen, I will ſtate to you what I take to be clearly the law upon this caſe; that the value of the things muſt not only be in the whole ſuch a value as the law requires to conſtitute a capital offence, but the things muſt be ſtolen at ſome one particular time, and no particular acts of ſtealing muſt amount to that value; for the law will not permit the value of things ſtolen at different times, which are in fact different acts of ſtealing, to be added together; becauſe as no number of petty larcenys will amount to a grand larceny, ſo no number of grand larcenys added together will amount to a capital charge; it ſeems to me that there is no direct evidence before you of things taken at any one time, of the value of forty ſhillings; and though there ſeems to be no ground for leſſening the value of the things which has been put on them by witneſſes, yet I do not think a jury is warranted againſt a priſoner to extend the value; the ſword is valued by the witneſs at twenty ſhillings only, and by that value I think in ſuch a caſe you ought to be bound; whatever your opinion upon the view of it may be, you ſhould not, againſt the priſoner, depart from that; and no value you put on the black ſilk ſtockings and ſhirt, will bring it to 40s. the piſtols he ſays were under 40s. there are two others who both ſpeak to other things pledged on the ſame day, now it would not be a ſtrained inference to ſay that they were taken at the ſame time, but they both added together do not amount to the value.

GUILTY

Of ſtealing to the value of 39s.

Court to Proſecutor. Where did you get the priſoner from?——He was a ſoldier in the regiment.

Mr. Recorder then paſſed ſentence upon the Priſoner as follows:

Priſoner at the bar, you have been convicted of an offence on very clear and ſatiſfactory evidence, which, as charged in the indictment, would have affected your life: the tenderneſs of the witneſſes with reſpect to the value of ſome of the articles, has reduced the offence, ſo that the verdict of the Jury does not affect your life; but the Court think themſelves bound to take notice of the circumſtances of aggravation with which your offence was attended, being a theft againſt that maſter whoſe property it was your duty to protect, and being a very aggravated breach of truſt; for it appears, you have paſſed a great part of the time you have been here, in plundering this gentleman from time to time, until at laſt you had almoſt ſtripped him; therefore the Court thinks no puniſhment ſhort of death can be too ſevere for your offence, and the ſentence of the Court upon you is, that you be tranſported to Africa for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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182. MARY JONES was indicted for felonioully ſtealing, on the 26th of November laſt, ſix yards and a half of Florentine ſattin, value 30s. the property of Thomas Lingham.

——— MARY LINGHAM *ſworn.*

I am wife of Thomas Lingham, a breeches maker and glover, in the Strand; the priſoner lived a ſervant with us, and we loſt a piece of black Florentine ſilk, we ſaw it the laſt time on the 15th or 16th, and it was taken between that and the 26th of November; when ſhe left me we had ſome ſuſpicion of her, and having ſearched her and found ſeveral things on her, but not this Florentine ſilk, we ſaw that at the pawnbroker's.

——— MULCASTER *ſworn.*

I am a pawnbroker, this ſilk was brought to my ſhop on the 8th of January by the priſoner, ſhe wanted eighteen ſhillings on it, I ſtopped it, it has been in my poſſeſſion ever ſince; ſhe told me where ſhe lodged, and by that we found out Mrs. Lingham;

ſhe ſaid, ſhe had bought it of a ſoldier's wife who was gone abroad, and ſhe intended it for a gown.

(The ſilk depoſed to.)

PRISONER's DEFENCE.

I was coming from the Borough, and there was a woman met me as I came into St. George's fields, and walked with me, and a man, ſeemingly a Jew, and when we came to Weſtminſter Bridge, I ſat down on one of the ſeats, and the man and ſhe ſpoke a good deal, and they parted, he went towards St. George's Fields, and then ſhe told me ſhe had a bargain, and I told her, I had very little money, and ſhe ſaid was a piece of ſattin ſhe had for a cloak, that ſhe was going to America to her huſband, or ſhe would not part with it, ſhe ſaid, ſhe would have two guineas for it, then three half-guineas; I offered her twenty-four ſhillings, and ſhe would not take it, and then twenty-five ſhillings, ſhe folded it up, and then ſhe called me back, and I gave her twenty-five ſhillings for it.

Guilty.

Impriſoned twelve months.

Tried by the firſt Middleſex Jury before Mr. Juſtice Heath.

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183. **STEPHEN LE GROVE** was indicted for feloniouſly ſtealing, on the 9th of December laſt, one hundred and eighteen deal boards, value 10l. the property of John Rigg, and John Rigg the younger.

THOMAS RANDALL *ſworn.*

Mr. Garrow, Council for the Proſecution. I believe you are lighterman to the houſe of Meſſrs. Riggs?—Yes, I received directions from them for carrying ſome deals to Mr. Shepherd and other perſons, in conſequence of which I unloaded into my lighters the deals that were contained in the ſhip, I ſaw it loaded on the 26th, and on the 29th I perceived ſeveral were loſt, about one hundred and twenty, they were two inches and a half yellow caſt deals, they are the ſecond ſort of deals, I never ſaw any of them ſince I delivered the remainder of the cargo.

Mr. Sylveſter, Priſoner's Council. The ſhip was loaded with deals?—Yes.

—You took them to different timber-yards? —Yes, where we were ordered.

Where did your lighter lay?—At King Edward's Stairs.

When had you ſeen them?—Not from the 26th to the 29th.

They are loaded on board of ſhip, are not they?—Yes.

Your ſervants do not load them?—No.

You have many lighters and ſervants? —Yes.

Is not that buſineſs in general left to your ſervants?—Yes.

Had your ſervant the care of the craft all the time that you did not ſee them?—Yes.

——— THOMPSON *ſworn.*

Mr. Garrow. You are ſervant to Mr. Randall?—Yes.

Do you remember unloading any deals? —We only carry the craft up and down, we have no buſineſs at all with the unloading the veſſel, ſhe was full when I left her at King Edward's Stairs, I ſaw her again on the Saturday morning about ten o'clock, ſhe was then cut away from the place, with about one hundred and twenty deals taken from her.

Mr. Sylveſter. Had you reckoned them into the lighter?—No.

You was not employed in unloading this veſſel?—No.

JOSEPH GATES *ſworn.*

I received information by two waterman, and I went into Houndſditch, they ſaid the laſt cart was juſt going, I went into Biſhopſgate-ſtreet, and enquired after the cart, and when I came near Norton Falgate, I met a cart, and I aſked the carman where he had been with them deals, he told me into Hog Lane; I went and ſaw the deals in the yard of one Webb, Mr. Corfield who was foreman to one Mr. Croft had bought them, and I came to Mr. Goff's, and I ſaid, I ſuſpected they were ſtolen, he ſaid, he was to pay the man the next day at four for them, I went there, and after ſome time the priſoner came in, he ſaid, that was the man, and I took him into cuſtody, and carried him to the Poultry Compter.

Mr. Garrow. Did the priſoner in your hearing give any account of theſe deals?—He ſaid, he had them from ſome of the mates.

Mr. Sylveſter. Did he ſay what he was to give for the deals?—I do not remember.

Did you ſee the deals?—I ſaw a great quantity.

Was it an open timber yard?—Yes.

Where was it?—It is under Mr. Naſh, a coachmaker's yard in Hog Lane, the laſt cart-load lay by themſelves, there were a great many more.

THOMAS CORFIELD *ſworn.*

I am foreman to No. 69, Houndſditch, the priſoner came to me in October with two more men, he ſaid, he wanted a bedſtead, one of the other men ſaid, he wanted a cheſt of drawers and ſix mahogany chairs; I told him I could ſerve him, and he aſked me then, if I would buy any deals, I told him on condition, he would have ſome goods out of the warehouſe I would, for the uſe of Mr. Goff, accordingly there were ſome deals brought up to me, which he ſaid were down at Billinſgate, I went to Billinſgate, and ſaw ſome deals there, and we agreed for ſeven pound ten ſhillings a load; that is 15l. a hundred, they delivered the firſt parcel to me, that was ſixty-ſeven, they were carried to the yard where all our deals go to be cut up for uſe, and ſome time after they delivered ſeventy-one: on the 21ſt, the priſoner came again to me and ſaid he had got ſome deals, and I might go and ſee them again down at Billinſgate, and on the 29th of November, the priſoner and two more came and brought theſe deals up, five ſcore and eighteen, that wants two of a a long hundred, they were two inches and a half twelve feet Chriſtiana ſecond deals, they were carried to Mr. Webb's then on the 28th or 29th, the priſoner came and took money on all the deals on account, they were at the price of 15l. per hundred; on the 5th of December, Gates came to me, and aſked me for the bill and receipt of ſome deals which were delivered that day, I told him, I had no receipt, becauſe I paid money on account; I told him if he would come on the morrow at four o'clock, he might ſee the perſon that brought the deals to me, which he did, and ſaw the priſoner there.

Mr. Sylveſter. You are foreman to a paper-ſtainer?—Yes.

You are beſides a carpenter and joiner?—Yes.

You have ſeen a great many Norway deals?—Yes.

Two inches and an half is the common ſize they run?—Yes.

Other deals are not above ten pounds a hundred?—That is nothing to me.

Did you know any thing of the three men that came to you?—I have ſeen the men once before.

Where did they live?—I do not know, I was once along with the priſoner, he called me to go down and look at another matter he had to diſpoſe of, I aſked the men where they came from, and they told me they were the perquiſite of the mate of a ſhip, I had no time to enquire, becauſe my buſineſs called me; I ſhould have looked them over before I gave that price, I was to give fifteen pounds a hundred.

You was taken into cuſtody?—No.

How long had you dealt with him?—From October to December.

Did you ſee them at Billingſgate openly?—Yes, publickly.

Was there any thing particular in theſe deals from any other deals?—Nothing particular; there is a mark in the yellow deals in particular, but not on them deals that came out of Billingſgate.

JOHN BARNES *ſworn.*

I am carman to Mr. Schooner, I carried ſome deals to Mr. Webb's yard, three load, I carried the firſt ſome time before Mr. Gates applied to me, I loaded at Billingſgate dock, I carried them by the direction of a young man on board the lighter, not the priſoner; I did not ſee them at all at the firſt.

PETER

PETER DIXON *ſworn*.

I conduct the buſineſs of the proſecutors, I went to Mr. Webb's yard with Gates, I looked at the deals and took the marks on a piece of paper, I counted them, and there were one hundred and eighteen, two ſhort of a long hundred; on the following morning I went to Mr. Shepherd's timber-yard, and compared thoſe marks with the deals on the pile that were taken off that craft, I found the marks correſponded, and was ſatisfied they were the proſecutor's property, Meſſ. Riggs are the general conſignees of all the deals of the houſe of Madame Cudrio, at Norway.

Court. Have all the ſhip loads the ſame mark?—I cannot ſay, they are of various ſizes, I only ſpeak to thoſe I took the marks of, and compared with a particular pile of deals, the mark is on the end with red chalk, each deal cannot contain the ſame mark.

Court. Are all the deals that come over in the ſame ſhip marked in the ſame way?—That I do not know, I only ſpeak to theſe.

Court. Does the ſame houſe always mark in the ſame way?—Yes.

Mr. Sylveſter. The deals that came laſt year, and the deals that will come next year have the ſame mark?—Yes.

Theſe deals go to different houſes, and are diſperſed all over London?—Yes.

There are other merchants that trade from Norway;—Yes, ſeveral.

Court. Were thoſe deals that went to Shepherd's the only deals of that deſcription?—No, a thouſand of another deſcription went to another merchant.

And he ſells them out again?—Yes.

What is the value of one hundred?——This year we have ſold them at eleven pounds.

Mr. Garrow. Were any of the deals of this cargo delivered at the time theſe were loſt?—No.

The priſoner called five witneſſes who gave him a very good character.

Jury to Dixon. Were theſe green deals?—Yes.

When a lighter is loaded they generally make a mark acroſs the whole craft; did you perceive any ſuch?—No.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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184. JOHN HALL was indicted for feloniouſly ſtealing on the 17th of December laſt, one wooden caſk, value 4d. and ſixty pounds weight of butter, value 30s. the property of William Butler.

ROBERT ALDER *ſworn*.

I am apprentice to a turner, I ſaw the priſoner at a chandler's ſhop the corner of Bluecoat-fields, and I ſaw him go paſt Butler's door backwards and forwards, then he went in *tip-toed*, and he took the barrel of butter in his arms, ran the other ſide of the way, and pitched it on the ground, and ſtood before it; I went and told the man of the ſhop of it, and he came out, and the priſoner was taken while he was ſtanding before it.

JOSEPH BUTLER *ſworn*.

The laſt witneſs came to the ſhop and told me, I called my brother, the proſecutor, I ſaw the priſoner and the butter, I ſaw the butter about five the ſame evening; it is my maſter's butter, marked W. B.

PRISONER's DEFENCE.

I was drinking with ſome of my ſhipmates, and going to the door to make water ſome men came by me and ſat the butter down, I ſtood making water, and they came up and ſaid I had ſtole it.

Court to Joſeph Butler. What did he ſay when you took him into cuſtody?—I cannot ſay, he muttered ſomething.

Did he ſay that ſomebody elſe had put down the butter?—No.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

185. **JAMES GRACE** (a boy eleven years old) was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Samuel Burton, at the hour of ſix in the night, on the 22d of December laſt, and feloniouſly ſtealing a pair of ſilk ſtockings, value 7s. and ten yards of ſilk ribbon, value 2s. the property of the ſaid Samuel.

GEORGE WINDSOR *ſworn.*

I was fifteen laſt Chriſtmas, I am ſervant to Mr. Stuart in Oxford-ſtreet, I was in the ſtreet between ſix and ſeven the 22d of December at night, and as I was paſſing by, I ſaw the priſoner put his hand through a pane of glaſs, and take out a pair of ſilk ſtockings, as he paſſed by me I laid hold of him, and I had him for five minutes before any body came, and he threw down a pair of ſtockings, and he was alſo taking out ſome ribbon, and he could not get it all out; then Mr. Burton came out and took hold of him; he ſaid ſomebody elſe took them.

SAMUEL BURTON *ſworn.*

Court. In what ſtate was the glaſs of your window before this happened?—Whole.

Can you ſwear that poſitively?—Yes, I had looked at them about half an hour before this happened and they were all whole.

Might not the whole glaſs be taken out and you not ſee it?—I generally walk about my ſhop and I ſaw the glaſs was whole, I came out on the alarm, and took the priſoner into my ſhop, the other young man had hold of him, I found nothing upon him.

Court to Priſoner. What age are you?—Eleven.

JOHN BLINKOW *ſworn.*

I am a baker, I was going up the road, and the other witneſs deſired me to pick up that pair of ſtockings, which I did, it was two doors off, they were white ſilk ſtockings, I gave them the proſecutor.

(The ſtockings depoſed to.)

PRISONER's DEFENCE.

Between the hours of ſix and ſeven, as I was coming down Oxford-road I ſaw this pane of glaſs broke, and I looked into the window, and this pair of ſtockings lay under the window, and I picked them up, and was going to carry them in to the gentleman, and that gentleman and that boy caught hold of me.

Jury to Windſor. Did you obſerve this window broke before?—No, I had not paſſed by.

GUILTY.

Of ſtealing, but not of breaking and entering.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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186. **JAMES BLADES** and **HENRY TAYLOR** were indicted for feloniouſly ſtealing on the 20th day of December laſt, twelve iron bars, value 12s. and four yards of iron railing, value 3s. belonging to Daniel Burning, and affixed to a certain building of the ſaid Daniel, againſt the form of the ſtatute, and againſt the King's peace.

The witneſſes examined apart at the requeſt of the priſoners.

DANIEL BURNING *ſworn.*

I live in Shepherd Market, May-fair, on the 20th of December laſt, I loſt ſome iron bars and railing from my houſe.

ROBERT HILSON *ſworn.*

I am a watch-man, on the 17th of December ſome iron rails were miſſing from this window, on the 19th in the evening, about ſeven o'clock, and in the morning of the 20th, which occaſioned us to watch this houſe more ſtrictly; and juſt after four o'clock on the 20th, the iron bars and the kirb ſtone they were fixed on, which we have here, were taken from the houſe by the priſoners, they carried them about 150 or 200 yards from the building, they were looſe by the firſt being pulled off, they knocked the ſtones from the iron, and loaded themſelves with the iron, and walked off a conſiderable way, and we ſtopped them and took them to a juſtice, I kept them in my ſight all the time.

Court. What is the value of this iron railing?—

Burning. Three pounds five ſhillings I paid for them.

JOHN ODDEY *ſworn.*

Another watchman depoſed to the ſame effect.

PRISONER BLADE's DEFENCE.

It was a very dark night, they could not ſee us; my comrade ſtopped to eaſe himſelf, and they came and took us to a gate-way about ten yards, and they ſaid there is the iron ſtands there.

JAMES BLADES, }
HENRY TAYLOR, } GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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187. **THOMAS WELCH** was indicted (with **JAMES BIRNE**, not in cuſtody) for feloniouſly ſtealing on the 28th of November laſt, one metal watch, value 40s. two gold watch caſes, value 7l. the property of Thomas More, privily in his ſhop; and **WILLIAM HARDING** was indicted for feloniouſly receiving two gold watch-caſes, part of the ſaid goods, knowing them to be ſtolen.

THOMAS MORE *ſworn.*

I am a watch-maker in Moorfields, the priſoner Welch, and another man came to my ſhop to buy a watch, it was about ſix weeks ago, I cannot particularly recollect the day, I took no memorandum of it, I think it was the 28th of November, I ſhewed them ſeveral watches, they went away and bought none; one of the watches which I ſhewed him, which was a metal watch, I miſſed about four minutes after they were gone, and two gold watch caſes. Juſtice Wright ſent for me, and the metal watch was produced.

Did you know the priſoner Welch before?—No, I had my eyes conſtantly upon him while he was in my ſhop, I ſuppoſe he was in my ſhop ten minutes, the other man I could not poſitively ſwear to, but I am ſure this priſoner was one; when I went to Bow-ſtreet the priſoner was there, I ſaid he was the man that was in my ſhop at the time, I knew him directly.

Was your watch there at Bow-ſtreet.—Yes, not the caſes, only the metal watch, I knew the watch.

Was Harding the other priſoner there?——I do not know any thing of Harding.

Was Welch examined in your preſence before the juſtice?—I do not remember that he was.

You did not hear him ſay any thing?——I ſaid he was the man that was in my ſhop, and I ſaid he had a mark on his hand, it was an anchor done with blue, which I took particular notice of when he was in my ſhop, it was a ſtain, I told the juſtice ſo, the juſtice deſired me to look at his hand, I looked, and ſaw that anchor upon his hand.

THOMAS CAREY *ſworn.*

Welch, me and Birne went into a ſhop in Moorfields, I do not know whoſe ſhop it was, it was a watch-maker's ſhop, we went in under pretence to buy a ſecond hand watch, and while I was looking at the watch, Welch ſays to me, come along, never mind the watch, it is too dear; ſo he went out before me, I offered two guineas for the watch and he would not take it, ſo I came away, and went down a lane, and met him in another ſtreet, and he ſhewed me a metal watch and two gold caſes, ſo we took a coach and went to Harding's to ſell it, and we ſold two caſes to him for four guineas.

Mr. Silveſter, Councel for Priſoner Harding. That is not evidence againſt Harding.

Court. What became of the other man?——We loſt him when we came out of the ſhop.

Did you know their intention when you went into the ſhop?—Yes, we all went out with that intention.

To ſteal?—Yes.

Did the other man go into the ſhop?—No, he ſtood without; then we brought the metal watch home, and he ſent Mary Boyne out with it, and ſhe pawned it for a guinea.

How came you and he to be taken up?——It was Daly and me were taken up.

Who is Daly?—Morris Daly, he had nothing to do concerning this, it is concerning another affair.

Then how came this buſineſs out againſt Welch?—Why Daly was going to begin firſt.

Begin what?—To ſpeak about it, he was taken once before with Welch.

How came Welch to be taken up upon this buſineſs?—Becauſe he was concerned in ſomething before.

How did this come out againſt him at all; you underſtand the queſtion well enough if you chuſe to anſwer it?—Becauſe he owed me ſome money, and he would not pay it me, it was concerning a robbery that he had done at Hounſlow-heath.

Did you inform againſt him for this?—No, not for this only.

I am not aſking you that, and you know it; did you give information againſt him for this fact?——Yes.

Who did you give the information to?——To a juſtice in the Borough.

How came he to Bow-ſtreet?—We were taken from the Borough, to be carried up to Bow-ſtreet the next day; the juſtice deſired me to ſpeak all I knew. I did not like that way of living, I wanted to drop it if once I got out of it.

It does not ſeem to be much, becauſe you did not like the way of living, but becauſe this man would not pay you the money; on your information he was taken up?—Yes.

Do you know any thing more of this indictment?—No, not this indictment.

Priſoner Welch. It is of no uſe to ſpeak to him, he bears a very bad character, he was caſt for death down at Plymouth, he was in gaol at Briſtol; and I never was tried before a judge or jury before.

Mr. Silveſter to Carey. Was you tried in the weſt country?—No.

You turned evidence inſtead of Daley?—Yes.

How many robberies have you been concerned in, do you recollect the number?—No.

Why to be ſure a man muſt have a good memory for that?——The Juſtice wrote them down.

How many, above a ſcore?—I cannot tell.

MARY BOYNE *ſworn.*

Thomas Welch gave me that watch to pawn, which I pawned immediately at Mr. Matthews's in Old Gravel Lane, I cannot recollect the day of the month.

JONATHAN MATTHEWS *ſworn.*

On the 29th of November, I received this watch of Mary Boyne.

(The watch depoſed to.)

Proſecutor. When I went to Sir Sampſon Wright's, this watch was ſhewn, I enquired after my gold caſes, and Carey told me they were at Harding's.

Court. Did you get any warrant to ſearch Harding's houſe?—No.

Why did not you?—I did not underſtand it.

Carpmeal. My Lord, his houſe was ſearched and nothing found.

Priſoner Welch's Defence.

I know nothing about what that man talks about, he wanted me to ſwear to a good many people I never knew before, he wanted me to ſwear that I knew Harding, and I never ſaw the man before.

Court to Priſoner Welch. Have you any witneſſes?—No, not that I know of, I thought there was no occaſion for it.

Court to Proſecutor. What was the value of the watch?—I valued it at forty ſhillings.

Thomas Welch, Guilty, Death.

William Harding, Not Guilty.

Tried by the firſt Middleſex Jury before Mr. Recorder.

188. **The ſaid THOMAS WELCH** was again indicted for feloniouſly and burglariouſly breaking and entering the dwelling houſe of William Budworth, on the 19th day of December laſt, at the hour of one in the night, and feloniouſly ſtealing therein, two linen gowns, value 10s. a cotton bed-gown, value 2s. two linen aprons, value 4s. one linen ſhift, value 1s. two damaſk napkins, value 4s. and one leather pocket-book, value 3d. his property.

WILLIAM BUDWORTH *ſworn.*

I live in the Pariſh of South Mimms, my houſe was broke open between the night of the 17th and the morning of the 18th, the door where it was broke in is not uſually opened.

Mr. Garrow, Council for Proſecution. Had you lately before the robbery ſeen that door was ſhut?—It was a pannel broke out of the door, it is a ſide door that goes into a paſſage, a door we do not uſe.

Was you alarmed at all in the courſe of that night?—Yes, about one a ſervant man called from the room adjoining where I lay, and told me there were people breaking into the houſe, I got up directly, we went into the maid-ſervant's door, and as ſoon as I entered in at that door, they had juſt forced another door of the ſame room, and were coming in.

Did you go into the room?—Yes.

What did you obſerve when you went into the room?—The people that were in the houſe heard me.

Did you ſee any of the people?—No, there was no light, I heard ſomebody ſay we will blow your brains out, immediately two piſtols were diſcharged, either in the room, or in the door-way, we found a ſlug in the room, it went juſt over the door that I came in at.

With a direction to have hit you then?—Yes.

Did you afterwards ſee any of the perſons go out?—I ſaw one go out as ſoon as they fired off the piſtols, we immediately made back into another room and hallooed out of the window, and then I ſaw a man go away in front of the houſe, not at the door they came in at; I could not ſee him come out of the houſe, but I ſaw him walk from the front door.

Did you loſe any thing?——Yes, Sir, there were ſome things taken out of the houſe, but they left a great deal behind them.

From what part of the houſe were the things taken?—From the parlours, I am not ſure of any of the things, I have ſeen ſome of the things, my wife knows them.

Do you know any thing of a pocket book?——Yes, I ſaw it at Bow-ſtreet, it was my mother's, ſhe had ſuch a one, I cannot ſwear to it, there was a buckle found in the room, and it was produced at the Juſtice's in Bow-ſtreet, I left it on the table, I ſhould know it again, I think the priſoner was preſent then, he ſaid he knew nothing about the matter, the evidence owned the buckle.

Priſoner. Do you know my face?—No, only I ſaw you at Bow-ſtreet.

JONATHAN MATTHEWS *ſworn.*

I am a pawnbroker, I have three articles that were pledged by Mary Boyne on the 18th of December, ſhe had duplicates of them, I have known her ſome time, ſhe always pledged her things in the name of Mary Boyne; here are two gowns and a cotton bedgown, a napkin and ſhifts, and two aprons.

DOROTHY BUDWORTH *ſworn.*

(Depoſes to the things.)

WILLIAM SMITH *ſworn.*

I am an officer in the Borough; I apprehended the priſoner, he was in bed alone, and a woman in the room that was Mary Boyne; it was between nine and ten at night, the 30th of laſt month; I found theſe piſtols in the ſecond drawer of the cheſt of drawers; I found nothing elſe; but a man that was with us, I ſaw him take a fan out, I did not tell the priſoner what he was wanted for, I told him for divers robberies.

What did he ſay to you when you took him?——He did not ſay any thing at all about it.

Did he ſay any thing about thoſe piſtols?—Nothing.

WILLIAM LEE *ſworn.*

I live in the Borough; I attend the Rotation Office; I was with Smith when he apprehended the priſoner, I found nothing, I ſaw Smith find the piſtols, I told the priſoner he was taken up for divers highway robberies.

JOHN PARKER *ſworn.*

I am an officer, I was not with the other witneſſes when they took the priſoner, I took Carey the evidence.

MARY BOYNE *ſworn.*

Mr. Garrow. How long have you been acquainted with the priſoner Welch?——About two years and an half.

Did you pawn any gowns with Mr. Mathews?——Yes, I carried them when they were delivered to me, to Mr. Mathews.

Who delivered them to you?—Thomas Carey, he aſked me to pawn them, the priſoner and Carey were together; I pawned them for twelve ſhillings and ſix-pence, and brought home the money.

Did the priſoner then, or at any other time, ſay any thing to you on the ſubject of theſe gowns?—No.

Who did you give the money to?—I am ſure I gave all the money to Welch.

He and Carey were pretty much together?—Yes.

The priſoner and you lived in the ſame apartment?—He had a room in a houſe of mine.

Was he out all night on the 17th or 18th of December?—I cannot tell.

Upon your oath, do you, or do you not know any thing about his going into the country with Carey about the middle of December; do you remember his being out one or two nights?—About ten days before Chriſtmas he was out all one night.

Did not Carey come home with him and bring theſe things?—Carey brought home theſe bundles and gave the things to me to carry to Matthews's to pawn; Welch was preſent then.

Do you know any thing of any piſtols belonging to Welch?—I have ſeen a ſilver mounted piſtol with Welch, but did not ſee him carry loaded piſtols.

THOMAS CAREY *ſworn.*

The night that this was done Welch told me to come to his room, where Mary Boyne lives, it was about ſeven o'clock the evening before the robbery; he aſked me if I would go out.

Go out, upon what buſineſs?—Why to get ſome money.

In what way?—Why by robbing; he ſaid he did not know the roads, and while the beef ſtakes were dreſſing he would go over to Richard Smith who is at large, and he went and brought him over with him, and we loaded our piſtols, each a piſtol at Welch's room; we left town about ſeven o'clock, and we went out beyond Barnet.

What did you load your piſtols with?—Powder and ſome ſlugs.

Where did you find them?—We cut a ſpoon to pieces in the room, we bought the powder that evening, Mary Boyne was preſent, we left town a little before ſeven o'clock, we loaded before ſupper, we eat our ſuppers and came off, becauſe he ſaid it would be late; we went over Finchley Common and went through Barnet; we turned to the right hand over a ſmall common, then we turned to the left hand and got into a bye lane, it was between twelve and one o'clock, we could ſee no one; we came to a large houſe with an iron gate, we burſted open the gate and went in, we came out again, and went a little farther to the proſecutor's houſe, there we went in and broke the back door open, the bottom part of it, we ſet our feet againſt it and forced the bottom of the door, we got in and unbarred the fore door; then we all came in and opened the door; we took the glaſs and put it out in the garden, then Welch went up ſtairs and he called Smith or me, then we burſted open a door where the people were aſleep, and I fell down and loſt my buckle; I went into the room and there was a man making a noiſe.

What ſort of noiſe?—Why crying out murder and robbery; there was a piſtol let off at him, that was, from Smith, and the priſoner fired at him as ſoon as he went into the room; then we went down ſtairs, and they run away, one at the fore door and the other at the back part of the hedge, I went out at the fore door, and the other two went over the hedge; they took away a ſmall bundle tied up in a handkerchief; Welch took thoſe things away, we loſt Smith, then Welch and me croſſed over the fields, and came home directly to Welſh's lodgings, I laid down the bundle, and Mrs. Boyne took the beſt of the things and brought fourteen ſhillings, and ſhe brought ſome beef ſtakes; Smith came in, and they did not give me my ſhare till I was going away, my piſtol was ſtill loaded, I was apprehended about three weeks after, I informed againſt the priſoner, he was taken and committed.

Court. Which of the piſtols was Welch's?——The ſilver mounted one.

PRISONER's DEFENCE.

I know nothing about this matter.

Court. Let Harding be detained till the fate of this priſoner is known.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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189. ANN MOORE, SARAH PARTRIDGE, otherwiſe ROBERTS, and MARY STOKES were indicted for feloniouſly ſtealing on the 10th of December laſt, ſixty-four ells of ſilk mode, value 9l. the property of Joſeph Whitbridge and George Pritt, privily in their ſhop.

GEORGE PRITT *ſworn.*

I am partner with Joſeph Whitbridge, the priſoner at the bar came to our ſhop, I was at dinner, I went down ſtairs, the boy was ſerving the priſoner Moore, and the priſoner Partridge was warming herſelf by the fire, ſhe was ſtooping, our fire place is behind a deſk, I aſked her if ſhe had loſt any thing, ſhe told me ſhe had juſt loſt her ſiſter's garnet ring, and could not find it, I looked, and could not ſee it, I called the maid to bring a candle, I ſaw it under one of the drawers, and gave it to her, it appeared to be a plain gold ring; ſhe then went to Moore, and Moore aſked her if ſhe was warm, ſhe ſaid ſhe was, the boy had ſerved Moore, ſhe paid for what ſhe had, and they both went out of the ſhop together; I ſaid to the boy, what ſort of cattle have you here, they have a very ſuſpicious appearance; ſays he, I really believe that one by the fire has taken ſomething; ſays I, you had better call them back, and one of our other young men ſaid, I would not call them back, they are very genteel ladies, they do not look like thieves; but I bid the boy follow them, and while he was gone we found we had loſt a whole piece of mode that came in the day before that was uncut; the firſt was Stokes which came in to pave the way, ſhe was juſt gone when the things were taken, but ſhe joined company with them, I told the boy to make all the haſte he could and follow them; I went to the Brown Bear in Bow-ſtreet, I got Atkins and Moſes Morant, we went up to the boy, and he pointed to the door, and Atkins went and gently opened the front door, and forced the parlour door open, there was the mode laying on the table by the window, and there was Mary Gardner, Mary Stokes, and Moore, and Partridge, I believe they were drinking brandy, but Atkins ſpoke to Stokes and ſaid, Moll Stokes, keep your hands out of your pocket; Mrs. Gardner inſiſted on the officers ſhewing their authority, and made ſome reſiſtance, and we thought we ſhould want help, we got the boy out of the door to get more hands, and ſhe ſaid no more ſhould either go in or out, there came other young people, it is a houſe of ill fame, and they barricaded the door, and I was obliged to let two men in at the window, they inſiſted on ſearching the houſe, which they refuſed, they broke open one of the drawers, and then ſhe turned out the things that were in the drawers, and let them ſearch the houſe, they ſearched it, but there was none of my property except the mode which was laying upon the table.

Court. What is the value of this mode? ——Nine pounds.

The mode produced by Moſes Morant.

How do you know it to be your property?—By the length and number, the paper was upon it that it came from the manufacturers in, I have the invoice of it.

Is there any ſhop mark on it?—No, we had not marked it, it was juſt come from the maker's, No. 6562, ſixty-four ells and a quarter, at three ſhillings and a penny an ell.

Court. Is the maker here?—He is not here, but here is the invoice.

Do you take upon you ſwear that it was your property, and that it was in your ſhop? —I ſaw it about an hour before.

Mr. Silveſter, Councel for Priſoner Moore. Stokes had been there?—Yes.

Was ſhe with Child?—Yes.

This Partridge was at the fire?—Yes.

Was Stokes there then?—She was gone then.

Had you ever ſeen the parcel after Stokes was gone?—No, I was up at my dinner when ſhe came in; Partridge acknowledged taking of it, Atkins and Morant were preſent.

Priſoner Partridge. I never ſaid ſuch a thing.

Mr. Silveſter, What did you ſay to her to induce her to ſay ſo?—Nothing at all, I did not aſk her to confeſs, it was at Mary Gardner's houſe.

You had never ſeen her before?—No.

Was any body preſent?—Morant, Atkins, and my young man.

Did not your boy tell her he had ſeen ſomething taken?—He ſaid he believed ſhe had taken ſomething.

Did not he poſitively ſay he ſaw her take ſomething?—No, he ſaid he was fearful ſhe had taken ſomething.

——— EVANS *ſworn.*

I am ſhopman to Whitridge and Pritt, I was preſent when two of the priſoners came into the ſhop, I was ſerving a perſon which I believe to be Stokes, I was called down from my dinner to ſerve her, ſhe had a ſervant girl with her; I ſerved her with half a yard of Perſian, and when I had ſerved her, before ſhe was gone out of the ſhop, Moore and Partridge knocked at the door; I let them in, they aſked for ſome white Perſian; I ſold them half a yard.

Did you keep your eye upon Stokes all the while ſhe was in the ſhop?—I did.

Could ſhe have taken any thing more than what you ſold her without your ſeeing her?—No, ſhe could not; as I was ſerving Moore with the Perſian, Partridge complained of being cold, and ſaid ſhe would go to the fire and warm herſelf: I then ſhewed Moore ſome mode, and as I was ſhewing it her our young lad came in; he ſaid he would ſerve her, and deſired I would go up and finiſh my dinner; I left Partridge by the fire, and our young lad ſhewing ſome mode to Moore.

Do you know in what part of the ſhop that mode lay?—No.

Mr. Sylveſter. Then Partridge continued by the fire all the time?—Yes; ſhe purchaſed nothing.

When did Stokes go out?—Juſt as ſoon as they came in.

Did you ſee this mode, after Stokes was gone?—No, I did not.

Then ſhe did not ſtay at one ſide of the ſhop while you was ſerving the other?—No, ſhe went as they came in.

SAMUEL SANSON *ſworn.*

I am ſervant to Meſſrs. Whitridge and Pritt: on Friday the 19th of December I had been in the city, and coming home I found Mr. Whitridge and Pritt were at dinner, and the priſoners Moore and Partridge in the back ſhop, and the laſt witneſs was ſerving them, and I told him, he might go up to dinner and I would ſerve them, and juſt before that Partridge ſaid ſhe was very cold indeed and ſhe would ſtand by the fire, and near there the goods are kept that come from the weavers.

Were they kept in ſuch a place that any perſon that came to the fire place might come at them ?—Yes, they were.

Court to Evans. Was Stokes ever near the fire while ſhe was in the ſhop ?—Not to my knowledge, ſhe came by the fire as the ſervant girl told me.

Sanſon. Juſt as I had ſerved Moore with half a yard of mode, I ſaw Partridge move towards the goods and move back again; I did not ſee her take any thing, but I ſuſpected her; in about half a minute ſhe pretended ſhe had loſt a gold ring.

Court. At the time ſhe went to the place where thoſe modes lay, was ſhe long enough to have taken any thing ?—About half a minute; juſt as ſhe had dropped her gold ring Mr. Pritt came down and called for a candle to look for the ring; he gave her the ring, and I put the mode into paper, and Moore paid me for it; I ſaid to our apprentice, ſays I, I verily think that lady has ſtole ſomething; and he ſaid, no, they are very creditable ladies; ſays I, then I will tell Mr. Pritt; I did ſo, and he deſired me to go and call them back; as ſoon as I got out of the ſhop he called me back again, and told me that the apprentice ſaid it would offend them; but I ſaid, I may as well watch them Mr. Pritt, and by that time you will ſee if you have loſt any thing; I followed them and they had got as far as the ruins, when a woman joined them: ſhe was dreſſed like Mrs. Stokes, but I did not ſee her face; they went to the top of Bow-ſtreet, into Hart-ſtreet; when I ſaw where they went in, I directly ran back to Mr. Pritt, and we both went there and got other aſſiſtance and got into the room; and there were all four, and the mode laying on a round table, and when we got in, Gardner ſaid we ſhould not ſearch the houſe, I got out and got two more men, and Mr. Pritt was forced to let them in at the window.

Mr. Sylveſter. Then ſhe was but a little while towards the place where the goods were ?—No, but a little while.

She did not attempt to go out after ?—No, ſhe was looking for her ring.

JOHN ATKINS *ſworn.*

I was called upon by Mr. Pritt to go and take the priſoners; I called upon Moſes Morant at the office, and we went together, and when we got up to the top of Bow-ſtreet, I ſaw the laſt witneſs ſtanding, he told me it was next door to the publick houſe, that is Mrs. Gardiner's houſe; I opened the ſtreet door, and I went into the parlour, Partridge was firſt, Stokes was rather further off, Gardiner next to her, and Moore next to her, the mode lay much in the ſtate it does now; upon ſeeing her in the condition ſhe was in, ſo big; I told her to keep her hands from her pockets; that I ſhould not hurt her; I took her towards the fire place, and I found ſome lace in her pocket and this Perſian; then I ſearched Mrs. Moore, and in her pocket I found this mode and this Perſian, and other things that were not owned.

Did any converſation paſs about that mode ?—No, not when I went in, they were alarmed.

Was any thing ſaid by any of them ?—Not in my hearing, becauſe when I got into the room, I moved Stokes towards the fire ſeeing the condition that ſhe was in.

Mr. Sylveſter. What kind of a room was it, large or ſmall ?—Not over and above large, a middling ſized parlour, the houſe is next door to the Bear in Hart-ſtreet.

I ſhould have thought you would have heard any thing that was there ſaid ?—I heard nothing ſaid.

MOSES MORANT *ſworn.*

Did you hear any converſation paſs about that piece of mode, by any one of theſe priſoners ?—No, I heard Mrs. Gardiner ſay ſhe could tell who brought the mode there: they were juſt going to drink ſome brandy.

Mr. Sylveſter. You heard no converſation at all ?—None at all.

And you was there the whole time ?—Yes, I was one of the laſt that came out of the houſe.

Priſoner Moore. My friends are not in Court.

The priſoner Partridge called four Witneſſes who gave her a good character.

PRISONER PARTRIDGE'S DEFENCE.

I hope I may have leave to ſpeak: we went into the ſhop, and when we came out we met with this woman, Mrs. Stokes, and ſeeing her very bad, and ſo big, Moore aſked her what was the matter, ſhe ſaid ſhe believed ſhe was in labour, and ſhe was going to Long-acre; ſhe walked with us till we came to Mrs. Gardner's door, ſhe was bidding two ladies good day, and Mrs. Stokes put her hand againſt the rail of the Bear publick houſe door, and Mrs. Gardiner aſked her to ſtep in, and then they ſent for ſome brandy; I never ſaw the mode till this gentleman clapped his hand upon it, and ſaid it was his; we was not near the mode, it was on the table, and we were nearer the fire.

Court to Jury. It ſeems to me, on this indictment you cannot find all the three priſoners guilty, for Stokes was gone out of the ſhop as ſoon as the two others came in; and the ſhopman ſays he had his eye upon her the whole time, and he does not think it was poſſible for her to take any thing without his ſeeing her; you will therefore direct your attention to the evidence, as it relates to Moore and Partridge.

ANN MOORE,
SARAH PARTRIDGE, } GUILTY **Death.**

MARY STOKES, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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190. RUTH MERCER and CHARLOTTE SMITH were indicted for feloniouſly ſtealing, on the 22d of December laſt, ſixteen yards of black ſilk lace, value 30s. the property of Ralph Steele, privily in his ſhop.

SAMUEL ROGERS *ſworn.*

I am ſervant to Mr. Steele in Caſtle-ſtreet, I ſaw the priſoners come into my maſter's ſhop on Monday the 22d of December laſt, they both came in together when the candles were lighted, Mercer aſked me to ſhew her ſome black laces; accordingly I did, I ſhewed her two boxes, there was nothing that pleaſed them; Smith did not interfere much, ſhe juſt took a card; Mercer juſt took the cloak ſhe has on, a long arm hole cloak; and ſays ſhe, before you put the box by what would you charge me for this lace, I told her, ſomewhere about half-a-crown a yard, and her right-arm was concealed under her cloak, and by the motion of her arm I ſuſpected ſhe had a card of lace; I put the laces by, and then ſhe looked at ſome long arm hole cloaks, none pleaſed her, I ſhewed her almoſt all the cloaks in the ſhop, ſhe ſaid, ſhe would have one made longer than that ſhe had on, then ſhe ſaid, I will pitch on the lace, and you ſhall make me one, I aſked her if ſhe liked any of the laces that ſhe had ſeen, ſhe ſaid, ſhe would chuſe to look at them again; and then ſhe ſhould be a better judge; accordingly I ſhewed her another box, and very eaſily and careleſly, ſhe pitched on one, according it was all ſettled, and they went away; I told Mr. Steele what I ſuſpected, and he bid me ſtep after her immediately, ſhe was gone a door or two down, I followed her back, I told her, we wanted to ſpeak ſomething to her about the cloak, and ſhe returned to the ſhop, and the priſoner Smith followed her, and I took my candle in my hand and ſet it before her, and I charged her with taking a card or two of lace; ſhe ſaid, ſhe did not know what I meant, as ſhe had been a cuſtomer ſo long, ſhe thought it was very ill uſage; I told her, ſhe certainly had one; on that ſhe emptied her right pocket on a chair, there was nothing of our property, I then ſent for a conſtable immediately to ſearch her, and the whole time they ſtood in the ſhop, Mr. Steel, and Mr. Tinkler, (who is here) were very particular in taking the candle and looking round almoſt every minute; when the conſtable came in the two priſoners cloſed together, Mr.

Steele ſeparated them again, and we ſaw the card of lace on the ground.

Are you ſure the card of lace was not upon the ground when they went out? —Yes.

Did you look upon the ground after they were gone?——Yes, I am poſitive there was no card of lace there then, I charged Ruth Mercer, ſhe ſaid, ſhe had not taken it; as to the other, ſhe did not appear to me to have it any where about her.

Mr. Peate, Council for Priſoner Smith. Smith came back directly?——Yes.

You did not ſay any thing to her to induce her to come back?——No.

RICHARD TINKLER *ſworn.*

I am ſervant to Mr. Steele; when the priſoner returned I was preſent, and before they returned, I went into the back ſhop, and looked if any thing was laying about, I looked particularly on the ground and there was nothing.

Could not it lay on the ground and you miſs it?——No, it could not, the back ſhop is very ſmall, where we took them into: after they came back Mr. Rogers charged Mercer, ſhe denied it; we ſent for a conſtable to ſearch them, they had cloſed once or twice before, and we parted them, there was nothing lay between them, I looked particularly, I ſtood before them all the time and watched; I ſuſpected they would drop it; juſt as the conſtable came in Smith went up to Mercer, and we parted them almoſt immediately, and there the card of lace lay juſt by under Mercer, juſt between them.

Mr. Peate. Might not Smith have gone away if ſhe choſe it?——No.

PRISONER MERCER's DEFENCE.

I wanted a cloak and I always uſed the man's ſhop, I laid out a great many pounds there; I met Mrs. Smith and took her with me, I beſpoke a cloak and choſe a lace, I was to have given three guineas for the cloak, I went out of the ſhop, and he came and brought me back, and locked the door, and aſked me for the card of lace I ſtole; I ſaid it was very ill treatment, he deſired to ſearch me, I pulled out my pockets and told him I had nothing there; then he picked the lace off the ground, and put it on the Compter.

The Priſoner Mercer called one Witneſs to her character.

Priſoner Smith. I leave my defence to my Council.

Court to Jury. In conſideration of law, it certainly is not a private ſtealing, if it be done in ſuch a way as to be ſeen, at leaſt by the proſecutor his ſervants or agents.

RUTH MERCER, GUILTY

Of ſtealing, but not privily.

Tranſported for ſeven years.

CHARLOTTE SMITH, GUILTY

Of ſtealing, but not privily.

Impriſoned twelve months.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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191. LUKE HOYLE was indicted for feloniouſly ſtealing, on the 8th of January, ſix ſilk handkerchiefs, value 20s. the property of Charles Troutbeck, privily in his ſhop.

CHARLES TROUTBECK *ſworn.*

I am a haberdaſher in Holborn, I loſt ſix ſilk handkerchiefs laſt Thurſday evening about ſix o'clock, my young man came into the parlour, and told me, he had detected a ſhoplifter, the priſoner was then ſtanding by the ſide of the compter careleſsly; as we advanced towards him, my man ſaid that is him, there were two or three people in the ſhop, the priſoner upon hearing this took the handkerchiefs, which he had under his great coat and threw them on the compter, they were in my ſhop, they are my goods.

(The handkerchiefs produced and depoſed to.)

Jury. Did you see them under his great coat?—I cannot pretend to ſwear this is the piece that he drew from under his great coat; I could not diſtinguiſh the colour; I ſaw him draw a piece of handkerchiefs from under his great coat; he begged very hard for mercy when we took him, and offered to pay for the handkerchiefs before he came out of the ſhop.

SAMUEL LANDER *ſworn.*

I am ſervant to the proſecutor, I know the priſoner, I remember his coming to my maſter's ſhop laſt Thurſday evening, he came in for two yards of tape, I ſerved him with that, and he went out of the ſhop; the ſilk handkerchiefs were laying on the compter when he went out of the ſhop; he came in the ſecond time for two yards of binding to tie up his boots, then he came and ſtood cloſe by the handkerchiefs, and while I was turning round to look for ſomething to ſerve another cuſtomer, I miſſed the handkerchiefs; I did not charge him with them then, but I went and told my maſter I had got a ſhoplifter, and as my maſter and I came out of the parlour, I pointed to him, and ſaid, that is the man, and I ſaw him directly take the ſilk handkerchiefs from under his coat, and throw them down on the compter.

PRISONER's DEFENCE.

I have not any Council, I have no money to employ them, I know nothing of the goods; my father lives in Yorkſhire, I did not wiſh to diſtreſs him ſo as to let him know my ſituation, knowing myſelf innocent I thought it unneceſſary.

Jury. What employ are you in?—I was with Mr. Cooper two years ago in London, I wrote for him as clerk, then I went down, and ſtaid half a year in the country, and I have not been two months in London.

GUILTY

Of ſtealing to the value of 10d.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHURST.

192. WILLIAM BELL was indicted for feloniouſly aſſaulting John Drain on the King's highway, on the 21ſt of December laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, two linen handkerchiefs, value 6d. two linen ſhirts, value 4s. two pair of thread ſtockings, value 12d. two linen ſtocks, value 12d. one pillow bier, value 6d. and one ſtriped linen waiſtcoat, value 6d. the property of James Haywood.

JOHN DRAIN.

What age are you?—Going for thirteen.

Do you know the nature of an oath?—Yes.

What will be the conſequence if you ſwear falſly?—If I am found out in a lie I know I ſhall be ſeverely puniſhed for it hereafter.

And here too?—Yes.

JOHN DRAIN *ſworn.*

I was robbed about half paſt ſix o'clock on St. Thomas's day, I was going up Conſtitution-hill to Brentford, I was carrying ſome foul linen for James Haywood, my father in law, and the priſoner and another man were coming down the hill, and they met me, and ſtopped me and ſaid, halloo, what have you got here; I ſaid, I have nothing but a bundle, and they took the bundle from me and aſked me if I had any money.

Did you deliver the bundle voluntarily?—No, they made a ſnatch at it.

Did you give them your money?—I had no money, they felt my pockets and gave me a puſh, and bid me go about my buſineſs or elſe they would cut my head off: they went down towards Buckingham Houſe.

Where did you go?—I was going up to Piccadilly, and I met a gentleman look after, and I told him what had happened, and he bid me come along with him, and juſt as the word was out of his mouth we heard a woman cry ſtop thief, and then we cried ſtop thief, and kept running back towards Buckingham Houſe, and directly a mob gathered up together, and immediately I went up and ſaw my bundle lying in a ditch, near the rails of St. James's Park, oppoſite Buckingham Houſe; then they carried the priſoner to St. Martin's watch-houſe, and in the morning to Bow-ſtreet.

When did you charge the priſoner?—He was carried to the watch-houſe on my account and the young woman's.

How do you know the priſoner is the man?—I ſaw him, the moon was up, but it did not ſhine very bright, it was cloudy; I know the priſoner by his perſon, and ſeeing him again directly; he was not from me I ſuppoſe five minutes.

How was he dreſſed at that time?—He had not that red waiſtcoat on, his coat was buttoned, he had the ſame coat on, and a red handkerchief about his neck.

Do you know what was in the bundle?—I have an inventory of the things.

Who took it?—My mother.

Is ſhe here to give an account of it?—No.

Did you ſee any of the things yourſelf before the bundle was delivered to you?—Yes, but I did not take any notice of them.

Cannot you tell what there were?—No, only by this inventory; there were a couple of ſhirts.

BENJAMIN TAYLOR *ſworn.*

I am a wharfinger, on Sunday evening, the 21ſt of December laſt, as Mr. Cleveſley and I were going to town together, juſt facing the Queen's-walk, we heard the cry of ſtop thief, I immediately looked towards the cry and ſaw the priſoner come running, I ſet out to meet him but he ſlipped on one ſide of me and ſaid, *you have not done me yet*; I immediately purſued him, and in the courſe of thirty or forty yards his ſhoe came off his left foot, and I came up with him again, he ſtooped to pick up his ſhoe, and then he threw a bundle out of his left hand into the ditch that goes round the paling by Buckingham Houſe, and I ſtopped him.

Did you aſk him about the bundle?—He ſaid we were miſtaken in the perſon, he ſaid he had no bundle in his hand; the bundle in throwing down parted in three or four different parts, and while we were taking him, the boy and a girl came up, and the boy owned the bundle and picked it up.

Did the boy charge the priſoner at that time?—Yes.

PRISONER's DEFENCE.

I was diſcharged out of the militia, ſince this act I had been down in the country about ſix months, and had left a box behind me in Red Lyon-ſtreet, Holborn, and it never came; ſo I came up again to ſee after it, and coming down Conſtitution-hill this Sunday evening about half paſt ſix o'clock, I heard a great noiſe, and I ran to ſee what was the matter, and I ſaw a man running, and I caught hold of him, and he cut me with a knife, he threw the bundle right into the ditch before me.

Jury. Had you that coat on?——No, not this coat, waiſtcoat and breeches.

Taylor. He had a cut in his right hand, but there was no other man but him at the time he threw away the bundle.

Jury to Taylor. Was the cut then freſh?——Yes, bleeding.

CLEVERLY *ſworn.*

Going to town on the 21ſt of December, a little after ſix o'clock, we heard a cry of ſtop thief, looking about we ſaw a man come running with a bundle in his left hand, and he paſſed and was running, he rapped out an oath and ſaid, *you have not done me yet*, and he threw the bundle down rather between us.

Jury. Had he a cut?—Yes, he had a cut on his left hand, and his clothes were bloody.

GUILTY Death.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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193. JOSEPH CLARKE and JAMES RANDALL were indicted for feloniouſly aſſaulting Godliff Hartman in a certain

field and open place, near the King's highway on the 14th of December laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one man's hat, value 5s. and two handkerchiefs, value 2s. his property.

The witneſſes examined apart at the requeſt of the priſoners.

GODLIFFE HARTMAN *ſworn.*

I was robbed the 14th of December in Hackney-fields about ſix o'clock, it was on a Sunday night.

Was it light or dark?—It was foggy.

Who were the perſons that robbed you?——The little one took my handkerchief, and the tall one took my hat.

Are you abſolutely ſure of their perſons from what you ſaw of them then?—No, I am not abſolutely ſure, but I really believe they are the men.

When were they taken?——On the nineteenth.

How came they to be taken then?—One of the Rotation officers came and bid me appear at the Rotation Office; I had given an account of my robbery before.

When you came there, did you immediately pitch on the men?—Yes.

Were there other people in the room?——Yes.

Did you pitch on the men of your own accord, or as being ſhewn thoſe men?—The men had been ſhewn me at the bar.

So you had been firſt of all deſired to look at them?—Yes.

Now ſuppoſing you had met them in the ſtreet, do you think you ſhould have fixed on them then?—Yes, particularly the tall one, but the little one that ſtopped me firſt I did not take ſuch particular notice of.

Was any thing found on them?—Yes, my hat and my pocket handkerchief.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

The remarkable trial of John Aſh, for perſonating Thomas Eaton, and ſelling out ſeven hundred and fifty pounds bank ſtock, will be in next part; alſo, the remarkable trial of John Lee, for forging the name of Lord Townſend; and John Henry Aikles for ſwindling, with the ſpeeches of Council and objections taken. Part V. will contain the opinions of the Judges, on the reſerved caſes of Daniel Hickman and Samuel Gaſcoyne; and the trial of Thomas James for perjury.

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of JANUARY, 1784, and the following Days;
Being the SECOND SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

The Continuation of the Trial of Joſeph Clarke and James Randall.

That is as you was informed ?—I found my pocket handkerchief on Clarke, he had tied his irons with it, I ſaid I verily believed it was my handkerchief, ſo they took off the handkerchief, and I found it was mine.

Who had got the hat ?—Clarke had them both.

THOMAS CARPMEAL *ſworn.*

Produces the handkerchief. I took this from Clarke, at the office in Bow-ſtreet, he had tied his irons up with it, and the hat he had upon his head.

How came you to ſend word to the proſecutor when you had taken theſe men up? They had given information at the office of the robbery.

Court. When the proſecutor came into the office were there many people in the room ?—I do not think there were; the priſoners were at the bar.

Did he ſay he knew them ?—No, but the wife of another proſecutor who was with them ſwore to Clarke, I know nothing about Randall.

The hat and handkerchief depoſed to by the proſecutor; one ſide of the handkerchief was quite hemmed, and the other only half; the hatter is here that made the hat.

A cutlaſs produced that was taken from Clarke.

Priſoner Clarke. There is no doubt but the officers belonging to Bow-ſtreet have told the gentlemen already what they ſhall ſay before they come here.

Carpmeal. Clarke is one of the returned tranſports, as ſoon as we went into the room he ſnapped a piſtol at us, which luckily did not go off; the proſecutor deſired the handkerchief might be taken off, he ſaid, if it was his handkerchief there was a little bit that was not hemmed, he looked at it, and it was ſo.

THOMAS STEVENS *ſworn.*

On the 14th of December laſt, me and my wife, and Godliffe Hartman went down to Lee Bridge, we came from there about half paſt four o'clock, we came through Hackney and croſſed the fields by the ſhoulder of Mutton and Cat, coming through the laſt field, before we came to the turnpike road, which is the laſt field in Shoreditch pariſh, we met a man, and I wiſhed him a good night, and he wiſhed me a good night, and in about a minute my wife turned again and ſaid they are coming; there was nobody with him, but another was running by the rails; there were then two of them; I ſtopped and cried halloo! he ſaid, halloo, damn your eyes, ſtop! one of them came up to me and put the point of his cutlaſs to my breaſt.

Court. Forbear to mention any thing of your own robbery, becauſe we are now on the robbery of that man only?—I ſaw Clarke take the hat off Hartman's head.

You are poſitively ſure he is the man?—I am ſure he is; and Randall took his two handkerchiefs from his neck.

Are you equally poſitive to his perſon?—I have recollected him ſince he was examined at the Juſtice's, and to all the ideas I can form in my remembrance, he certainly is the perſon.

SUSANNA STEVENS *ſworn.*

Court. Can you ſwear to either of the priſoners?—Yes, I can ſwear to Clarke.

Was you preſent with the proſecutor when he was robbed?—Yes, I ſaw the little one take the handkerchief off Hartman's neck, I will not poſitively ſwear, I believe it was him; and the talleſt, Clarke, took the hat off his head.

ROBERT MARTIN *ſworn.*

I am hatter to Mr. Hartman, I ſerved him with hats; I have ſeen that hat, and I know it; the hat-makers have a particular mark; I can poſitively ſwear to it.

Priſoner Clarke. Can you ſwear you ſold that man that hat; was not it as likely you ſhould ſell to another man?—I had a man worked for me a ſmall time, and his name is in the hat; he made me a few hats at that time.

Priſoner Clarke. He particularly marked that hat then, more than all the reſt.

PATRICK MACMANUS *ſworn.*

I went with Jealous on the 28th of December, and Carpmeal and ſome more of our people to a court in Golden-lane, where we were told this Clarke was; the information was, that Clarke was in the garret; as ſoon as we got into the one pair of ſtairs a woman puſhed too the door; as ſoon as Jealous went in, the priſoner Clarke preſented this piſtol to him, cloſe to his face, and it ſnapped in his face; I clapped my hand to his breaſt and ſhoved him up againſt the wall, and he dropped the piſtol.

Was the piſtol charged?—Yes, here is what it was charged with, pieces of lead and a glaſs of a pair of buttons, ſomething of that ſort; we ſecured him.

What had he upon him at that time?—I took nothing from him but the piſtol, I know nothing of Randall.

JAMES MACMANUS *ſworn.*

I am one of the patrols; on the 23d of December we were going up the city road, from the Shepherd and Shepherdeſs; I ſtopped behind, and Mr. Allen and another man went forward; we intended going up to Iſlington; I ſtopped behind a little, they went forward; I heard a foot ſtep coming to meet me, and I ſaw two men running towards me, and Mr. Allen and Jones after them, and Allen told me to ſtop them; I went right before them, and thinking to ſtop them I ran towards Randall to ſtop him, and he cut at me with a cutlaſs; he cut my hat; he got paſt me and ran down the road paſt the Shepherd and Shepherdeſs; I cried, Stop thief! and he jumped over the rails, and got into a field; I followed him into the field and I took him about the middle of the field, I had a cutlaſs, and I took this cutlaſs from him.

Did you take any thing from him, that was the property of Hartman?—No.

JAMES ALLEN *ſworn.*

Do you know the two priſoners at the bar?—Yes, I know them again, I know nothing of the robbery; all I know is about the apprehending Randall on the 23d.

JOSEPH CLARKE, GUILTY, Death.

JAMES RANDALL, NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHURST.

104. The ſaid JOSEPH CLARK and JAMES RANDALL were again indicted for feloniouſly aſſaulting Suſannah, wife of Thomas Stephens, in a certain field and open place near the king's highway, on the 21ſt of December laſt, and putting her in fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one cloak, value 10s. and one gold ring, value 5s. the property of the ſaid Thomas.

Court to Jury. Gentlemen, it will be in vain to give you the trouble of trying them on this indictment; one of them is already capitally convicted, and as to the evidence it muſt be preciſely the ſame.

James Randall, Not Guilty.

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195. The ſaid JAMES RANDALL was again indicted for feloniouſly aſſaulting Thomas Stephens in a certain field and open place near the King's highway, on the 21ſt of December laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, 9s. 6d. in monies numbered, his monies.

Not Guilty.

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196. The ſaid JOSEPH CLARK was again indicted for feloniouſly returning from tranſportation, and being found at large before the expiration of his term, againſt the ſtatute.

Priſoner. I am the perſon, I plead *Guilty.*

Guilty, Death.

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197. RICHARD MILLS and WILLIAM TOMKINS were indicted for feloniouſly ſtealing, on the 1ſt of January laſt, one wooden trunk covered with leather, value 2s. two cloth coats, value 45s. two cloth waiſtcoats, value 23s. three pair of cloth breeches, value 22s. two pair of ſilk breeches, value 42s. two linen gowns, value 20s. one cotton waiſtcoat, value 6s. one ſilk petticoat, value 20s. one ſilk cardinal, value 20s. one dozen of ſilver tea ſpoons, value 40s. one pair of ſilver ſhoe buckles, value 8s. one pair of linen ſheets, value 10s. five pair of ear-rings, value 20s. ſix pair of ſilk ſhoes, value 10s. one pocket book, value 2d. one braſs piſtol, value 1s. one ſhirt, value 1s. and one muſlin apron, value 2s. the property of Alexander Maitland.

The Witneſſes examined apart at the requeſt of the Priſoners.

ANN MAITLAND *ſworn.*

I am wife of Alexander Maitland, we were going to our lodgings, and I called a coach, I called the coachman to take out one of the children, it was at No. 19, Wapping Wall, the coach ſtood at the door.

Was your huſband in company with you?——Yes, the priſoners were apprehended the next morning; the next morning we ſaw ſome of the articles at the Juſtice's, the trunk was broke.

JOHN ORANGE *ſworn.*

I am headborough of St. Paul's Shadwell, on the 2d of this month, I had a warrant againſt Tomkins and his wife, he came up to the Lebeck's Head oppoſite the office at Shadwell.

Was he ſent for?——No.

Did you know him?——Yes.

What was he?——He did keep a public houſe; I apprehended him for an aſſault, and he had a hearing upon it before the Magiſtrate, after that, finding he muſt give bail, he aſked us if we knew any thing of a coach being robbed, I told him no, he ſaid, it was the night before, and he would tell the Magiſtrate, and then he told me he had the things in his poſſeſſion, and had the key of the room himſelf, I aſked him how he came by them, and he went over to the Juſtice's and gave an account, that he had ſome of the property in his houſe, and alſo, that he had the key of an empty room where ſome of the things were.

Court. Was not that taken in writing?——I do not know; after that I went with him in a coach to apprehend Mills and two more.

Did Tomkins tell you any thing of himſelf?——No. We went to the apartment of Mills, and he bid his wife bring down the things, and ſhe brought down a piſtol and a parcel of trinkets, which have been in my poſſeſſion ever ſince, and a book of

accounts;

account; he ſaid Mills brought the portmanteau to his houſe; he ſaid that was all he had in the houſe; and the remainder was taken away that morning out of his houſe in a large bag. We had a ſearch-warrant to ſearch Tomkins's houſe, and then we found another laced apron.

WILLIAM ELBY *ſworn.*

I went to execute a warrant on the priſoner Tomkins for an aſſault on Mr. Clarke, I brought him over to the office, and he ſaid to me, have not you heard of a coach being robbed, and I ſaid no; ſays he, I dare ſay it will be advertiſed, and I know the people that have done it, he was bailed for the aſſault, he then went with us to Clerkenwell Green, and ſhewed us Mr. Mills, and two more that had done this robbery; we took Mills and another, I ſearched Mills and found this ſhirt upon him. *(The ſhirt depoſed to.)* I ſearched him further and found this key.

What did they ſay?—When I told him what I took him for, he ſaid, why, ſays he, Damn your eyes! this is the key that I took out of *the Peter*, meaning the trunk: here is a waiſtcoat I took off of Mills's back, that the woman ſwore to before to Juſtice; I found theſe things on him the 2d of January.

(The key, the ſhirt, and the waiſtcoat depoſed to.)

Prisoner Mills's Defence.

I bought thoſe things in Rag Fair, and paid for them, they diſcharged the people that ſtole the things, the key does not belong to the trunk.

Richard Mills, Guilty.

Tranſported for ſeven years.

Williams Tomkins, Not Guilty.

Tried by the ſecond Middleſex Jury before Mr. Juſtice **Heath.**

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192. **JOHN ASH**, of the City of London, labourer, was indicted, for that Thomas Eaton of Saliſbury Court, in the City of London, ſilverſmith, on the 6th of November, in the twenty-fourth year of his Majeſty's reign, was poſſeſſed of a certain transferrable ſhare, to wit, 750l. transferrable ſhare of and in a certain capital ſtock of annuities, eſtabliſhed by certain acts of parliament, the proprietors of which ſaid annuities, ſo eſtabliſhed as aforeſaid then, to wit, on the ſaid 6th of November, had in reſpect of the ſaid annuities transferrable ſhares, in proportion to their ſeveral annuities to wit, at London aforeſaid, and that he, the ſaid Thomas Eaton, on the ſaid 6th day of November, was the true and real proprietor of the ſaid ſhare of the ſaid annuities, and in reſpect thereof, then and there, had the ſaid ſhare; and that the ſaid John Aſh well knowing the premiſes, but wickedly deviſing and intending, to defraud the Governor and Company of the Bank of England, falſely, deceitfully, and feloniouſly, did perſonate the ſaid Thomas Eaton, the real and true proprietor, and did then and there, falſely, deceitfully, and feloniouſly, transfer the ſaid ſtock and ſhare of the ſaid Thomas Eaton, to one Andrew Woolford, as if he was the true and real proprietor thereof, againſt the form of the ſtatute, and againſt the King's peace.

A Second Count, for that the ſaid Thomas Eaton, on the ſaid 6th of November, was poſſeſſed of, and entitled unto certain ſhares, to wit 750l. and that he the ſaid John Aſh, afterwards, falſely, deceitfully, and feloniouſly, did perſonate the ſaid Thomas Eaton, the true and real proprietor, and thereby did there feloniouſly transfer the ſaid ſhare to one Andrew Woolford, as if he was the true and lawful owner of the ſaid ſhare, againſt the ſtatute.

A Third Count, for falſely, deceitfully, and feloniouſly perſonating the ſaid Thomas Eaton, the true and real proprietor of and in certain other annuities, and transferring the ſaid other annuities, to the ſaid Andrew Woolford.

A Fourth Count, that the ſaid Thomas Eaton, on the ſaid 4th of November, was poſſeſſed as aforeſaid, and the ſaid John Aſh well knowing the premiſes, afterwards, to wit, on the ſame day and at the ſame place, did perſonate the ſaid Thomas Eaton, and then and there feloniouſly transfer the ſaid 750l. ſhare of him, the ſaid Thomas Eaton, as if he had been the true and lawful owner hereof.

Mr. Fielding opened the indictment on the part of the Proſecution: And Mr. Sylveſter opened the caſe as follows.

May it pleaſe your Lordſhip and you gentlemen of the Jury. I am likewiſe of Council in this proſecution for the Bank of England, who have thought it their duty to bring the priſoner before you, for you to judge whether he is or is not guilty of this charge: This offence is made felony by act of parliament, which enacts "that if "any perſon or perſons ſhall falſely, and "deceitfully, perſonate any true and law- "ful proprietors of ſhares of ſtocks, or "annuities or any part thereof, and there- "by transferring, or endeavouring to "transfer the ſaid ſhares of ſtocks or "annuities; or receiving, or endeavouring "to receive the ſaid money, as if they "were the true and lawful owner or owners, "all and every ſuch perſon and perſons, "being thereof lawfully convicted in due "form of law, ſhall be adjudged juſtly of "death." The crime is to perſonate a real proprietor of ſtock, by way of transferring, or endeavourin to transfer it.

It is neceſſary that the Bank ſhould take up proſecutions of this kind, who are the guardians of our property, and if the facts are proved to your ſatisfaction, you will then pronounce the priſoner guilty: Thoſe facts I ſhall ſhortly mention to you not by way of directing your judgment, but of guiding it towards them.

Mr. Eaton is a ſilverſmith in Saliſbury Court, Fleet-ſtreet, he was poſſeſſed of 750l. conſolidated ſtock in November laſt; on the 20th of October, he went to receive his dividend, and while he was in the act of receiving it, he perceived the priſoner cloſe to his elbow, the priſoner was a journeyman Baker, and was at that time paying his adreſſes to a niece of Mr. Eaton's, ſeeing the priſoner at his elbow he thought it odd, but he only ſaid, you want to ſee what I am worth. On the 6th of December following, Mr. Eaton having occaſion to ſell out part of this ſeven hundred and fifty pounds, he applied in the uſual way to ſell out the ſum of one hundred pounds, and was ſurprized to find that he had not a ſingle farthing in that ſtock in his name; upon which, application was made to the broker who ſigned the transfer, and he was deſired to recollect who it was that applied to him in the name of Thomas Eaton to transfer the ſtock; upon which he ſaid, that on the 6th of November, a perſon came into the Rotunda of the Bank, and employed him to ſell out ſuch ſtock, which he did, for five hundred and ſeventy-two pounds ſixteen ſhillings and three pence, to one Mr. Woolmer; upon being aſked whether he ſhould know the man again, he ſaid, yes, perfectly well, and he gave a very accurate deſcription of the perſon; the money was paid in one note of five hundred pounds, and three other notes; but the material point is the five hundred pounds note: when the deſcription which the broker gave was told to Mr. Eaton, Good God! ſays he, I know the man perfectly well, why, it is John Aſh; I remember at the time I was receiving my dividend and ſigning the receipt, he ſtood over me, obſerved me particularly, and my ſigning my name: the priſoner was immediately taken into cuſtody, his lodging was ſearched, and there were one note of three hundred pounds, and four of fifty pounds, making exactly the note of five hundred pounds. When the broker ſaw the priſoner, he immediately recognized his perſon; and upon application to the landlady where he lodged, ſhe ſaid, that about the 6th of November he came home to her, and deſired her to take care of a five hundred pounds bank note, and two ten pounds bank notes, and that ſhe gave to him an accountable receipt for the ſame; when ſhe mentioned this to her friends, they ſaid it was very imprudent in her, for in caſe of fire, or in caſe of thieves, ſhe muſt make it good: upon which, on the 14th of November, ſhe returned him back the notes, and received back her accountable receipt: on that day that five hundred pounds note was changed at the Bank, and the name in which it was changed was wrote at the back of it, John Salker of Saliſbury-court, and the notes given in exchange for that note in the name of John Salker, were found in the priſoner's poſſeſſion; that is a very ſtrong circumſtance, becauſe it proves that he was in poſſeſſion of that note to which he ſigned a feigned name; but, gentlemen, I am ſorry to ſay, that this caſe does not want thoſe circumſtances, becauſe the fact will be proved to you by the broker, and if he is believed, it wants no other aſſiſtance whatever, becauſe to the broker he applies in the name of Eaton, he ſigns the name of Eaton, and thereby takes upon himſelf the name and deſcription of the perſon who is the real proprietor; he receives it in that name and gets poſſeſſion of it: therefore there cannot be a doubt in the mind of any man that hears me; but this man comes within the deſcription of the act of parliament, in perſonating a real proprietor; at the ſame time I do not mean to influence your minds by any thing that I can ſay, but I only wiſh you to try this caſe as every other caſe ought to be tried, upon facts produced in evidence; if thoſe facts are true, it becomes your duty, though a melancholly one it is indeed, to pronounce that verdict: if the facts are not proved, you will then acquit him.

THOMAS EATON *ſworn.*

Examined by Mr. Fielding.

You are a ſilverſmith in Saliſbury-court?—Yes.

You were poſſeſſed of a certain quantity of ſtock?—Yes.

How much?—Seven hundred and fifty pounds, four per cents.

Court. Do you know the name of the ſtock?—I cannot ſay I do; it is four per cent. annuities.

Do you know the young man at the bar?—Yes, I know him very well.

Was you at the bank any time in October?—Yes, I cannot tell the day, it was after they began to pay when I went to receive my intereſt of money, as I was going into the Bank, I ſaw Mr. Aſh and another talking together; they ſmiled and I ſmiled; when I went to get my receipt they followed me, when I was waiting for my receipt; though before that the man aſked me what is your ſtock, and I ſaid ſeven hundred and fifty pounds; he heard me I dare ſay.

Court. Did you anſwer ſo loud as that the priſoner might hear you?—I imagine I may, as I generally ſpeak pretty loud.

Do you believe he did hear you?—I believe he did, and I believe he ſaw my papers too which I received from the clerk, but I cannot be very poſitive that he heard me; but more than that, I ſaid to him, ſays I, you want to ſee what I am worth.

Did any thing more paſs between him and you?—After I had got my papers, I then left that young man and him together; when I went away I left that other young man in the Bank, I believe Mr. Aſh was gone before me.

Who was that other young man?—I do not know, he was Mr. Aſh's acquaintance, he followed me and aſked me for any thing I had to do, for a young man an acquaintance of his; I received my money and came away.

BENJAMIN HATWELL *ſworn.*

Examined by Mr. Sylveſter.

What are you?—I am a regular broker of the city of London.

Look at that young man, do you know him?—I know the priſoner.

Where did you ſee him?—I ſaw him for the firſt time on the 6th day of November.

(*Looking at a paper.*)

Court. What have you got there?—This is my memorandum book.

Made at that day?—In the evening of that day I made an entry of the tranſaction.

Mr. Sylveſter. What paſſed?—I was applied to by the priſoner to ſell ſeven hundred and fifty pounds, four per cent. annuities, in the name of Thomas Eaton, of Saliſbury-court, Fleet-ſtreet; the priſoner being an utter ſtranger to me, induced me to make an enquiry into what ſhape he came recommended; after having with ſome kind of delicacy entered into that buſineſs, I was induced, believing myſelf to be inveſted with diſcretionary powers, to ſell the ſtock.

Court. What did he tell you?—He told me there were two gentlemen, whoſe names he mentioned, that had an apartment at a ſadler's in Gray's Inn Lane, near King's Road; I was not perſonally acquainted with them, but I knew I had heard one of their names; he likewiſe mentioned another name which I have forgot; he likewiſe told me that he had received the dividends on the ſeven hundred and fifty pounds, four per cent. annuities, and that he ſhould, in the courſe of two or three months, employ me again to buy in to a larger amount; I believe he mentioned the ſum, but I am not clear in it, therefore I would not wiſh to venture an aſſertion upon that head; in conſequence of which, Mr. Andrew Woolford, a jobber in the four per cent. annuity market, purchaſed the ſtock in the aforeſaid name as ſoon as the transfer was made out, I went as uſual with the priſoner at the bar to the bank books.

Who witneſſed it?—I witneſſed it as a broker.

Look at that.

(The transfer ſhewn him.)

That is my ſignature.

Did you ſee the name there "Thomas Eaton" wrote?—I did; I told him the particular part where to ſign his name.

Did you ſee him ſign it?——I ſaw him ſign it, I was cloſe to the priſoner. *(The transfer read, ſigned Thomas Eaton; ſigned alſo, Benjamin Hatwell.)* Having transferred the ſtock, I went into the market and was paid for the ſtock in bank notes; it ſo happened that there was a ſurplus which was returnable to the jobber who purchaſed the ſtock, his clerk could not give me the difference out of the bank note, and I adjourned with the priſoner into the hall.

What money did you pay him?—I cannot charge my memory without referring to my memorandum book. *(Looks at his book.)* The nett money was five hundred and ſeventy two pounds ſixteen ſhillings and three-pence.

Did the priſoner give a receipt for that money?—Yes, he did.

(Looks at the receipt.)

Is that your name ſigned to that?—It is; that was the receipt for the money paid him for the ſtock.

What was he paid in?—In bank notes.

What were the bank notes?—I made no particular minute of the bank notes, it was paid entirely in bank notes, I paid him juſt the ſame notes that Mr. Thomas Fielder paid into my hands.

How many were they?—I cannot charge my memory.

What was the value of them?—I believe there were two or three to the beſt of my recollection.

Was there any for a large ſum?—I believe there was, I am not ſure.

The ſame you received from Fielder you delivered to him?—The very ſame.

Look at that man, are you ſure that is the ſame man?—I am ſure it is the identical man.

Court. Have you any doubt of him?—Not the leaſt.

Court. You conſider his life is at ſtake in what you ſwear now, therefore be very cautious, look at him again?—I am quite ſure as to the priſoner.

THOMAS FIELDER *ſworn.*

Examined by Mr. Fielding.

You are clerk to Mr. Wilford?—Yes.

Do you remember this tranſaction between you and Hatwell?——I remember ſomething of it.

How many bank notes did you pay him?—I cannot tell.

Court. Do you know the priſoner?—No.

Mr. Fielding. Do you know that note? I have had it in my poſſeſſion; I know no more of it.

Can you ſay whether that was the note you gave to Hatwell or not ?——I cannot ſay.

What do you believe, do you believe that was one of the notes that you gave to Hatwell ?—It very probably may, I cannot ſay.

Court to Priſoner. Would you chuſe to aſk the broker any queſtions ?—Yes, my Lord.

Court. Put the queſtions to me, and I will aſk them.

Priſoner to Hatwell. Did you ever ſee me before ?—No.

Or ſince?—Not till you was taken into cuſtody.

Priſoner. My Lord, I ſhould chuſe to hear the perſon that transferred the ſtock, and then I will aſk a few more queſtions.

MARY ROBERTS *ſworn.*

Examined by Mr. Sylveſter.

Where do you live Madam ?—In Saliſbury-court.

Do you know that young man ?—Yes.

Where did he lodge ?—At my houſe.

Did he at any time depoſit any property in your hands ?—Yes, he gave me a five hundred pounds bank note.

Any thing elſe ?—No, Sir, I cannot ſay he did; that was the 6th of November, and about twelve or fourteen days after that he had it of me, and returned it in a two hundred I believe, and ſome fifties.

What became of thoſe notes that were returned ?—On the 26th of November, he aſked me for one of the ten pounds notes, and I gave him the whole value of them, I returned them back to him, ſaying I did not chuſe to take the care of them.

Do you know the notes ?——I cannot ſwear to them.

Court to Priſoner. Would you aſk any queſtions of the laſt witneſs ?——No, my Lord.

ISAAC FIELD *ſworn.*

Examined by Mr. Sylveſter.

You are an entering clerk of the Bank? —I am.

Look at that note, when was it changed into other notes ?——On the 14th of November.

In what name ?—In the name of John Salter, of Saliſbury-ſquare.

Look at thoſe notes; what are they ?—One of three hundred pounds, and four fifty pounds.

Were they given in exchange for that note of five hundred pounds ?—They were.

When a perſon comes to cancel notes you always make them put their names ?—We generally do.

I do not know whether in the hurry of your buſineſs you knew the priſoner ?—No.

Court. Would you aſk any queſtions of this witneſs ?—No, my Lord.

JOHN ACTON, Eſq; *ſworn.*

I am ſolicitor to the bank; after the priſoner was apprehended, I found in his coat pocket, in his trunk, at his lodgings, a bank note for three hundred pounds, and four bank notes for fifty pounds each, all dated the 14th of November, made out in the name of John Salter; theſe are the ſame that Mr. Fielder produced, and there was another note of ten pounds.

Court to Priſoner. Would you aſk this witneſs any queſtions ?—No, my Lord.

Mr. Sylveſter to Mr. Eaton. Has this ſtock been replaced to your account ?—It has.

And you have accepted of it ?—I have.

JOHN COBB *ſworn.*

You witneſſed that ?—Yes.

Priſoner. I wiſh to aſk the broker a few queſtions; you ſay, you never ſaw me before or ſince, till I was apprehended ?—No.

I wiſh to know if the perſon that transferred the ſtock remembers the perſon he transferred it to ?

Court. He has not been examined.

JOHN OSWELL TROTTER *ſworn.*

Did you witneſs the transfer ?—I did.

Look at the priſoner at the priſoner at the bar ?——I do not recollect him as the perſon that made the transfer, I depended entirely on Mr. Hatwell.

PRISONER's DEFENCE.

I have nothing to ſay in my defence ; I wiſh to aſk Mr. Hatwell another queſtion : Did you ſay you would do ſuch a thing again any time, as to ſell the ſtock and not know the perſon you ſold it to ?

Court. I do not know that is any way material at all.

Hatwell. That I ſhould preſume, my Lord, is rather irrelative to the matter in queſtion, but as to that, I made no declaration of that kind.

Court to Priſoner. You ſee the charge againſt you, is for perſonating Mr. Eaton, and ſelling this ſtock, and receiving the money, now whether he ſaid he would do it for any other perſon or not, has nothing to do with the caſe.

Priſoner. It is very ſtrange that the perſon who transferred the ſtock cannot remember me as well as the broker.

Court to Priſoner. Can you give any account how you came by this money that was found in your poſſeſſion, that will be very material for you.

Priſoner. I had the money of my friends, and a particular perſon in the town that was left to conduct my cauſe, has not got my witneſſes as he ought ; I have witneſſes to my character.

JANE DREW *ſworn.*

I am a nurſe in Chelſea college.

Court. What is the priſoner at the bar by trade ?—A baker.

Is he a journeyman baker or a maſter baker ?—He ſerved his apprenticeſhip to a baker ; I have not of late known him, but I knew him in the country where he was brought up.

THOMAS POTTER *ſworn.*

I keep a publick houſe in White-fryars.

Court. What is the priſoner at the bar ?—He is a baker by trade, he was an apprentice when he ſerved me with bread.

Did you ever know him a maſter baker ?—No, I have known him theſe three years.

Has he worked as a journeyman after he was out of his apprenticeſhip ?—No, I do not know that he did, I heard he had ſome money left him in the country by ſome friends.

What has been his general character during that time ?——He bore an exceeding honeſt character, he uſed to tranſact buſineſs for his maſter with me, his books were always punctual.

WILLIAM ONEY *ſworn.*

I am a cheeſemonger ; I have known the priſoner about two years, he was an apprentice to Mr. Furnis, within ten yards of my houſe ; he was a very ſober honeſt man.

Priſoner. Pleaſe to aſk Mr. Eaton as to my character.

Court to Mr. Eaton. What has been the priſoner's general character ?——He was a very good young man, he was very much in my favour, he was very induſtrious, he attempted to marry a relation of mine, and I ſaid to her, you cannot do better than have him, as you want to have a baker, for he ſeems a very induſtrious young man, and not above carrying the baſket.

Court to Jury. Gentlemen of the Jury, in the firſt place there can be little doubt but that the crime has been committed, and that this ſum has been transferred by ſome perſon perſonating Mr. Eaton ; then it will remain for your conſideration only, whether or no there is ſufficient evidence to affect the priſoner, and to ſatisfy you in your minds that he is the perſon guilty. Mr. Hatwell the broker, ſwears expreſsly to him ; and it was neceſſary that he ſhould take particular notice of his perſon, becauſe he was to witneſs the transfer himſelf after it was made, and becauſe in caſe of a forgery, he was the perſon to whom the Bank or the party injured were to reſort ; and you find gentlemen, Mr. Hatwell did not immediately go and make a transfer, but he had a converſation with the priſoner firſt ; he aſked him who recommended him, and did not undertake to make the transfer, till he mentioned the names of one or two perſons that he knew: now Hatwell has been cautioned over and over again, and he ſwears expreſsly and poſitively that the priſoner at the bar was the man; but added to this you find that a five hundred pounds note a few days afterwards, had been changed at the Bank for a three hundred pounds and four fifty pounds, and that Mary Roberts the perſon with whom the priſoner lodged, was the depoſitory of thoſe notes for the priſoner, by his deſire; that ſhe afterwards returned thoſe notes to the priſoner, and after he was apprehended, this three hundred pounds note, and theſe four fifty pounds notes were found in his coat pocket, in his trunk in his lodgings, by Mr. Acton, the ſolicitor to the Bank; they were in his poſſeſſion, and they perfectly correſpond with thoſe notes changed by Field for that five hundred pounds note; now it would be very material for a perſon in his way of life, who was an apprentice to a baker, and who never appeared to be a maſter, to ſhew how he came by the money; but the priſoner has not ſhewn us that; the priſoner ſays, by way of obſervation and defence; that Trotter, the clerk, who atteſted the transfer did not recollect him again, and he thinks it very ſtrange that Trotter ſhould not recollect him as well as the broker; but you obſerve theſe two men were in very different ſituations indeed; Hatwell was the perſon to be reſponſible, it behoved him therefore to know the perſon again; whereas it was no buſineſs of Trotter's at all, he depended, as he tells you, on Hatwell; and it is not wonderful that a man that does not take notice of another ſhould not recollect him again: upon the whole, therefore, gentlemen, if the caſe be clearly and ſatisfactorily made out to your judgment, I am afraid good character cannot avail, becauſe it too frequently happens in this place, that men who commit very bad crimes indeed have had a good character; but if you think the caſe any way doubtful, if the poſitive teſtimony of Hatwell, corroborated by the circumſtances of theſe notes being found in the cuſtody and poſſeſſion of the priſoner, do not carry ſufficient conviction to your minds that the priſoner is guilty of this charge, you will in that caſe acquit him.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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199. AMBROSE COOK was indicted for feloniouſly ſtealing, on the 15th of December laſt, one tin nutmeg grater, value 1d. one other nutmeg grater, value 1d. and one guinea, value 1l. 1s. and 9s. 6d. in monies numbered, the property of Thomas Adams, privily from the perſon of Elizabeth, the wife of the ſaid Thomas Adams.

ELIZABETH ADAMS *ſworn.*

The back part of our houſe fell down, that we had not a bed in the houſe, and my huſband and I was out looking for a houſe, being over and above fatigued we came home, he fell aſleep, and I fell aſleep by the ſide of him, and while I was aſleep I had my pocket picked of theſe nutmeg graters and money, I was ſitting by the fire in the ſhop, it was on the Monday night, December the 15th, I awoke with feeling ſomething at my pocket, I awoke and fell aſleep again, I ſaw nobody there but the priſoner, and I thought I had no diſtruſt of him, I was not truly awake.

When did you awake again?—I awoke the laſt time a quarter after nine, when I awoke I miſſed my property, I put my hand in my pocket ſoon after and miſſed nine ſhillings and ſix-pence in ſilver, that was looſe in my pocket, and two nutmeg graters, one was full of receipts and duplicates, and the other had a guinea wrapped up in a piece of paper; it was all gone, I did nothing that night, the priſoner dropped two notes that were in the nutmeg grater.

Mr. Garrow Council for the Priſoner. You was not by?—He was taken up the next day; I know the priſoner very well, and took him and maintained him, he is a gardener, I made a bed for him in my own houſe, he had lived in my houſe before.

Did you ſee him that night?—No, I did not.

You have known the priſoner many years?—Yes.

You knew him before he went to ſea?—Yes.

You knew him when he lived at Briſtol?—Yes.

You lived there too I believe?—Yes.

Pray what buſineſs may you carry on at preſent, Mrs. Adams?——I keep an old clothes ſhop.

An open ſhop?—Yes, the door is always open.

At this time a part of your houſe was broke down?—Nobody could come in.

Nobody could come in to the houſe, the door of which was always open, and the back part broke down; is that what you mean to tell the Jury?——Nobody could come in at the back door.

But could not ſomebody come in at the front door?—Not without my ſeeing them.

Can you ſee in your ſleep, it ſhould ſeem you have all your faculties in your ſleep; you feel in your ſleep; you felt a hand in your pocket.—I ſaw nobody but my huſband.

Then it might be your huſband picking your pocket?—He never picks my pocket nor I have no occaſion to pick his.

We ſhall talk a little about that by and by?—I know he did not pick my pocket.

Did you ſee who did pick your pocket?—There was nobody but the priſoner and my huſband.

Was not you aſleep all the time, and knew nothing at all about the matter?—I am ſure it was picked at that hour.

How are you ſure of that?—I am ſenſible I had the money when I ſat down, I ſaw my nutmeg grater at eight o'clock at night, I paid money for the carriage of that chap's clothes.

You had been out all day ſeeking for lodgings?—I had.

You was a good deal tired and had been drinking a little I believe?——Very like I might.

Upon your oath, when you came home did not you lay down upon the floor drunk?——No, pleaſe your worſhip, I was not drunk.

Was you upon the floor aſleep?—I was not, I was ſitting on a baſket.

Upon your oath, you was not laying upon the floor aſleep?—I was not.

One would think you muſt have felt a good deal, when he picked your pocket?—A great many rogues will pick pockets quite eaſy.

Perhaps you know more on that ſubject than I do, have you no lodgers in your houſe?—No.

None of the ſame deſcription you had at Briſtol; have you no ladies lodge in your houſe?—What do you call ladies?

Why women, come?—There was nobody in the houſe at that time.

Your huſband was there at the time?—By the ſide of me.

You did not tell him a word about looſing your money?—No.

Nor any body elſe?—No.

Now upon your oath, did you or not ſee the priſoner after this, that evening?—No, I did not.

Upon your oath, did not you aſk him to eat bread and cheeſe that evening?—No, I did not.

Nor aſk him what he would have for his ſupper?——I did not, if he had bread and cheeſe in my houſe it was whilſt I was aſleep.

Did not he come there and ſup?—If he did it is more than I know.

Did he go to bed as uſual that night?—He went to bed between twelve and one o'clock, as I was told.

In his uſual lodging?—Yes.

He went to Hoxton the next day, to his uncle?—Yes.

What were theſe notes and papers that were in the nutmeg grater?—Some of them were duplicates, and others were receipts, that I paid money for.

Nothing elſe?——No.

No inſurance papers?——There were ſome few inſurance papers.

I believe the priſoner was ſo much in your confidence that he was your agent in inſuring?—Never, I have ſent him to know if ſuch numbers were up, I never intruſted him with my papers to inſure, I never gave him my papers, I have put the marks on his hat.

Do you recollect his bringing you a guinea as the produce of ſome of your inſurances?——He never brought me a guinea in his life.

Did your huſband know any thing about your inſuring?—He always knew.

Did your huſband know about your pawning the coat to pay for the inſurance?—I do not know that I pawned any thing that he did not know of, if I did it was my own.

Upon your oath, do not you know that you pawned a coat of your huſband's to pay for inſurance?——Never in my life but what he knew, I did nothing but what he knew.

Do you recollect telling the priſoner at the bar, that the guinea he brought you would bring you pretty well round again, for you expected to have a duſt with your huſband, or a buſtle?——No.

Do you talk in your ſleep?——No.

I believe you loſt a good deal of caſh by inſuring, did not you?——What I loſt was my own, I do not think I was three ſhillings out of pocket.

And upon your oath, there never was that converſation paſſed between you and the priſoner?—I will take my oath on it.

Tell the Court now whether it was ſo or not?——There was not.

MARY WHITE *ſworn.*

Court. What are you?—I am a coachman's wife.

Where do you live?——In St. Giles's; the priſoner came into my houſe that ſame night.

What night?—I am not poſitive to the night, the next day he was taken up; he uſed to come down to ſee us, and he inſiſted upon ſending for two pots of beer, ſays I, Harry, it is going late, we do not chuſe to have any beer; when I ſent the girl to order two pots of beer, he put his hand in his pocket and pulled out a handful of ſilver, to the amount of a guinea as I think; I would not tell a lie for the world; ſays I, in the name of God where had you this money, have you got it honeſtly; ſays he, I have, my father is come to town, and has given me a guinea, and ſays he, tomorrow I ſhall have twenty guineas; I ſaid, I am very glad you are relieved out of your trouble, and ſays I, for God's ſake go and pay ſome part of that money to your diſtreſſed landlady; in ſhewing this money he dropped ſome papers, and I picked them up, and Mrs. Adams ſwore to them papers.

Court. What papers were they?—The Juſtice deſired me to take care of them, they are papers belonging to the inſuring office where they inſure. *(The papers produced.)* The priſoner ſaid they were his papers when I ſhewed them before the Juſtice.

Court. What day of the month was this?—I cannot tell.

How came you to be ſurprized at his taking out a little ſilver?——Becauſe he never worked, and was always living on this poor diſtreſſed woman.

Mr. Garrow. You deal a little in inſurance now and then?——No, I never did inſure.

You know what inſurance papers are?——No, I do not.

You know theſe are not pawnbroker's duplicates?——Oh! I am ſure of that.

He took out a guinea's worth of ſilver?——About a guinea's worth.

Was there eight ſhillings in his hand?—I will ſwear there were three half crowns, and the reſt all in ſilver; it was a guinea's worth of ſilver.

What ſort of buſineſs are you in?——In the woman's clothes way.

Upon your oath, were there fifteen ſhillings worth of ſilver in his hand?—Upon my oath there was above.

Did he tell you how much there was?—A guinea's worth, there he is himſelf.

Did he tell you it was a guinea's worth?——I ſwear to twenty ſhillings; I would ſooner ſay leſs than more.

Only tell the truth, that is all that is required of you here.—I do tell the truth if poſſible, I get nothing by it; I would ſooner ſhew him mercy than not.

I aſk no mercy of you Mrs. White, only ſtand up and be a little decent if you can; ſeeing this man with twenty ſhillings in his hand, you adviſed him to pay ſomething to Mrs. Adams?——I ſaid, take that trifle of money to give the poor diſtreſſed woman ſomething, becauſe I thought it right for him ſo to do; ſhe had been a friend to him, and I thought it was right.

Never mind what you thought, let us have leſs of your comments and more of your evidence; did you ſay that which I have repeated to you?——Repeat what!

Did you ſay you were told he was going to have twenty pounds, and you begged to him to give his poor diſtreſſed landlady ſomething?——I deſired him to give her ſome of that twenty ſhillings.

When did you tell Mrs. Adams he had dropped theſe papers?——She never knew it till I came before the Juſtice, I went to give them to him.

So you went accidentally?——I went to ſee him; I did not know any thing about the robbery before; I never told Mrs. Adams, only what I ſpoke before his worſhip; I told her at the Juſtice's; I had not told her before I ſpoke to the Juſtice; I ſhewed them to the woman before the magiſtrate; Mrs. Adams did not know that I had them, till I went to the Juſtice's with her.

Court. What was the priſoner taken up for?——I do not know what.

Had not you told Mrs. Adams before this man was taken up, that he had dropped theſe papers?——I will take my oath, I never did tell her ſo, the man was in confinement before I knew he was.

How long is it ago, ſince you ſaid you would do him?——Lord! I do him!

How long ago is it ſince you ſaid before the Juſtice, it was I that did him?——I do not recollect it.

Upon your oath, you never ſaid ſo?——I do not recollect that I did.

Do you know Mrs. Fordham?——She is nothing to me.

Will you ſay, upon your oath, that you never ſaid it was you that done him, before the magiſtrate?——Upon my oath, I never ſaid that I would do him over.

I do not aſk you whether you ſaid you would do him over, I aſk you whether you ſaid you did him?——I did not ſay it was me that did him, I am ſure I never did, I never did ſay ſo.

How came you to tell me juſt now that you did not know whether you had ſaid ſo or not?——I never did ſay ſo.

You are ſure of that?——I think I am.

Now you loſe ſight of it, your recollection fails you now; did you at any time ſay it was you that did him?——I never ſaid do him over.

I do not ſay do him over, I ſay, did you ever ſay it was you that did him?——I never ſaid ſo that I know of.

Court. Will you ſwear whether you did or did not?——I never did ſay I did him over in my life.

Did you ever ſay that you did him?——I never ſaid ſuch a word in my life, nor any thing like it to any body; God forbid I ſhould.

Who was it that you told, that you, through the window, ſaw this man picking the witneſs's pocket?——I never ſaid ſo, the woman that ſaid ſo is out of doors, this woman the witneſs lodged there as far as I know.

How many more lodgers has ſhe?——I do not know.

Court to Mrs. Adams. How came you firſt to ſuſpect the priſoner?——I had nobody elſe lived in the houſe but him and my own huſband, he was in the houſe when my huſband and I ſat down together.

Why did not you ſay ſo before?——I ſaid he was there.

Did not you ſay that the reaſon you ſuſpected him was becauſe he dropped ſome of the papers that were in your pocket?——Yes, that made me quite ſure.

Was that the reaſon that you had him taken up?——Becauſe I knew nobody elſe did it but him.

How did you know nobody elſe did it but him; how came you to tell me that you ſuſpected him, becauſe ſome of the papers that were in your pocket was dropped by him?——Jane Cavalley told me of it before the man was taken in cuſtody.

Court. Now I will aſk you a third time, when did the witneſs that is going to be called, tell you what ſhe knew of the matter?—The next day.

What time the next day?——I cannot ſay whether it was while we were going to Hoxton, it was after he was taken up.

Which do you ſtick by, was it before or after?——It was after but it was the ſame day, it was after he was taken up.

Was it the ſame day or the next?——Really I cannot poſitively ſay, it was after he was taken up.

Why was not ſhe carried by you as a witneſs before the Grand Jury to find the bill?——I did not know that ſhe ſaw any thing of it.

What not when you went before the Grand Jury?——I did not know of taking another witneſs with me then, any more than was on the back of the bill, they ſaid one witneſs was enough to go to find the bill, and if there was any more wanted I might call them in here, they told me it was no odds to take any other woman with me.

Who told you ſo, name the perſon that told you ſo?——I was told ſo by many.

By whom, name one of them?——My huſband for one.

Who elſe, can you name any one perſon that told you ſo?—My huſband told me ſo.

Can you name any body elſe?——I cannot ſay I can mention their names.

Is your huſband here?——Yes.

When did Mary White firſt tell you what ſhe knew?——She told me on the next day.

What the next day after you loſt the money?——She did not tell me of it the next day, but ſhe told the maid the next day, a woman that uſed to waſh for me, and my maid told me, I can ſtick to that.

What is this maid's name?——Jane Cavelley.

Then that witneſs that is there is your maid?——She waſhes for me.

Did ſhe tell you any thing about theſe inſurance papers?——I never knew ſhe had them till ſhe came before the Juſtice, I took Mary White with me for company.

JANE CAVALLEY *ſworn*.

What are you?——A ſervant.

Whoſe ſervant?——I am out of place.

Whoſe ſervant was you laſt month?——I lived in Hogg Lane at Mrs. Adams's.

In what ſtation did you live at Mrs. Adams's?—She gave me my victuals and drink for what I did for her.

What do you know of this buſineſs?——Between eight and nine at night, I was putting up the ſhutters, and I ſaw the priſoner put his hand to her pocket, and as I came in he took his hand away, but I did think he had picked her pocket, I did not know he had.

Where was ſhe ſitting?——Behind the counter aſleep.

Was there any fire in the room?——Yes, her huſband was ſitting cloſe to the fire, and ſhe was ſitting behind him.

What was ſhe ſitting upon?——I cannot tell, I believe it was upon the corner of a baſket.

Was ſhe ſober or in liquor?——Sober as far as I know.

Where was Ambroſe Cook?——He was next to the counter, cloſe with his hand over Mrs. Adams, in this manner, Mrs. Adams had her head in the chimney corner, there was a vacancy, a little part that any body might come by.

Had not he room enough to go up to her?——He was ſat upon the ſide of a chair and put his hand over her, when I came in I aſked him what he was doing, and he took his hand away.

How long did he keep his hand at her

pocket?——He took it away when I came in.

How long might that be?——Not many minutes, he took his hand from where her pocket was, but I did not think her pocket was picked, I aſked him what he was waking Mrs. Adams for, he made ſome kind of an anſwer, I do not know what, he ſaid, he wanted her to go out ſomewhere or other, I do not know where.

Recollect as well as you can what anſwer he made?——He ſaid, he wanted her to go out with him, and that he would not go himſelf.

Did he wake her?—Yes, ſhe awaked at the time, but I believe ſhe fell aſleep again, ſhe ſpoke to him.

Do you recollect what ſhe ſaid to him? No, I cannot indeed.

You are ſure ſhe ſpoke to him?—Yes.

How long was it before ſhe went to ſleep again?——Not above a few minutes.

What became of him after ſhe went to ſleep again?——He went out.

When did you hear that your miſtreſs had loſt any thing?——She ſent me up to know whether he was come in to go to bed, and he was not come in, ſhe waked about nine I believe, about half after nine, it was about half an hour or three quarters after.

What was ſhe doing till eleven o'clock?—We got our ſuppers and went up ſtairs.

Where did he ſleep?——In Denmark-ſtreet.

When did ſhe ſay, ſhe had loſt any thing?—In the morning ſhe told me to go to pay the water tax, and ſhe told me, ſhe had loſt ſome money the night before, that ſhe had borowed for that.

Did ſhe give you the money?——She had got none, I heard her ſay, ſhe borrowed money for the taxes, and ſhe ſaid, ſhe muſt go and look after Ambroſe.

What did ſhe firſt ſay about the loſs of the money?——She ſaid, ſhe had loſt a guinea out of her pocket, and nine ſhillings and ſixpence.

What was ſhe to look after Ambroſe for?——To ſee if he knew any thing of the money.

What did you ſay to her?——I did not make her much anſwer.

Did you tell her that you had ſeen Ambroſe's hand at her pocket?——Yes, I told her that before ſhe went to Hoxton.

Before ſhe went to Hoxton, you told her what you had ſeen?—Yes.

You are ſure of that?——Yes.

What did ſhe ſay to that?——She ſaid ſhe was very ſorry as I ſaw ſuch a thing.

Such a thing as what?——As he picking her pocket, becauſe ſhe had been ſuch a friend to him.

Then ſhe had no ſuſpicion of Ambroſe before you told her what you had ſeen?—She did not expreſs it to me before I told her.

How came you did not go before the Juſtice with her to keep her company as well as Mrs. White?——I did go, but I was not called on, he was fully committed without.

Did Mrs. Adams deſire you to tell the Juſtice what you knew?——He was fully committed before I was called.

Who were you called by?——Nobody called me.

Then how could it be before you were called?——I was never called.

What did your miſtreſs take you there for, if you were not to be called?——I went to ſpeak what I ſaw.

Your miſtreſs knew all this before ſhe went to the Juſtice?——Yes.

Mr. Garrow. She knew it too before the man was apprehended; you know you told her in the morning before ſhe went out of the houſe?——I told her what I ſaw.

Conſequently ſhe knew it before ſhe went to Hoxton?——Yes.

Did you go with her to Hoxton?—No, not when ſhe went to take him.

When did you go?——The ſecond day.

Did Mrs. White ever tell you any thing about papers?——Yes, that day ſhe went to the Juſtice's, the laſt day ſhe produced them there.

When did ſhe tell you of them firſt?—That was the firſt I heard about them.

Never knew of them before?——Never.

You ſaid juſt now, Mrs. Adams ſaid ſhe was ſorry that he had ſerved her ſo?——Yes.

Did ſhe ſay any thing about being ſorry that you ſhould ſee ſuch a thing, or ſuch an indecent thing?——She ſaid ſhe was very ſorry that he had done ſuch a thing to her, for any body to ſee ſuch a thing.

Now about this loſs of money; her huſband had given her money to pay the water tax, and ſhe had loſt it?——Not by the inſurance, ſhe never inſured money that I know of.

Did you pawn the coat to pay for the inſurance?——No.

How many lodging rooms have you?——The houſe is down, we did not ſleep in the houſe; there was nothing but a few things in the ſhop.

You aſked him what he was doing, and he ſaid he was waking her, and ſhe refuſed to go out?——I would not let him wake her enough.

But he did wake her?——She waked but ſhe fell in ſleep again.

He aſked her to go out, and ſhe ſaid ſhe would not, and he ſaid then he would not go out?——Yes.

In two or three minutes after this ſhe fell aſleep?——Yes.

Thoſe are outſide ſhutters I ſuppoſe?——Yes, I fetched them from the paſſage; I ſaw him with his hand at her pocket, thro' the window as I was putting up the ſhutters.

Did ſhe ſend you after to invite him to ſupper?——No.

Did he lodge at the ſame houſe with her?——Yes.

What time did you go to your beds?——We were going to bed then.

THOMAS ADAMS *ſworn.*

Court. Where have you been waiting now?——Juſt by here.

Who was with you?——No perſon.

Was not your wife and you together?——No.

When did your wife firſt tell you of the loſs ſhe had met with?——I was obliged to go to my watch; I went that night a quarter before ten o'clock; and before that I had been taking a bit of a doze in my ſhop.

Where was your wife?——By my ſide, when I went to ſleep ſhe was ſitting by me.

Who elſe was there?——There was Jenny the maid.

And who elſe?——There was no perſon elſe.

Nobody elſe?——I think not.

Who was there when you awoke?——When I awoke there was my wife and this woman.

Nobody elſe?——Nobody elſe that I remember.

How long after you waked was it that you went on the watch?——Directly, my wife was in a great hurry, but ſhe did not tell me any thing; in the morning, about ſeven, when I came home ſhe deſired of me to go and look for Ambroſe; ſhe did not tell me the ſenſe of it.

Did not ſhe tell you what for?——No, ſhe did not.

How long was it before ſhe told you what you was to look for him for?——I got up about ten o'clock, ſhe then deſired me to look for Ambroſe.

Did ſhe tell you why?——No.

When did ſhe firſt tell you ſhe had loſt any thing?——Not till I got to Hoxton; then when we ſaw Ambroſe, ſhe deſired him to give her what he had taken from her; I heard nothing of it before; ſhe had the money to pay the taxes; I gave it her the day it was loſt.

Did not ſhe uſe to inſure a good deal in the lottery?——Only what I knew about a couple that night, I knew of that.

Did ſhe loſe money by it?——Not as I know; ſhe ſent me ſeveral times to ſee if the tickets were come up; I went one night with Ambroſe.

Who did you ſend that night that you fell aſleep?——She deſired Ambroſe to go, and gave him directions on his hat; that was before I fell aſleep.

Did you ſee Ambroſe come back again?——No; ſhe inſured that night, but I do not know what ſhe paid that night; ſhe was expecting the tax man.

What did Ambroſe ſay to her when ſhe deſired him to give her what he took from her?——He took out ſome halfpence in his hand, and ſaid, that was all he had; he began to ſwear, and ſhe deſired me to get a conſtable; then ſhe told me what he had taken from her; and he ſaid, he had nothing but halfpence.

Mr. Garrow. The lottery was pretty near an end?——I believe at that time they were ſixteen pence or eighteen pence.

Do you know of her pawning your coat?——She told me ſince, ſhe pawned one of my coats.

You have found that out lately, ha! Now pray who let you into that ſecret, did Ambroſe?——No.

Who told you?—I found it out myſelf.

How did you find it out Maſter Adams; come, do not be aſhamed, it is no diſgrace, a better man than you has had his coat pawned?—My wife told me by my orders.

How did you find it out?——I knew it without her telling me.

How much was it pawned for?——Not half a guinea.

Court. Was it before or after ſhe had loſt this money?——I knew of it before four or five days; I conſented; I told her ſhe might put out ſomething or other, becauſe ſhe was deſirous to keep it up a little; ſhe went a guinea that night.

Court to Jury. Gentlemen, if you have any doubt in this caſe, I will call the witneſs, and aſk her as to theſe papers; but if you are ſatisfied, if you ſee the evidence in the light I do, I think it will be unneceſſary.

Jury. My Lord, we are very well ſatisfied.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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201. EDWARD BRITT was indicted for feloniouſly ſtealing, on the 8th of January, two yards of Florentine ſilk, value 16s. one yard and a quarter of figured ſattin, value 13s. eight yards of Nankeen, valve 10s. two foreparts of tambour ſattin for a waiſtcoat, value 20s. a pair of Mancheſter velvet breeches, value 8s. one Gingham waiſtcoat, value 2s. two pair of thread ſtockings, value 3s. one pair of cotton ſtockings, value 12d. ſix ſmall pieces of blue cloth, value 12d. one ſmall piece of black cloth, value 3s. four handkerchiefs, value 4s. and one man's hat, value 6d. the property of William Pearſon, in his dwelling houſe.

WILLIAM PEARSON *ſworn.*

I live in Crown Court, St. James's-ſtreet, on Thurſday evening between ſeven and eight o'clock, I left the priſoner the care of my houſe, me and my wife went out, he was my apprentice, I left a child twelve years old in the houſe, I returned between eleven and twelve I met my child in the ſtreet, my wife was with me, her cry was daddy, Neddy is gone out and left the door open, we went up ſtairs and ſearched for the priſoner, he was not there nor at the public houſe; I returned home and faſtened the ſtreet-door, next morning a perſon came and knocked at the door, and aſked for the priſoner, and he enquired of me if I had loſt any property, and I heard the priſoner was at St. Giles's watch-houſe; the man is not here; I went up ſtairs and found my drawer open where thoſe things had been, the things were gone, theſe were articles I had to make up for different perſons, I went to the watch-houſe, but the priſoner was at Mr. Walker's.

Court. What did he ſay for himſelf?——He did not deny any thing at all.

GEORGE DURHAM *ſworn.*——I am a conſtable, and it was ſearch night, that night, coming down High-ſtreet, St. Giles's, about half paſt twelve o'clock, I ſaw this boy in the middle of the ſtreet, he ſaid, he was going home, with ſome gentleman's clothes, I ſaid, this is an odd time in the morning to carry home clothes, where do you come from, he ſaid, he lived with one Warburton, and was going to carry them to the Bird in Hand, Oxford-ſtreet; we ſecured him, I ſaid, I do not think you came honeſtly by theſe things; we will go with you, he ſaid, he would be much obliged to us if we would; going along I ſaw a bit of red ſilk out of the handkerchief; I then took them from him thinking he had ſtole them; he ſaid the gentleman was going out of town in a great hurry, and could not wait for the things being finiſhed, we went to the Bird in Hand, they were gone to bed, and the maid looked out of the window, ſhe knew nothing of him, we took him and the clothes to St. Giles's watch-houſe, I gave the things to one of the conſtables, I cannot recollect which, and I ſaw them afterwards given to the conſtable of the night; we opened the handkerchiefs, and found all theſe things except three handkerchiefs and the ſtockings.

—— **HILLIARD** *ſworn.*

I received the things, when the priſoner's maſter came to the watch-houſe, he ſaid, whoſe hat have you on, and the priſoner ſaid, yours; this is the hat.

(The thread ſtockings, the figured ſilk, and the hat, depoſed to.)

Court. If I underſtand you right, the thread ſtockings, the figured ſilk, and the hat, you can poſitively ſwear to?—Yes.

What age is he?—He tells me he is fifteen, he was bound apprentice to me, he ſerved ſome part of his time in Ireland as he told me.

PRISONER's DEFENCE.

I have nothing to ſay, but that I was adviſed by other perſons, and one was with me, and another adviſed me to go his lodgings with things; I have no witneſſes.

GUILTY.

Of ſtealing to the value of 10d.

To be twice publicly whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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202. **JOSEPH GRAINGER** was indicted for feloniouſly ſtealing, on the 5th of January, one linen handkerchief, value 1s. the property of John Hemming.

JOHN HEMMING *ſworn.*

On Monday the 5th of this month, near ſix o'clock in the evening, going down Ludgate-hill, I was called to by two gentlemen, who told me the priſoner had picked my pocket; I immediately turned back, they had then hold of the priſoner, and I ſaw them take from him my pocket handkerchief, the conſtable has the handkerchief.

(The handkerchief produced.)

PRISONER's DEFENCE.

I was going to Ludgate-hill, and I ſaw this handkerchief lay on the ground, I picked it up, and was running towards the gentleman.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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203. **JOHN LEE** was indicted for falſly and feloniouſly making, forging and counterfeiting, and cauſing and procuring to be falſly and feloniouſly made, forged, and counterfeited, on the 20th of November laſt, a certain bill of exchange, commonly called an inland bill of exchange, purporting to be made by the Right Hon. George Lord Viſc. Townſend, maſter general of the Ordnance, and directed to the Pay Office in the Ordnance Office, Whitehall, requiring the proper perſon, in ſuch Pay Office, at the Ordnance Office, Whitehall, to pay Mr. John Lee or order, on demand, the ſum of 15l. ſterling, which ſaid bill of exchange ſo falſly made, forged, and counterfeited, is as follows, that is to ſay, "London, November 24, 1783. "Pay to Mr. John Lee, or order, on demand, the ſum of 15l. ſterling, which "place to his account of office. Townſend, "M. G. Pay Office, Ordnance "Office, Whitehall" with intention to defraud James Creſdale.

A ſecond Count, For uttering the ſame, knowing it to be forged, with the like intention.

A third Count. Charging the like forgery, only calling the forged instrument a warrant for payment of money.

A fourth Count. For uttering the same, knowing it to be forged, with the like intention.

A fifth Count. For forging the same, only calling it an order for payment of money.

A sixth Count. For uttering the same, knowing it to be forged, with the like intention.

A seventh Count. Charging that on the 26th day of November last, the Right Hon. George Lord Viscount Townshend was master general of the ordnance of our Lord the King, and that on the same day the said John Lee, did feloniously forge and counterfeit, and cause and procure to be falsely made, forged and counterfeited, a certain warrant for payment of money, purporting to have been signed by the said Lord Viscount Townshend, as such master general of the office of ordnance, and to be directed to the Pay Office in the Ordnance Office at Whitehall, requiring the proper person in the said office, to pay Mr. John Lee, or order, on demand, the sum of 15 l. with intention to defraud our Lord the King.

An eighth Count. For uttering the same, knowing it to be forged, with the like intention.

(The prisoner having challenged William [illegible], one of the Jury, Philip Howell served in his place.)

JAMES CRESDALE *sworn.*

I keep the Rose Tavern, in Bridges-street, Covent-garden, the prisoner came to my house on the 26th of November, and ordered a dinner, and he had three bottles of wine, a gentleman came and drank part of two with him, and he sent for a [illegible], and sent for me, desiring the waiter to tell me to come up; when I came up, I drank a glass of wine with him, and he presented this bill, and he pressed me to lend him five guineas upon it; I told him I could not lend him so much, if one guinea would be of any service to him for that night I would lend it him, but I lent him a guinea and a half.

Court. What did he say?——He shewed me the bill, and said it was drawn on the Ordnance Office, and he would call the next evening and take it up, but he did not come any more, and I never saw him till I saw him before my Lord Mayor at Guildhall.

How long after was that?——Not till the Monday week following, and I presented it at Mr. Cox's Office, in Craig's Court; I presented it on the 8th of December.

Mr. [illegible], Prisoner's Counsel. Your house is adjoining Drury-lane Theatre, is not it?——Yes.

The Rose Tavern?——Yes.——

Did you know Mr. Lee before?——No, he made use of a gentleman's name that used the house, and I thought I had a faint remembrance of his face, he said his name was Lee, and that he knew several gentlemen that used the house.

Did he say what he was?——No, I looked upon him to be an officer, he had a cockade, he said he was just come from Scotland.

What day of the month was this?——The twenty-fifth or twenty-sixth of December, I am not sure which.

The bill produced.

Court. What did you do with the note?——I presented it the 8th of December, at Mr. Cox's Office, I left it there, and it has been in the possession of the clerk ever since; I left it with Mr. Pinder, that was the same note I received of the prisoner.

GEORGE PINDER *sworn.*

Court. Did you receive a note from the last witness?——I did.

What did you do with it?——I have kept it in my possession ever since, except when Mr. Cox has taken it to Guildhall, to attend the prisoner's examination.

Mr. Macnally, another of the Prisoner's Councel. Did you put any mark upon it?——No.

RICHARD

The Remainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of JANUARY, 1784, and the following Days;
Being the SECOND SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of John Lee.

RICHARD BETHELL COX *ſworn.*

I was at that time pay-maſter to the artillery.

Mr. Macnally. When you was before Alderman Croſby, at Guildhall, and was aſked where that note was, what was your anſwer?—I was at Guildhall once or twice with the note, and once or twice without it.

Do you recollect that you ſaid that note was either in the poſſeſſion of the Alderman or the Alderman's clerk?—I cannot ſay, but it never was left at Guildhall.

Then do you remember ſaying, if it is not, perhaps it may be in the poſſeſſion of my caſhier?—Having been before the Lord Mayor on the ſame buſineſs, I did not recollect whether I had left the note at Guildhall or with Mr. Pinder, but certain I was, if not at the office at Guildhall, it was with Mr. Pinder.

Court. Look at that note.—This is the note.

Mr. Silveſter. Is it drawn in the uſual form that the maſter of the ordnance draws bills on the pay office?—No, it is not.

How are bills generally drawn by the maſter of the ordnance?—The maſter of the ordnance ſeldom draws a bill, but I apprehend if he had occaſion to draw a bill, he would addreſs it to the Right Hon. the principal officers of his Majeſty's Ordnance.

Court. Do you know my Lord Townſend's hand writing?—Perfectly well.

Mr. Silveſter. How is Lord Townſend appointed to this office?—He was maſter general of the ordnance at that time.

Is not it a patent office?—Yes.

How was he appointed by patent?—I do not know.

Mr. Silveſter. My Lord, I beg to obſerve before this witneſs goes on with his evidence, that the indictment has ſtated throughout, in every count, that My Lord Townſend is Maſter General of the Ordnance, therefore it is neceſſary for them to prove that fact, and alſo that there was ſuch an office as the Pay-Office in the Ordnance-office, Whitehall.

Mr. Juſtice Heath. Suppoſe there was no ſuch office.

Mr. Juſtice Aſhurſt. It ſays, *purporting* to be drawn by Lord Townſend.

Mr. Juſtice Heath. It all comes after *purporting*, it is no *averment* that it is ſo.

Mr. Sylveſter to Mr. Cox. Is there any ſuch office as the Pay-office in the Ordnance-office, Whitehall?—I believe not.

Mr. Juſtice Aſhurſt. If it was intended to make him believe there was ſuch an office.

Mr. Sylveſter. My objection is that there is no ſuch perſon.

Mr. Juſtice Heath. Will you pretend to ſay, becauſe a man forges a note on an officer, and he either wilfully or accidentally miſtakes the name of the office, that that is not a forgery; how ſhould it be drawn? here is no averment that he is the Maſter of the Ordnance; or ſuppoſe this note bore date the day after Lord Townſend had been diſmiſſed from his office, and he had given it to an ignorant perſon, and ſaid, this is a note drawn on the Ordnance Office.

Mr. Sylveſter. My Lord, the note itſelf does not import that Lord Townſend is Maſter General of the ordnance at all.

Court. The jury muſt take upon themſelves to determine what M. G. means.

Mr. Sylveſter. If they take upon themſelves to prove that.

Court. They are to prove that it was intended to mean that.

Mr. Sylveſter. They ſay directed to the Pay-office *in* the Ordnance-office at Whitehall, that is averring that there is ſuch an office: why ſhould they add the word *in*, *in the office*; the note ſays, *Pay-office Ordnance-office Whitehall*, the indictment ſays, *the Pay-office in the Ordnance-office Whitehall.*

Mr. Juſtice Heath. Whatever comes after *purporting* is no averment that in fact exiſts, but pretends to exiſt. If the jury are of opinion that that does not purport to be paid at the Pay-office Whitehall, that is another thing.

Mr. Sylveſter. My Lord, a man was indicted and tried before Lord Mansfield for forging a note, purporting to be a bank note, he uttered it as ſuch, and he told the man to whom it was offered, that it was a very good note, he told the man it was a bank note; the man knew no difference: inſtead of the words *the Bank of England*, it was *my Bank of England*, and Lord Manſfield ſaid the words purporting to be a bank note meant, that the note appeared upon the face of it to be a bank note, and the want of ſuch appearance cannot be ſupplied; now here is a place called in the indictment the Pay-office in the ordnance-office Whitehall, and after this it appears that there is no ſuch place.

Court. That is a matter of evidence to be left to the jury; you ſee on preſenting the bill the priſoner ſaid it was drawn on the Ordnance-office.

Mr. Juſtice Aſhurſt. This is not governed by the caſe you have juſt quoted of purporting to be a bank note, becauſe that is governed by a preciſe form.

Mr. Sylveſter. I underſtand Mr. Cox to ſay that there is a preciſe form to theſe bills.

Mr. Juſtice Aſhurſt. That is only in his opinion.

Mr. Sylveſter to Mr. Cox. Would you have paid this as an ordnance draft?—It is not drawn upon me.

Is there ſuch an office as the Pay-office in the Ordnance-office Whitehall?—There uſed to be I believe, before the new building at Whitehall was erected, formerly.

Not in your memory and mine I am ſure?—I cannot exactly ſay, but there is ſuch an office in the Tower.

Mr. Sylveſter. There is no ſuch place as the Ordnance-office at Whitehall, nor ever was.

Court to Cox. Are you ſure there uſed to be one?—No, I will not ſay that.

Do you know that Lord Townſend was then Maſter of the Ordnance?—Yes.

Are you acquainted with this hand-writing?—Yes.

Have you ſeen him write?—Several times.

Is that Lord Townſend's hand-writing?—Certainly not.

Are you clear and certain of that?—Perfectly certain.

Mr. Sylveſter. Have you frequently ſeen him write?—Several times.

Court. You ſay at preſent there is no office at Whitehall, that you know of, for the payment of ordnance bills?—No.

But they are paid in the Tower?—Yes.

Mr. Sylveſter. What, is Lord Townſhend an officer?—Yes, he is Colonel of the Queen's regiment of dragoon guards.

You are ſure he is not Maſter General? —No, Sir.

Is there any ſuch perſon as Mr. Lee in the Ordnance-office?——Not that I know of.

Does my Lord Townſend draw upon the Pay-office, would he give me a draft or order, or warrant, to pay to my account? No, you would have an impreſt.

Then I ſhould not have a draft to pay me any money on my own account? a draft therefore, even from Lord Townſhend, would not be paid, to be placed to my account?—It is a thing that never happens; the bill ſays, *and place it to his account of office*, now John Lee has no buſineſs in the office of ordnance at all.

Mr. Sylveſter. How do you know that?

Mr. Macnally. Are there not many contractors belonging to the Ordnance-office?—There may.

Can you take upon you to ſay that there is no John Lee a contractor?—No.

Mr. Juſtice Heath. Suppoſing there was, how would that vary the caſe, where Lord Townſend's name is forged.

Court to George Pinder. Are you acquainted with Lord Townſend's hand-writing?—I am.

Have you ſeen him write?—I have.

Look at that?—I do not think it Lord Townſend's hand-writing.

Mr. Sylveſter. My Lord, it is my duty ſtanding here as a council for a priſoner to take every objection that lays in my power, for a man ſtanding in his unfortunate ſituation, therefore I ſhall make no apology for troubling your lordſhip with a further objection. By an act of parliament paſſed in the twenty-third year of his preſent Majeſty's reign; it is enacted, that every piece of paper or parchment, called a note of hand, or ſheet or piece of paper, called a bill of exchange, which ſhall be ingroſſed, written, or printed for any ſum under the ſum of fifty pounds ſhall have a ſtamp duty of ſixpence thereon; then the act goes on and ſays, that if any ſuch note of hand, or bill of exchange ſhall not be marked or ſtamped with ſuch ſtamp duty of ſixpence thereon, the ſame ſhall not be pleaded or given in evidence in any Court. In a caſe, the King againſt Hawkins, which was reſerved by Mr. Juſtice Buller, a perſon was indicted for forging a bill of exchange, which was not ſtamped according to the late act. The objection was taken by Mr. Baldwin at Worceſter.

Mr. Juſtice Heath. It ſays, it ſhall not be given in evidence *between the parties*, it does not mean in a criminal proſecution; the meaning of the act of Parliament is, that the man who neglects to pay the duties ſhall derive no benefit from it, but it does not extend to criminal ſuits.

Mr. Sylveſter to Mr. Cox. Would you pay a draft unſtamped that was drawn on ſight?—Certainly I would if it was drawn on me.

Do you know that all notes except thoſe on Bankers are to pay certain duty?—No, Sir, I do not underſtand ſo, becauſe we pay twenty every day that are drawn at ſight, without ſtamps; what I underſtand by a Banker, is a perſon acting as a Banker, and if a man keeps caſh with me, I act as his Banker.

If that bill had been preſented to you would you have paid it?——No, I certainly would not, becauſe it was not my Lord Townſend's hand writing, and in the next place it was not adreſſed to me.

Do you know any body upon the face of God's earth that would have paid it?——Here is a perſon that advanced money upon it.

Now, is that an anſwer Mr. Cox?

(The Bill Read.)

"London, November 24th, 1783; pay
"to Mr. John Lee, or order, on demand
"the ſum of 15l. ſterling, which place to
"his account of office,

TOWNSEND, *M. G.*"

Mr. Sylveſter. Is it Townſend or Jownſend?

Mr. Reynolds. It is more like an *J* than a *T*.

Mr. Sylveſter. If my Lord Townſend's

name had not been mentioned, I believe nobody would have thought of it.

Mr. Juſtice Heath. Then let it be ſhewn to the Jury, that they may judge of it.

Court to Priſoner. Would you ſay any thing Sir, for yourſelf, or do you leave your defence to your Council?

Priſoner. My Lord, I leave it to my Council, who are ſufficiently able to defend my cauſe.

Court to Mr Sylveſter. Have you any witneſſes to call?—No, my Lord.

Court to Jury. Gentlemen: In this caſe upon one of theſe objections taken by council it muſt be left to you, whether, upon the face of this bill it does not purport to be directed to the Pay-office, and to be ſigned by Lord Townſend, as Maſter General of the Ordnance, if you think one or the other it not purported, then it would be a ground for an acquittal: If you think it does ſo purport, then the evidence goes to that part of the indictment. The uttering of this bill is proved by Creſdale, who relates the circumſtance of the priſoner's coming to him, and it appears to be a forged bill; it is very difficult indeed to prove the very act of forgery; theſe matters are your conſideration, firſt, whether you ſufficiently give credit to the witneſſes, and in the next place, whether you think it purports to be drawn by Lord Townſend, Maſter General of the Ordnance, and to be paid at the Pay-office, in the Ordnance-office: If you do not believe the evidence, or do not think it ſo purports, then there will be a ground for acquittal; If you believe the witneſſes, and think it does ſo purport, in that caſe you will find the priſoner guilty.

GUILTY, *of uttering the bill knowing it to be forged.* **Death.**

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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204. PAUL WILKES was indicted for feloniouſly ſtealing, on the 12th of January laſt, eighty pounds weight of ſugar, value 40s. the property of William Pycroft and Samuel Page.

WILLIAM PYCROFT *ſworn.*

I know nothing of the robbery, I know the ſugar.

——— DUSK *ſworn.*

I ſaw the priſoner with a bag upon his back going out of the ſugar-houſe, on Monday evening, I ſtopped him; he aſked for another man's name, but there was no ſuch man there, I took him with me to the room, as ſoon as he ſaw me, he put the ſugar down, and I left the ſugar where he put it.

PRISONER's DEFENCE.

I was in liquor when I did it, or elſe I ſhould not have done it.

HENRY INNIS *ſworn.*

The laſt witneſs came and told me, he had got a thief, ſays I, what had he got? He ſaid, he had a bag on his back, he brought the priſoner into the room, the priſoner did not ſay any thing, he ſaid, the ſugar was in the place where the priſoner had dropped it, and when we came there, there were four lumps of ſugar in it, we left the lumps in the bag, and we brought the bag before the Juſtice.

What became of it afterwards?—It was locked up at Juſtice Staple's, that was the ſame bag and ſugar, that Duſk ſhewed me in the warehouſe.

Court to Duſk. Was the bag you ſhewed to the witneſs Innis the ſame that the priſoner was carrying out?—Yes.

BENJAMIN NASH *ſworn.*

On Monday night a man came to the Rotation Office, White-Chapel, and I went, and when I came, there was the man in the room, and the ſugar by the ſide of him, I took up the man, and the witneſs the ſugar, it was opened before Mr. Staples, they ſaid it was theirs, then it was put up and ſealed, and the ſeal was broke here, it was locked up, and has been ſo ever ſince.

The ſugar depoſed to, being marked No. 65.

GUILTY.

To be publickly whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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205. ELIZABETH JONES, and ELIZABETH WHEELER were indicted for feloniouſly ſtealing on the firſt of January laſt, 4s. 6d. in monies numbered, the monies of William Howlett.

WILLIAM HOWLETT *ſworn.*

I was coming home on new year's night; between twelve and one o'clock; I met the priſoners oppoſite St. Margaret's church-yard, Weſtminſter; I went there to a houſe to aſk for a perſon that would have ſeen me home, and theſe women followed me out, and rather decoyed me home with them; and ſcarce had I got up ſtairs but they uſed me very unhandſomely; they threw me down and ſtripped me of my clothes, and took four ſhillings and ſix pence out of my breeches pocket, which was all the money I had in the world.

How do you know you had the money in your pocket?——I am ſenſible I had it in my pocket, for I wrapped it up in a piece of paper, I felt it in my pocket, and held my hand upon it during the time they forced it from me; I was not drunk; I do not uſe myſelf much to drink; I am but a poor working man, and my abilities will not admit of it, I was not in liquor, I was ſober.

How long had you been drinking?——About an hour and an half.

No more than that?——No, I do not think I had.

Where had you been till eleven o'clock?——I had been to the ſign of the Star and Garter, in Palace-yard, to ſee a perſon.

Had not you been drinking there?—Yes, part of two or three pints of beer.

Then you had been drinking more than an hour and an half?—I was ſober then.

You ſeem to lay a ſtreſs on the word then; had you been in liquor before that evening?—No, I had not been in liquor.

JOHN BALDEY *ſworn.*

I am a watchman; as I was crying the hour of one, I heard a man call out watch! watch! watch! I am robbed and ſtripped naked! ſee what a condition I am in! he was ſtanding at the door of No. 45, in Pye-ſtreet, Weſtminſter; he had nothing on but his breeches and ſhirt, and a pair of ſoldiers ſhoes; I went up ſtairs and they ſaid, blaſt him, they knew nothing at all of him nor his clothes; I pulled off the blankets and things; they were both in bed; one was dreſſed and the other undreſſed; ſays I, the man ſhall have his things; at laſt I locked them all three in, and went and fetched a patrol, and we hunted about, and at laſt we found his coat and ſtockings, one woman pulled one ſtocking off her leg and threw it at him.

Where did you find the coat?—On the chair, and the buckles were put down at the head of the bedſtead, they ſaid, the man had no money about him, and he ſaid, he loſt four ſhillings and ſix-pence, the man ſpoke more regularly to me than he does here.

Court to Proſecutor. You told me they threw you down and took the money out of your pocket, how came you to undreſs?—They pulled the things off me in a forcible manner.

Did not you undreſs yourſelf?—No, I did not.

PRISONER JONES'S DEFENCE.

About half after eleven o'clock, this young woman and me went into the church-yard to have a pint of beer, and that man got up from company; there were two girls in the houſe, and he was very much in liquor, and he aſked us to have ſomething to drink, and he gave us two or three glaſſes one after another; he followed us out and aſked us to take him home; he came home along with us as well as he could walk; we got a piece of candle of a watchman, and we came up ſtairs and he ſat down; we aſked him for ſomething to drink; he ſaid, no, there was nobody up; we aſked him what he would make us a preſent of; he ſaid, he would not give us any thing; when we went into bed, we aſked him what he would give us; he ſaid, he would give it us in the morning; with that I up with my foot and I puſhed him off the bed; and he directly ſaid he was robbed; and we had not a halfpenny in the world, only ſixpence this young woman had in her pocket; with that he called watch! my clothes were half off and half on, her clothes were all off; he pulled off his things, and flung his coat in one place and his waiſtcoat in another.

Court to Watchman. Did you ſearch theſe women to ſee what money they had about them?——No.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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206. **JAMES ELLICK** was indicted for feloniouſly ſtealing, on the 14th of January, four quarts of wine, called red port, value 5s. the property of William Timſon, and Robert Jones.

WILLIAM TIMSON *ſworn.*

I am partner with Robert Jones; on Tueſday afternoon we landed about ſixty pipes of wine on Smart's key; thoſe wines remained on the key all night; on Wedneſday morning the conſtable informed me that one of the pipes had been pegged; I ſaw from the appearance there had been a quantity of wine ſpilt on the key, and I found there had been about four quarts taken from it, from the quantity I had reaſon to ſuppoſe it contained.

ABEDNEGO LAMBERT *ſworn.*

I am a ward watchman; I was calling my hour of two yeſterday morning, and going along by the Gun Tavern, I ſaw the priſoner with his head at a pipe of wine, ſays I, *villain, what are you about here my Lord*; there was a bladder in his hand, and as I was bringing him to the watch-houſe, he canted the bladder away; it fell into Billinſgate Dock, he gave a jerk and ran away, and I purſued him, and he was taken to the watch-houſe.

WILLIAM THOMLINSON *ſworn.*

After this I took the watchman down to ſhew him the pipe from whence the wine had been ſuppoſed to be taken; and I ſaw a quantity of wine that had run out of that caſk; I obſerved it had been pegged or ſpoiled; I ſaw ſomething in the Dock like a hat or a bladder; we took it up; it is here.

Priſoner. They were crying ſtop thief, and I ſtopped, and they took me.

GUILTY

To be whipped on Smart's Key.

Tried by the London Jury before Mr. RECORDER.

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207. **THOMAS AYRES** was indicted for feloniouſly ſtealing, on the 20th of December laſt, twenty pounds weight of ſugar, value 5s. the property of a perſon unknown.

——— LEWIS *ſworn.*

I was at work on the keys the 20th of December, ſome time in the forenoon, weighing ſugar for the King; when I was weighing the ſugar, I turned my eyes to a lighter that lay alongſide the key, and I ſaw a man's head appear now and then from the lighter which was loaded with ſugar, and I ſuſpected ſomething that was wrong was going forward; and I told the cooper, and he called, come out you Sir, and he walked away; I jumped down and took him; he ſaid, a watchman told him to take it.

Priſoner. The watchman gave me leave to take ſome damaged ſugar at the bottom of the lighter.

JAMES KENDALL *ſworn.*

I took charge of the priſoner; and took about ſix pounds of ſugar out of his pockets.

Court to Lewis. Was the ſugar damaged? —It was very brown.

Not Guilty.

Tried by the London Jury before Mr. Recorder.

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208. JAMES TENHELL was indicted for feloniouſly ſtealing, on the 8th of January, twenty-five pounds weight of black pepper, value 40s. ſeven pounds weight of pimento, value 7s. and one loaf of ſugar, value 3l. the property of John Sutton and Co.

WILLIAM ELLIS *ſworn.*

I live with Sutton and Co. in Trinity-lane; I do not know the priſoner; two parcels were found on him; twenty-five pounds of black pepper, and ſeven pounds of pimento, the property of the wharfingers; this pepper was taken out of a hogſhead; I know my own hand writing; I marked it the 2d of January.

MATHEW NEWTON *ſworn.*

I was watchman in Love-lane, facing Darkhouſe-lane, and about twenty minutes before eleven o'clock, on the 8th of January, I ſaw the priſoner and another coming along; the boy that was with him had a load of ſugar, and he had a handkerchief with pepper and other things; I took them to the watch-houſe; I heard after that the wharf was broke open, and deſired they might be kept, but they let the boy go to look for the captain.

JOHN MAYERS *ſworn.*

Theſe goods were delivered into my charge to pack in this hogſhead; I belong to Sutton, Baſire, and Haddon; this hogſhead had been broke open at Somer's key, and the wharfinger's clerk came up to our houſe and begged we would ſend down a man; ſo I took an inventory of the goods I had packed, out of my maſter's book; I went down to the wharf and found theſe goods miſſing, which have been found on the priſoner; I headed up the hogſhead, and all the goods were ſecure.

THOMAS HEAVEN *ſworn.*

I belong to Somers-key adjoining to Billingſgate, on the 3d of January we received in good condition a hogſhead marked E. W. of Diſſ. and laſt Friday morning when I came down, I found the warehouſe door broke open, the lock and the ſtaple were broke off, and ſome part of the hogſhead's head was broke off.

JOSEPH WEEDON *ſworn.*

I produce ſome things in baſkets *(produced)* I ſaw the priſoner with theſe things in his poſſeſſion, *(The pimento ſworn to.)* the pepper is broke at preſent.

Priſoner. A young man aſked me to carry them.

Guilty.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Juſtice Ashurst.

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209. MARY HARDY was indicted for feloniouſly ſtealing on the 2d of July laſt, four gold mourning rings, value 20s. one other gold ring, value 5s. one brilliant diamond ring ſet in gold, value 10l. a ſilver egg, value 3s. a mourning ring with a ſtone and two brilliants ſet therein, value 10s. and one garnet ring ſet in gold, value 6s. the property of John Chambers.

SARAH PEARSON was indicted for feloniouſly receiving one gold mourning ring with a ſtone and two brilliant diamonds ſet therein, and one gold ring with a ſtone, and two roſe diamonds ſet therein, knowing them to be ſtolen.

JOHN CHAMBERS *ſworn.*

I can only ſay that the things were loſt, and when they were miſſed we ſuſpected the perſon that ſtole them, and took her up, ſhe uſed to chare at our houſe to aſſiſt the maid.

When did you miſs the things?—The 5th of July, I think, there was ſome money in a tea-cheſt, a guinea, two crown pieces, and five half crowns miſſed, then the maid began to imagine it muſt be this priſoner, then we went to ſee if every thing was ſafe; the things in the indictment were kept up ſtairs, we went up and miſſed them, on the Sunday we ſecured Mary Hardy and the evidence Rachel Cloak, and we took them before Mr. Alderman Hart, he diſmiſſed them till we could find Sarah Pearſon; I know none of the parties but the perſon that committed the robbery; upon her examination ſhe confeſſed taking the things, that confeſſion was made freely of her own accord.

No promiſe?—None in the world, and Rachael Cloak the evidence, confeſſed taking them to Sarah Pearſon, who ſaid if ſhe could get any thing and bring to her, ſhe would maintain her if her father and mother turned her out.

Were any of the things found afterwards? —Yes, there are two rings, one of them I can ſwear to.

Where were they found?—At Mr. Daviſon's, pawnbroker, in Shoreditch, the hoop diamond ring was offered there, but they would not take it, we found a ſilver egg that ſhe pawned at Mr. Townſend's in Hair-alley.

How came it to be ſo long after the robbery before they were tried?—Mr. Alderman Hart ſaid we ſhould let it alone till we could find Sarah Pearſon; then they were all taken up again on the Sunday.

RACHAEL CLOAK *ſworn*.

How old are you?—Eighteen, I lodge at Mr. Armſtrong's in Kingſland-road, and Sarah Pearſon lodged there, and ſhe aſked me to go and meet Mary Hardy coming from work, ſhe ſaid ſhe would be there in the morning, and I might go with her, I went there, I was to meet her to take what ſhe gave me to carry to Sarah Pearſon; I believe this is almoſt ſeven months ago, I knew nothing more of it at that time, I went and met her at her maſter's door, and ſhe gave me a plain gold ring, and ſeveral things at different times; ſhe gave me nine rings in all, and a ſilver egg-box, a mother of pearl box ſet with ſilver, and one diamond hoop ring; when I met Mary Hardy, I told her nobody ſhould know what I came for, ſhe had been to Sarah Pearſon, and I told her I was to take what ſhe gave me for Sarah Pearſon, ſhe bid me take the things to Sarah Pearſon's, ſhe uſed to go to Sarah Pearſon's of a morning, the priſoner Hardy went to her father when ſhe had given me the things.

What were the things put up in?—Six rings were in a box, and the reſt of them in a bit of paper, ſhe had them in her pocket in the ſtreet, and bid me take them to Sarah Pearſon, I met her once by her maſter's door, and another time in Moorfields; Pearſon ſaid when I brought them to her ſhe would make me a preſent.

What did ſhe give you?——A linen gown, and when ſhe run away ſhe took the gown with her again.

She did not tell you before that what theſe things were that you were to bring to her?—No.

Did you ever hear any converſation before that paſs between her and Hardy about taking any thing?—Never.

How long have you known Hardy?—I lived at a publick-houſe almoſt by her.

Was Sarah Pearſon a lodger in that houſe?—Yes.

What is ſhe?—She is a woman that goes out upon the town.

Priſoner Hardy. She was the perſon that firſt perſuaded me to do it.

JOHN WHITLING *ſworn*.

I am apprentice to Mr. Daviſon, pawnbroker, in Biſhopſgate-ſtreet, I produce two rings, I had them on the 2d of July 1783, they were brought by the priſoner Pearſon, pledged in her own name, ſhe ſaid they were her own property; I am ſure to her perſon, I have the rings.

(*Mr. Chambers depoſes to one ring, and believes the other to be his.*)

Court to Mr. Chambers. How did you find out the evidence Cloak?—By the priſoner Hardy's information, ſhe ſaid that this girl was ſent to her by Sarah Pearſon for whatever ſhe had that ſhe could get to ſend her.

JAMES HOME *ſworn.*

I am a pawnbroker, on the 3d of July laſt, I received this ſilver nutmeg caſe from Sarah Pearſon, it is called a ſilver egg.

Mr. Chambers. I belive it to be mine, but there is no particular mark, I loſt a ſilver egg of that kind.

PRISONER HARDY's DEFENCE.

Cloak was the perſon that perſuaded me to do it; ſhe begged and prayed, that if ſo be I would rob my maſter, ſhe would take a room, and ſhe would take care I ſhould never be taken up; and ſhe took a room.

SARAH PEARSON's DEFENCE.

I lodged at Mr. Armſtrong's one night, this Mary Hardy and Rachel Cloak went to Bow Fair, Cloak bought a great many things, ſhe ſaid, ſhe was ſhort of money one day, ſhe then aſked me to pawn that ſilver egg, ſeveral days afterwards ſhe aſked me to pawn or ſell them rings for her, I ſaid, I never ſold any thing in my life; I took them to pawn, the gentleman ſaid it was a ring of value, I put it in a bit of red cloth and put it in my pocket, I pulled my handkerchief out of my pocket and never ſaw it ſince; my friends were here yeſterday, but they are not here to day.

MARY HARDY, GUILTY.

She was humbly recommended to mercy by the Proſecutor.

To be privately whipped, and confined to hard labour twelve months in the Houſe of Correction.

SARAH PEARSON, GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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210. **MARY WILSON** was indicted for feloniouſly ſtealing, on the 23d of December laſt, one cotton gown, value 5s. and one linen check apron, value 1s. the property of Sarrh Reynolds.

SARAH REYNOLDS *ſworn.*

I loſt a cotton gown and a check apron, the 23d of December, I lodge in the houſe of Jane Saunders, I went out on an errand between twelve and one at noon, and I left my gown and apron on a line in a paſſage that leads to an area; I came back about half paſt twelve at noon, and when I came to the top of the ſtairs, I ſaw the priſoner at the bottom of the ſtairs, and I paſſed her; ſhe was a ſtranger to me and I thought of my clothes, and I followed her to the top of the ſtairs, and I found this gown and apron under her cloak, ſhe denied it, I never ſaw her before.

PRISONER's DEFENCE.

I ſtood up for decency's ſake, to tie up my garter at the door, and two or three people came out, and this woman ran after them, and ſhe laid hold of me; a ſtrange man came up and ſhoved me into the entry, and he opened the door that went into the chandler's ſhop; they ſearched me; I never ſaw a thing till I was up at the Juſtice's, the man ſtruck me ſeveral times, and ſaid I ſhould weigh forty; I had no cloak on, I never was in the place upon the word of a ſinner.

MARY BROWN *ſworn.*

I ſaw the priſoner and the proſecutrix ſtanding together, and ſhe was trying to get the gown from her, and when ſhe found ſhe could not, ſhe let go, and the priſoner ſlapped the proſecutrix twice on the face.

GUILTY.

To be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice HEATH.

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211. **WILLIAM SAUNDERS** was indicted for feloniouſly ſtealing, on the 19th of December laſt, one brown mare,

price 10l. the property of William Rickards.

WILLIAM RICKARDS *ſworn.*

I loſt a brown mare; I ſent her to graſs at Enfield-highway ſome time in November; ſhe is my property.

RICHARD FLETCHER *ſworn.*

I had a brown mare ſent to my farm by Mr. Rickards about ſeven weeks ago, ſhe continued a month, and my people miſſed her the 19th of December; I ſaw her then; on the Saturday night I heard of her being miſſing and I rode up to London to tell Mr. Rickards; I heard of a mare, and I ſtopped at Shoreditch to ſee if it was the ſame, and ſhe was the ſame, a cropped brown mare; then I went to Mr. Rickards and informed him of it, and he came with me to Baſinghouſe, Kingſland-road, where the mare was, and he immediately knew her to be his.

Mr. Garrow, Councel for Priſoner. I believe you have known the priſoner many years?—From his infancy.

What is your opinion of his honeſty?—I never heard any thing amiſs of the boy.

Did you always believe him to be a man of ſound underſtanding?—I always took him to be an ignorant fellow.

Was he a man that knew his conduct as he ſhould do?—If he had he would not have ſtole this horſe.

You are very right, becauſe I believe in order to ſteal the horſe from the ſituation in which you had left it, he muſt neceſſarily paſs before your own door.—Certainly he did, and ſaw me through the window, and it is a thouſand to one but I had ſeen him.

It appeared to you like an act of inſanity, and I believe your opinion of him very well warranted it?—I ſaid ſo at the juſtice's, he was always an ignorant fellow.

What was the ſtate of the fences where this mare was put?—Very good next the road.

FRANCIS HALL *ſworn.*

A month ago laſt Friday, I was going from London home, through Kingſland turnpike, and I ſaw the priſoner getting off a mare in the road? I aſked him where he was going with her, I never ſaw the mare before, he ſaid to Smithfield; I aſked him if ſhe would draw, and he ſaid yes; I aſked him the price of the mare, and he ſaid ſeven pounds; I ſaid ſhe is in a very bad condition to ſell, I think you will not get that money for her, and his anſwer was, I believe my maſter muſt abate ſomething of it: Says I, is your maſter coming, he ſaid no; then ſays I, how can he abate any thing, he ſaid I muſt abate it myſelf; I ſaid where do you bring the mare from, he ſaid, he brought her from one Mr. Gorring's; ſays I, ſhe is in a very bad condition to ſell, I ſaid ſhe was in a ſweat; ſays he, I will lead her to Smithfield, and ſhe will get cooler by then.

Mr. Garrow. Mr. Hall, what are you?—A labouring man.

Never ſaw the priſoner before?—Never; I ſaw him again the other day.

Do you deal in Smithfield-market?—No, I have no contract in Smithfield-market.

What ſort of buſineſs is yours, a labouring man is a very general deſcription; are you ſure you never deal in old horſes?—No.

No concern in the boiling houſe at all?—No.

What made you enquire about this mare?—It is a natural caſe, when any body is going to Smithfield, and one ſees a horſe in ſweat and dirt.

A natural caſe! what do you make it your buſineſs?—I was going home.

And do you aſk every man you ſee with a horſe in a ſweat and dirty, in Kingſland-road, where he is going with him?—I have aſked ſeveral.

And I ſuppoſe ſeveral have aſked you what you meant by aſking the queſtion, what had you to do with him?—Nothing at all.

And yet you ſay it is a natural caſe; who are you Mr. Hall?—I live at Winchmore-hill, I ſplit wood and bring it to town.

Court. Did you want a horſe at that time?——Yes.

THOMAS FARROW *ſworn.*

I keep an errand cart from Enfield, I was in London the 19th of December with a load of goods, and I ſtopped at the Baſing-houſe, in Kingſland-road, and I ſaw the priſoner talking with Mr. Hall, with a horſe or mare in his hand, I did not obſerve which; after they parted, Hall comes to me and ſaid, he had a good ſtout ſtrong mare; I ſaw the man and the mare go into the Crooked Billet yard, and I went down there; there were two men with the priſoner and the mare, one of them had his hand up, and ſpoke ſoftly and ſaid, I will give you four pounds for her; the priſoner made anſwer, no, I muſt have four guineas. The man that was about buying her, ſays to the priſoner, hold out your hand and ſtrike me, and I will have her; with that he bid the priſoner get off the mare and go into the houſe and take his money, and he ſaid, gentlemen I have bought her; with that I advanced down upon the man and the mare, and ſaid, if you have bought her I think you have bought the property of a man which he had no right to ſell; with that I *accuſed* the priſoner where he had her from, his reply was from Mr. Goring White Webb's; that is in Enfield pariſh; I told the man that bought her, ſays I, I ſhall keep this man in cuſtody on ſuſpicion, for I think Mr. Goring would not give him toleration to ſell her for that price, and I would have taken the mare into cuſtody but the man that bought her denied me; I ſaid I was going down to Enfield where he ſaid he brought the mare from, and I would take the man down to Enfield with me to know the rights of it; with that one of the men aſked me if I was an officer, I replied, yes; I took the priſoner to the Baſing-houſe in Kingſland-road, then an officer came to aſſiſt me, and the maſter of the Baſing-houſe ſaid, you may as well come in; and then the priſoner replied, if you will come in I will tell you the truth.

Mr. Garrow. Did the priſoner tell you any thing?——Yes.

Then ſtay a minute before you mention what he told you; had you threatened him to carry him to jail, or did you tell him it would be better for him to confeſs?—Yes.

Mr. Garrow. Then my Lord will tell you that you are not now to tell us what he ſaid.

Court. No.

Farrow. Then the priſoner was committed.

Mr. Garrow. You live at Enfield?—Yes.

Perhaps you know this man?——No.

I take it for granted you know Silly Bill Sanders?—I knew his father, but I did not know him.

You was jogging out of town with your team?——I was at the door drinking a pint of beer.

You was not near enough to know whether it was a horſe or a mare?—No.

Do you know Hall?——Yes.

What is he?——A labouring man.

Deals in horſes?—Not that I know of.

You was quite ſure that the man that came back again, was the ſame man?—Yes.

So that at the diſtance where you could not diſtinguiſh a horſe from a mare, conſequently not the features of a man at that diſtance, you could tell a man to be the ſame, which you never ſaw before?—Yes.

Why which is the eaſieſt to diſtinguiſh a mare from a horſe, or the features of a man?——A man, by day-light.

That is a ſingular ſort of judgment I believe, and you take upon you to ſay that you knew this to be the ſame man, although you firſt ſaw him at ſuch a diſtance, that you could not diſtinguiſh a horſe from a man?—Yes.

That is your evidence, is it?—Yes.

Then I will not aſk you another queſtion.

MATHEW STUCK *ſworn.*

On the 10th of laſt month I ſaw this priſoner leading the mare along with a halter over her head, I aſked him where he was going with it, he told me to Smithfield,

field, I aſked him whether it was to be ſold before he got to Smithfield, he told me it was, I aſked him who was the maſter of the horſe, he ſaid he brought it from White Webbs, it belonged to one Mr. Goreham, or Roreham, at White Webbs, I cannot tell which; I aſked him the reaſon of his maſter's ſelling it, he ſaid his maſter had got more than he knew what to do with at that time; I aſked him how old it was, he told me he could not juſtly tell the age, I aſked him if it would carry ſafe, and I lifted my leg upon it, he ſaid his maſter did not tell him whether it was ſound or not, I aſked him how much money, he told me ſix pounds, I told him I thought it was too much, if it was not ſound it was not worth near the money, but he ſaid if he could not get that, his maſter told him to ſell it for leſs; I told him I thought four guineas was the full value of it, but ſaid I, what value does your maſter ſet upon it? he ſaid his maſter told him if he could not get ſix pounds, to ſell it for ſomething leſs; the agreement was four guineas, but there was no money paſſed, and one Hall that is here in Court, ſaid, he imagined it was ſtole.

Mr. Garrow. Never mind what he imagined?—I ſaid, if it was ſtole, and he know the man to be the thief, why did not he ſtop him.

Mr. Garrow. This was on the market-day Mr. Stuck?—Yes.

And ſo of a market-day you chuſe to take your walk into the road to buy horſes, inſtead of buying at Smithfield market?—This is the firſt time I ever did ſo.

I fancy not, however the firſt queſtion you aſked the priſoner, ſeeing him with this horſe was, whether it was to be ſold?—No it was not.

I have it down ſo my friend, was that the truth or not?—I am as able to tell truth as you are.

Did you, or did you not ſay this moment, that you aſked him whether the horſe was to be ſold at the market, or whether it might be ſold before?——No.

Court. You did ſay ſo friend.

Mr. Garrow. My Lord, he ſaid ſo expreſsly, which he has now twice as expreſsly denied; now be ſo good Mr. Stuck as to tell us, whether you ſaid what my Lord has told you?——Yes.

Did you ſay ſo? did not you ſay juſt now "I aſked the priſoner whether it was to be ſold, and he told me yes?"

Court. I have told you what you ſaid on your firſt examination, if you made a miſtake you may ſay ſo, but you certainly did ſay that when you ſaw the priſoner, you aſked him whether the horſe was to be ſold before he got to Smithfield, and he ſaid it was.

Mr. Garrow. Did you aſk him whether the horſe might be ſold before he got to Smithfield, or did you not?——I never mentioned that.

Upon your oath?——You would not have me ſwear again.

Yes, I would have you ſwear again, and in the moſt unequivocal manner?—I might forget what I ſaid.

Upon your oath did you aſk that queſtion or not?——Aſk what queſtion?

Did not you aſk him whether the horſe might not be ſold before it went to Smithfield market?—Yes, that I will agree to.

You had forgot that now a minute ago?——I ſhould be very ſorry to forget the truth.

Did you ever buy a horſe at Smithfield market?——Many a one.

But you like them better before; who is your partner in the boiling buſineſs?—I have no partner.

Did you never keep a boiling-houſe?—No.

What have you kept?—Why a ſlaughter-houſe.

For horſes?——For hogs.

Did you never kill a horſe in this town to boil for meat?——Never in my days.

What was you to have bought this horſe for?——To have ſold again.

You are a dealer in horſes?——I deal ſome little matter.

O you deal ſome little matter, but you like an unſound one better than a ſound one?——I am quite a different man, I ſlaughter nothing for myſelf, unleſs it be now and then a hog.

Is your's a ſlaughter-houſe where any thing of beaſts are killed, either horſes or hogs?—Quite different, it is a ſlaughter-houſe which is open day and night.

Where do you live?——In Allen-ſtreet, Clerkenwell, No. 32.

How many boilers of horſe fleſh live within a few yards of you?——None for ſix or ſeven yards.

What did you want to buy this horſe for?——For my own uſe, and for no other but for my own uſe, to ſell again.

Do you keep a cart?—Yes, and it goes to Leaden-hall-market every morning in the week except Sunday.

How many horſes did you buy in the courſe of the laſt twelve months?—I cannot tell.

But you muſt?——I cannot gueſs.

Aye but you will?——Did you buy ſo few as ſeventy?—I never bought ſo many.

Fifty?——I cannot ſay.

Upon your oath, did you buy ſo many as fifty?——Not ſo many.

Forty?—I cannot tell, it is impoſſible.

Did not you buy ſo many as forty?——I do not know that I did or did not; I will ſwear I did not.

Thirty, or any given number that you chooſe to fix upon?—I cannot recollect.

Fix upon any given number?——I do not know, I do not keep ſuch things in my head.

What do you buy them in ſo inconſiderable a way; why what muſt the Jury think of you, friend?——The Jury have a right to think as they pleaſe.

It is very fortunate they have, it is a very fortunate thing in the conſtitution of this country; and you would have them believe you, when you ſay you keep no account?——No, I do not.

You do not recollect them with any preciſion?——I do not imagine they might be ſo many.

Upon your oath, did they not amount to forty?—I cannot ſwear any thing about it.

Jury. You muſt be a very capital dealer?——I cannot tell.

Cannot you tell within ten or a dozen?——I do not keep any account.

Do you ſell them again?——I do ſell them again.

Mr. Garrow. I muſt have an anſwer to my queſtion; I muſt aſk you upon your oath to ſay what number you bought in the courſe of the laſt year; will you venture to tell the Jury upon your oath, that you did not buy forty?——I will tell the Jury, or any gentleman upon the matter of truth, that I do not know that I bought thirty.

Only one more queſtion and that you are not intereſted to tell me a lie about; you know that White Webb's was at Enfield?——I do not know that.

JOHN STACEY *ſworn*.

I was called to take a man in cuſtody for ſtealing a mare, and we had ſome private diſcourſe.

Mr. Garrow. This was under a threat.

Court. You muſt not tell us any thin about a confeſſion, becauſe the man ſaid before he promiſed him it would be better for him.

Mr. Garraw. My Lord does not want to hear it.

Court to Richards. Did you ſee this mare?——Yes, it was my mare.

Mr. Garrow to Richards. I believe you know Stuck?—No, Sir, I never ſaw him before that day; he came as a witneſs.

I dare ſay you have no acquaintance with him, I am ſure you would be aſhamed of that?——I know I gave nineteen guineas for this mare, and he was buying her for four.

If you know any thing of his character it is your duty to the poor man at the bar to tell what you do know.——Upon my word I know nothing at all of him.

FOR THE PRISONER.

WILLIAM EAST *ſworn*.

I believe you, ſome years ago, lived in the ſame family with the priſoner?—Yes.

That was the family of the late Alderman Bird, Alderman of this city ?—Yes, he was coachman there.

What character did he bear for honeſty there ?——He did not come till the Alderman died, my miſtreſs always had a good opinion of him ; I never heard any thing amiſs of him before ; I have known him for ten years to this preſent time ; he has left the ſervice of Mrs. Bird about twelve months ; ſhe at preſent reſides at Coventry.

I believe you have lived before with a gentleman that was out of his mind ?—Yes, three years.

Do you recollect any thing particular happening to the priſoner ?——About ſix years ago, either in January or February ; he was taken all of a ſudden, and was, as we thought, quite out of his mind ; there was a doctor ſent for, and he bled him and bliſtered him, and he was kept quite cloſe up in a chamber, and the windows of the room were faſtened down ; he was ſo outrageous at that time, that if he could have got at any of the maids he would have done them a miſchief ; he ſaid they were waſhing their hands in his heart's blood ; he was kept cloſe for three weeks ; I did every thing for him, carried him up his victuals and drink ; nobody elſe could maſter him ; my miſtreſs knew I had lived with a gentleman that was out of his mind.

And in your judgement during that three weeks he was a mad man ?——I think that during that three weeks he was as much out of his mind as any perſon that was in Bedlam, and we always looked upon him, that very often, at different times, he was not the perſon he ſhould be ; he did many things that we thought he was not right in his head.

Did he drink ?——He was kept as much from it as poſſible, but if he got a little drop it ſet him quite bad again, that he hardley knew what he did.

Was he conſidered, after this illneſs in the family, as a man of ſound underſtanding ?——No, never ; I was with him in the family between three and four years.

Court. Did Mrs. Bird permit him to drive her ?——Yes ; and after I left her, ſhe tried him as long as ſhe could, and the reaſon ſhe gave for his going away was, that he was ſo bad at ſometimes, that ſhe was afraid to truſt herſelf with him any longer.

Jury. When was the laſt return of the frenzy that you remember ?——He had frequent returns ; the laſt I remember is three years ago ; ſhe ſaid they could not rule him afterwards.

Court to Jury. No man can be guilty of a criminal offence unleſs he is a free agent ; if a man is under any habitual inſanity, it would be very hard for him to be condemned for committing a crime when he is under the viſitation of God ; therefore the firſt queſtion is, whether he was in ſuch a ſtate of mind as that he did not know what he did ? for if ſo, you would not find him guilty if he did ſteal the mare.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice ASHURST.

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212. **MARY CAVE** was indicted for feloniouſly ſtealing, on the 27th of December laſt, one cotton gown, value 15s. a cotton petticoat, value 6s. two black ſtuff petticoats, value 8s. two black ſilk cloaks, value 10s. a cloth cloak, value 10s. a ſtuff gown, value 8s. a cotton handkerchief, value 2s. four pair of ſilver ſhoe buckles, value 40s. a ſilver watch, value 30s. another ſilver watch, value 30s. another ſilver watch, value 30s. the goods of John Burridge in his dwelling houſe.

JOHN BURRIDGE *ſworn.*

I am a pawnbroker in Holywell-ſtreet, Shoreditch ; I was alarmed on the 27th of December by fire when I was in bed ; one Mr. Orange and Ann Kainſley gave the alarm, Mr. Orange bade me go up to the top of the houſe, for the lower part of my houſe was in flames ; when I came out of my room I found the ſmoke coming out very faſt, and I took my wife with me in her ſhift, and went over the leads and got through a neighbour's houſe and came down, and Mrs. Kainſley and Mr. George Orange brought two bundles to me.

Court. Who is the priſoner?——My apprentice.

How long has ſhe lived with you?——Two years.

What age is ſhe?——Only thirteen.

Court. Have you any idea from any circumſtance within your own knowledge, from any appearance of the ſtate of the houſe afterwards, could you trace where it began?——In the paſſage leading to the ſhop, by the ſide of the boxes; it ſeemed to me as if ſhe had done it deſignedly.

Court. That we muſt judge from circumſtances; we cannot indulge ſuſpicions any farther than they are founded on circumſtances?—The ſhop was all on fire.

How was it extinguiſhed?——By flinging water upon it and knocking the Chineſe work down.

How far had it ſpread?——Only the ſide of the boxes and the flooring of the ſhop that leads to the paſſage, it was in the ſhop.

Have you any place below ſtairs?——None at all, the fire muſt have begun in the ſhop.

Is there any fireplace in the ſhop?——None at all.

How is your ſhop lighted at night, by lamps or candles?——Candles.

What time had you gone to bed?——About half after ten; the alarm was paſt one.

Who was the laſt up in the family?——I went to bed and left her up.

Whoſe buſineſs is it to put out the lights in the ſhop?—The boy and girl put them out.

What boy had you in the houſe?——A little boy.

Were you out that evening?——I had not been out that day.

Had you been in the ſhop after the lights were put out?——No.

Are any of the candles fixed up againſt theſe boxes that were burnt?——No, my Lord, none at all.

Do you lock your ſhop door at night?—Yes.

Who keeps the key?—I leave it in the door for fear it ſhould be picked.

GEORGE BAKER.——

How old are you?——Juſt turned of twelve.

Do you know the nature of an oath?—No.

You take an oath to ſpeak the truth; do you know what will be the conſequence if you do not?——Go to hell.

Do you know you are liable to be puniſhed by the laws of your country if you ſpeak untrue?——Yes.

GEORGE BAKER *ſworn.*

Mr. Scott Council for the Proſecution. In the firſt place you muſt not be frightened; you are come here to ſpeak the truth, therefore be very careful to ſpeak nothing but the truth.——Yes.

Do you recollect, on the night that the fire happened at your maſter's houſe, being up after your maſter was gone to bed?—No.

What time did you go to bed?—When he went up ſtairs.

Do you recollect deſiring Cave to go to bed?—Yes.

What anſwer did ſhe make you?—She ſaid ſhe would not.

Did ſhe uſually ſit up after you went to bed?—I do not know.

What was ſhe about?—She was going down ſtairs into the kitchen.

Did you ſee her after ſhe went down ſtairs?—No.

When did you ſee her again?—When ſhe awaked me with notice of fire.

When ſhe came to you was ſhe completely dreſſed?—Yes.

Do you lay in the ſhop?—Yes.

Was ſhe frightened at the fire?—No.

Was ſhe perfectly tranquil and as ſhe uſually is?—Yes.

Did ſhe come to you to call you up?—Yes.

What did ſhe tell you?——Says ſhe, George, here is a fire, quite ſoftly.

What did ſhe whiſper it to you?—No.

Did you ſee her go out of the houſe?—Yes.

What had ſhe when ſhe went out of the houſe?——A white apron and a long cloak and a bonnet, and the ticket was on the bonnet, and two bundles.

Had ſhe time to pack theſe things up after ſhe gave you notice of the fire?——She had not time.

How long was it after ſhe called you up and told you there was a fire, before ſhe went out?——When the fire was almoſt extinguiſhed.

Court. Then it was ſome time after?——Yes.

Then why do you think ſhe had not time to pack up thoſe things that were in the bundle?——Yes, ſhe had time to bundle them up while I was in ſleep.

Attend to the queſtion and underſtand it, ſhe awaked you and told you there was a fire, then you got up, how long was it after ſhe awaked you that ſhe went out of the houſe?—Directly after.

Are you ſure of that?—Yes.

Who opened the door?—I opened the door.

Did you ſtop to dreſs yourſelf?—No, I ran out naked, and ſhe went out with me.

You did not ſee which way ſhe went, did you?—No.

Had you time to give notice to your maſter and miſtreſs that the houſe was on fire?—I helped to call them up with the other people.

That was after you went out?—Yes.

ANN KAINSLEY *ſworn.*

Examined by Mr. Scott.

You live, I believe, in the neighbourhood of Mr. Burridge?—Yes.

You know that houſe very well?—Yes.

Do you recollect coming home on the 27th pretty early in the morning, in company with one George Orange?—Yes.

Relate what you ſaw?—As I came by, I thought I ſmelt a ſmell of linen burning, I ſaid, ſure there is a fire, we paſt on, and came to Mr. Burridge's door, and there is a large window over his door, and I thought it was a very great light to be over his door at that time, it was half paſt one o'clock, I went as far as the corner of Holywell Lane, I thought if it was a fire the people would be burnt, I returned and ſaw the door open, and the little boy come out in a white ſhirt, and the priſoner at the bar followed him with a white cloak, and a bonnet, and two bundles; I ſaw a girl go to Mr. Burridge's window, and put the two bundles down, ſays I, you huſſy, what do you do with theſe two bundles, ſhe ſaid, ſhe brought them out becauſe they ſhould not be burnt; by this time the people were pretty well alarmed, I took up the bundles, and they were as heavy as I could lift, and I deſired this young man to leave them ſomewhere, I took the little boy up upon my hip and carried him in my fright and ſet him down in the middle of the road; we left the bundles in a houſe, the girl went in, I had not turned myſelf round, before ſhe had got her cloak over them, and her hands upon the two bundles, I ſaid, what do you want with them, ſays ſhe, to carry them to my maſter; the gentlemen lent the child a long coat and a pair of ſhoes, he ſat down on the bundles, he got up, ſhe was going to take them away again, ſhe ſaid, miſtreſs, they are none of your property, I wiſh you would let me alone, I know what I am about; the gentleman ſaid, let her take them out a little obſtinate huſſy, if ſhe will, no, Sir, ſays I, I leave them in your cuſtody, ſhe took them and went to the corner of an alley, I went up to the girl, and the watchman came by and bid her put them down; we went and had a pint of purl, and then I went to Mr. Burridge's, and Orange with me, he was coming out with a candle, I told him my buſineſs, he ſent his ſon over with me, and we brought the bundles, and he ſaid they were his property, the bundles that were carried over to Burridge's were the ſame I took from the priſoner, one was tied up in a coloured apron, and the other in a coarſe apron.

GEORGE ORANGE *ſworn.*

We had been out a holiday making, and this young woman dropped in, and it was late before we broke up, and as we were coming home, we ſaw a light and ſmelt a ſmell of burning, I thought it might be ſomebody making tinder; I ſaid to the young woman, what a ſmell of linen it is, as we went along, we looked over the door from one ſide of the way to the other; juſt as we got to Mrs. Burridge's houſe, we ſaw the light over the door; we went almoſt facing Holywell Lane, the young woman would turn back, and I went with her, we ſaw the door open, and a little boy coming out in his ſhirt, the light was ſo ſtrong to be ſeen on the houſes over the way, and I ſaw the priſoner coming out after the little boy with two bundles, ſhe was compleatly dreſſed, ſhe had a white cloak, and a bonnet with a pawnbroker's ticket upon it, after alarming the houſes on each ſide, Ann Kainſley handed me the bundles, and I was going over the way to lodge them, and the girl was following me all the time, and ſaid, they were her property, ſhe knew what ſhe was about, I ſaid, ſhe ſhould not have them till the fire was put out, I went over to aſſiſt at the fire, and when I returned, I found the girl had got one of the bundles out of the houſe, ſhe had one of them in her cloak coming out, I aſked what ſhe was going to do with the bundle, ſhe ſaid, it was her property, then the watchman came up and ſaid, he would take her to the Compter, if ſhe did not put down the bundle, then ſhe put it down.

Court. What did you do with the bundles?—After the fire was extinguiſhed we went to get a pint of purl, after running about in the wet, and it being a very ſevere night; and we went over to Mr. Burridge's, and he ſent his ſervant over for the bundles; they were the ſame bundles.

Where did the fire appear to have begun? —In the box where they go into the back door, round the ſide of the ſhop where the linen was; the floor was burnt; I did not go down into the kitchen.

WILLIAM BAKER *ſworn*.

I live in the George and Catherine-wheel Yard, in Biſhopſgate Street.

Do you remember the priſoner at the bar coming to your houſe at any time in the night?—Yes, the 27th, about a quarter after three.

You was in bed I ſuppoſe?—I went to bed about nine, ſhe knocked at the door as hard as ever ſhe could, I went and aſked who was there, ſays ſhe, for God's ſake let me in, I am almoſt froze to death, my maſter's houſe is all burnt down; ſays I, where does your maſter live; I knew the girl, but had not ſeen her for two years and better; ſhe followed me up ſtairs and took hold of my coat; I ſtruck a light, and ſaw a little handkerchief in her hand; I ſaid, what have you got there; ſays ſhe it is ſome of my maſter's property, and you will take care of it; I ſaid what is there in the handkerchief, I ſaw one watch at the corner of a buckle; I left the handkerchief on the table, and ordered my wife to take care of it, and not let the girl go out of the houſe; I ſaid I will ſee, whether the houſe is burnt down, and I went out to ſee whether there was a fire; I knocked at the door ſeveral times, and ſomebody made anſwer within, the fire is all out, let nobody in but friends and neighbours; I locked my door and took the key with me; when I went down, I heard this young woman ſay, you can ſee whether ſhe has been in bed or no, and ſomebody went down ſtairs; I went back again and taxed the girl about it, and ſhe cried and would not ſpeak; I told her I believed ſhe was a very bad girl, and my wife made her ſtrip herſelf ſtark naked; ſhe had a white cloak and a white apron, and a bonnet with a ticket on it, and under that white apron there was a black apron that ſhe worked in; ſo they ſtripped her, and put a ſheet round her, and ſhe lay for two hours; I afterwards brought her down to her maſter's; bringing her down about two hundred yards, pray, ſays ſhe, Mr. Baker, for God's ſake do not take theſe things home to my miſtreſs, for ſhe will kill me, but either keep them or make away with them.

Court. What was in the handkerchief? —I did not know at that time; ſhe then cried out, oh, Mrs. Spriggs has ruined me; what, ſays I, ſhe has been perſuading you to do this I ſuppoſe; aye, ſays ſhe, ſhe has theſe ſix months paſt; going along, I aſked her concerning this Mrs. Spriggs; ſhe told me the firſt thing ſhe had given Mrs. Spriggs before this time was ſome childrens caps, and after that ſhe ſaid ſhe could never get ſhut of her, for if ſhe did not give her ſomething elſe ſhe would tell her miſtreſs; ſhe ſaid ſhe gave her oranges, and what they call lollipops I believe, ſomething which the Jews ſell. This Mrs. Spriggs is known by the name of Hannah Young; I believe ſhe lives with Spriggs. I delivered the handkerchief to Mr. Burridge.

The handkerchief depoſed to.

Court. Is that the handkerchief you received from William Baker?—Yes.

Burridge. This handkerchief contains buckles which were in my own bed room, and three ſilver watches which were in my glaſs-caſe, they are mine, I am quite ſure of them.

Court. What may be the value of them?—They all together are worth ſix or eight pounds.

PRISONER's DEFENCE.

Them watches were in my maſter's window, and I took them out becauſe they ſhould not be burnt; my miſtreſs often flogged me; and if it had not been for my maſter my miſtreſs would have been tranſported. My miſtreſs made me ſteal ſix ducks, and ſhe burnt the ducks in the fire afterwards, and fowls and a young pig ſhe made me ſteal. My miſtreſs has made me ſteal money from my maſter.

Court to Proſecutor. Where did you get this girl from?—From Shoreditch; theſe watches are all from my own room.

Jury. Did you miſs theſe watches before the fire or after the fire?—Not till I went up ſtairs.

Court to Jury. Gentlemen, there is a proviſion in the act, that nothing in that act ſhall extend to apprentices under fifteen years that ſhould rob their maſters, ſo that the charge is reduced to grand larceny only.

Jury to Kainſley. Had ſhe been in bed that night?—The bed did not appear as if ſhe had been in it.

GUILTY

Of ſtealing to the value of 39s.

When the Priſoner was brought up to receive ſentence, Mr. Recorder addreſſed her as follows:

Mary Cave, The circumſtances of your caſe are ſuch, that the Court cannot pronounce ſentence upon you, without taking ſome notice of them. Young as you are, you appear to have arrived to a degree of wickedneſs, that renders you an unworthy member of ſociety, and likely to become very dangerous to it; and notwithſtanding your tender years, if you had been capitally convicted, it is hardly probable, that your Sovereign would have thought fit to have extended his mercy to you; you were not only guilty of robbing your maſter and miſtreſs from time to time, aggravated as that crime always is by breach of truſt, but of the much more heinous crime of ſetting fire to their houſe, and endeavouring not only by that to deſtroy their property, but their lives. There appears therefore to be no hopes of your ever making a ſafe or uſeful member of ſociety, at leaſt in this country, the laws of which you have atrociouſly violated; but not having been convicted of a capital offence, the Court can only ſentence you to be tranſported to America for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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213. WILLIAM BUTLER was indicted for feloniouſly ſtealing, on the 3d of January laſt, one cloth coat, value 10s. a ſhag waiſtcoat, value 10s. a pair of ſtocking breeches, value 5s. three Nankeen waiſtcoats, value 5s. a ſtock buckle, value 1s. 9d. a night-cap, value 1d. the goods of John Baggalley.

DUDLEY FROST *ſworn*.

I am a ſmith, I live in Eagle-ſtreet, No. 46, the proſecutor left a box with me before he went into the hoſpital, and the priſoner came to lodge with me the 25th of October, about a month after, and the box containing the proſecutor's clothes was depoſited in the room were the priſoner lay, he committed the robbery on the 3d of January, the box contained the things mentioned in the indictment, it was locked, and the proſecutor had the key, the box was broke open, I apprehended the young man, and went to the pawnbroker's, where ſome of the things were placed, the pawnbroker is here.

Proſecutor. I ſaw the things in my box about the 24th of December, I left the box locked up in this lodging.

WILLIAM ALDRIDGE *ſworn*.

I am a pawnbroker in Denmark-ſtreet, I know the priſoner, he pawned two waiſtcoats and a ſhirt, for four ſhillings.

(The ſhirts depoſed to.)

PRISONER's DEFENCE.

A young man came to lay with me one night, and he brought them to me the next morning at the Pilgrim, in Holborn, and he ſaid they were his, and deſired me to pledge them for him.

The Priſoner called two Witneſſes who gave him a good character.

GUILTY.

Upon the recommendation of the Jury, ordered to be privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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214. CATHERINE WIGMORE was indicted for felonioully ſtealing, on the 19th of December laſt, one cotton gown, value 5s. the property of Thomas Muntford.

GUILTY.

To be privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

215. JOSEPH DUMSAGE was indicted for feloniouſly returning from tranſportation, and being found at large, before the expiration of his ſentence.

Priſoner. I confeſs myſelf to be the perſon, I do not wiſh to give the Court any trouble, I humbly beg for mercy.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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216. JAMES SCOTT was indicted for feloniouſly ſtealing, on the 9th day of January laſt, 44 pounds weight of ſpermaceti, value 5l. the property of Francis Goſſip, in his dwelling houſe.

FRANCIS GOSSIP *ſworn*.

On the 7th of this month, I refined a boil of ſpermaceti, and on the evening about eleven I took it out of the pan into ſmaller pans, I filled thoſe ſmall pans to No. 12, on emptying one of them I carried one into my front ſhop and the remainder next day; I piled them in my ſhop, nine on the table and three in the window; on Tueſday morning following, I miſſed a ſpermaceti cake, I enquired of my ſervants, and found one was ſtolen; I went as ſoon as I miſſed it to different people of the trade, and in a day or two following, I received information of it at Mr. Soames's, in Catwater-ſtreet.

Court. How do you now it was the identical ſpermaceti?—For ſeveral reaſons, there are only three refiners of ſpermaceti in London; Mr. Enderby, Mr. Pugh, and myſelf: I pack in ſmall pans.

Court. Are the other refiners here?—No; the pans are all of a ſize and colour, and it is impoſſible to refine two boilings of ſpermaceti of one and the ſame colour, and I never ſold a pan of ſpermaceti ſince I have been in buſineſs.

Court. Do you know how the others boil?—They make uſe of ſquare pans, and I make uſe of round ones.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 15th of JANUARY, 1783, and the following Days;

Being the SECOND SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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MDCCLXXXIII.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of James Scott.

Did you try this cake at all whether it would ſuit your pan?——No, but it has other marks that I can identify it by; it was very ſevere cold at the time this was taken out, and by cooling very ſuddenly they cracked a little at the top, and this amongſt the reſt has a kind of a croſs or crack.

Court. Why if any of the other refiners had refined while that ſevere cold was it muſt have had the ſame effect.——It is my property, I ſwear to it now.

Did you know the priſoner before this?—No.

Had you ever ſeen him near your houſe or ſhop?——No.

How far do you live off?——Compton-ſtreet, Soho.

Are there any other reaſons that you can give for knowing it to be your property?——The cake is here; it is the ſame boil, the ſame ſpermaceti; I have compared a ſample.

Mr. Garrow Council for the Priſoner. I believe it is impoſſible to judge about ſpermaceti by candle light; but pray how long have you been a refiner of ſpermaceti?——About four months.

If you had not ſome reaſon from its ſhape or from ſome inſignificant crack at the top you do not otherwiſe know when it was manufactured; can you, or a more experienced dealer in ſpermaceti, tell whether it was manufactured this year?—No man can tell that.

Do you ever keep ſpermaceti by you?—Yes, large quantities.

During four months you uſed round pans?—I have been almoſt twenty years in the tallow chandlery.

Court. And has all your ſkill and experience in ſpermaceti been collected within theſe four months?—I have made ſpermaceti candles ſince 1759.

Does that intitle you to ſwear with accuracy as to the refining of ſpermaceti?—I was a very good judge of ſpermaceti before.

Now the ſpermaceti comes to you in its refined ſtate?——It uſed to do.

I aſk you this, anſwer it like an honeſt man, whether the ſpermaceti that you uſed to make candles of did not come to you juſt in the ſhape you produce it?—It did not come in this ſhape.

Is it by a crack which is produced by an indiſcreet mode of cooling it, is that the way you identify it?—I cannot ſay more than I have.

Do you mean to tell the Court that you will not anſwer the queſtion; is there any thing that ſhould prevent a man, who was a tallow chandler, and had a pan of that ſize, from pouring it into that pan; is there any law againſt it?—If ſpermaceti comes to be refined it becomes blacker.

My queſtion is this, whether if a man had poured his ſpermaceti into a pan of that ſize it would not have taken preciſely that form?—It would have taken this form if it had been poured into this pan.

Is there any thing ſingular, any name, any initial of a name; with reſpect to round pans and ſquare pans, what are they made of?—Earthen ware.

Are they made of one peculiar manufactory?—They are made at Lambeth.

I might buy pots of that ſize, they are not made for ſpermaceti alone, you being young in the trade make ſhift with pots?—Yes.

Now ſuppoſe any other little refiner ſhould ſet up and go to Lambeth to buy pots, could he have them?——There is no other refiner than what I have mentioned.

How do you know that?—Becauſe there is none that have preſſes but what I mentioned.

What is a preſs?—A very large piece of workmanſhip. It is a large undertaking.

Can you boldly tell the Jury, that there are no men who uſe theſe round pans for putting their ſpermaceti in?—Yes.

How can you venture to ſay that?——I have not ſeen any, and if there was, you cannot bring ſpermaceti to match this, except at my houſe.

That is a pretty bold aſſertion, that no perſon uſes round pans but you.

Jury. Will not the air alter it?—It may grow whiter by continuing in open air, but ſtill all the parcel will be the ſame.

Mr. Garrow. What is there that is peculiar in this ſpermaceti?—It is of a particular boil.

Is it whiter, browner, or more yellow?—This we call exceeding good ſtuff; and there is no quantity of that ſort but this in London, nor no where elſe.

Court. Then perhaps it does not agree exactly with your pans?——Exactly in colour and weight.

Mr. Garrow. My Lord, it is my duty, and it will always be much my diſpoſition to ſubmit my queſtions to the Court: In this caſe, your Lordſhip ſees I am combating this peremptory aſſertion, the grounds of which, he is not able to explain to the Jury, becauſe I ſubmit on the part of the priſoner, that this is a property that cannot be identified.

Court. Go on.

Is there any thing extrinſic in the form of that ſpermaceti by which you can affect to diſtinguiſh it?—It is the form of all my pans, and all the reſt are alike.

Then extrinſic of the form and ſhape there is nothing?

Jury. If you was to ſee a piece of ſpermaceti broke off that cake, ſhould you know it was your own?—I could when compared.

Mr. Garrow. My Lord, if Gentlemen of the Jury, without ſeeing the drift of my queſtion, are to prevent an anſwer by aſking others, and ſo to decide for themſelves, I deſpair of doing any thing for the priſoner.

Court. They may aſk queſtions.

Mr. Garrow. Certainly, my Lord, and as to the truth of this witneſs's evidence, that muſt be conſidered by the Jury alone; but I ſubmit it is perfectly novel for any body except the Court to break into my examination till I have done with the witneſs.

Court. Then go on.

Mr. Garrow. You ſay that by the ſize, the ſhape, and the form of that, you believe it to be your's; that is one deſcription: is there any thing elſe beſides the ſhape and the form of it by which you can diſtinguiſh it from any other property?—The quality.

Now what is it in the quality by which you can diſtinguiſh it?—I wiſh you was a judge of it; I have a ſample of the ſame kind of another pan, and if it was daylight, you would ſee as well as I that it was the ſame colour and the ſame quality; and if you ſaw this cake and all the reſt, you would have no doubt of it.

Have you compared it with the other eleven?——I have compared this and the other eleven.

What ſince you loſt the one?——No.

Then you have not made the compariſon you are calling on us to make?——The compariſon is in my eye.

You ſaid that if I was to compare it with the other pans I ſhould have no doubt, why you have not done it yourſelf.——No.

If any other ſpermaceti was in that round ſhape it would be like your's; ſuppoſe any other refiner was to borrow your pans?——Fairly all the world for refining a boil of ſpermaceti to bring it to this colour.

Would not it exactly correſpond if it was three years old?——You can eaſily tell if it is old.

You ſay you never ſaw any other refiner put them into round pans?——No, I never did.

But that they do not do it you cannot tell us?——They may do it if they chuſe.

Can you ſay that no other man in the trade uſes round pans?——I do not know that they do.

You do not know that they do not.——Take it ſo; Mr. Pugh and Mr. Enderby make uſe of ſquare pans.

You do not know that they do not uſe round pans?——I do not know that they do, they generally uſe ſquare pans.

How frequently do you ſee any of Mr. Pugh's pans?——I am at his houſe every week.

Suppoſe one of his lead things was out of repair, might he not put it into a round thing for once in a way?——He might.

ABRAHAM WEAVER *ſworn.*

Court. What are you?——A tallow-chandler; the priſoner came to my houſe on Monday morning laſt; I knew him before.

What is the priſoner?——He is a houſekeeper in the city.

Mr. Garrow. He keeps a tallow-chandler's ſhop.——No, I believe not; the priſoner came to me on Monday morning laſt, the 12th of this month, about ten o'clock, and aſked me if I knew the value of ſpermaceti; I told him I did not; he ſaid he had a piece at home, and if I dealt in it he would let me have it; I told him I did not, but that I was going in the city about four in the afternoon, and I would call at his houſe and take a ſample of it; I called on him.

Whereabouts does he live?——In Widegate-ſtreet, Biſhopſgate; I went in, and I ſaw this piece of ſpermaceti lay on a baſket, open as it is now; the priſoner's wife was behind the counter; I cut off about an ounce, and came into Biſhopſgate-ſtreet, and juſt by the corner of Houndſditch I met Mr. Soames, who was my maſter; I ſhewed it to him; I went to a wax-chandler who deals in ſpermaceti, whoſe name is Thorley.

Court. His name is not on the back of the indictment, therefore do not mention it.

——I returned back, and ſaw his wife, and I told her.

Mr. Garrow. Never mind what you told her.——On Monday this tranſaction happened about this piece of ſpermaceti; on Wedneſday morning the priſoner brings it to my houſe, and he ſaid this is the ſpermaceti; he weighed it, and it weighed forty-four pounds; at the price I dealt for it, it came exactly to four pound and eight-pence, and that I ſhould have paid him, but he required no money; I told him, very well, I ſhould ſend it immediately to the merchants; I do not make uſe of it myſelf. I aſked him how he came by it; he ſaid he had it of a gentleman; he did not ſay how, only that a gentleman brought it into his ſhop; I ſhould have bought it for myſelf if I had uſed it as much as butter or bacon; he left me in the morning, and Mr. Soames's man called at my houſe, and this ſpermaceti was ſent by him to Mr. Soames's houſe; there it was apprehended.

What was you told by Mr. Soames?——He told me the real price was two ſhillings and ſixpence; the priſoner has bought candles of me before; he owed me nothing, but the price of this was to go in account in future candles.

Mr. Garrow. The priſoner did not preſs you to make an end of the treaty?——Yes, he brought it to my houſe on the Wedneſday, I ſhould not have ſent for it.

He brought it from his ſhop publickly to your ſhop publickly, without any concealment?—Undoubtedly he did.

And deſcribed to you that he bought it of a Gentleman?—Yes; I believe this is the piece I ſent to Soames; there is a croſs upon it which often happens on caſks of tallow when they ſtand to cool.

Is not that the way that every thing cracks that cracks from the centre?—Upon my oath that is the ſame piece.

Did you ever deal in it before?——No.

Is it uſual for tallow-chandlers to buy pieces of ſpermaceti?——Yes, it is, pieces of wax and ſpermaceti; that is, I mean pieces of candles.

HENRY SOAMES *ſworn*.

Court. What are you?——I ſell ſpermaceti candles.

How many refiners are there in town?—I cannot ſay of my own knowledge.

Mr. Garrow. Then do not tell us at all.

Court. There was ſome ſpermaceti ſhewn you this laſt week by Weaver?——I met Weaver in Biſhopſgate-ſtreet on Monday or Tueſday laſt, and he ſhewed me ſome ſpermaceti in a ſample, and ſaid he had got a cake of ſpermaceti to ſell, and my man called at his houſe.

Mr. Garrow. That you do not know.—He brought me home this cake of ſpermaceti.

Court. Do you underſtand ſpermaceti?—Yes.

Does the ſpermaceti of one boiling reſemble that of another?—I am not a competent judge of that; this is the ſame ſpermaceti that was brought to my houſe.

Mr. Garrow. Have you had it ever ſince?—Until I delivered it to the Juſtice.

Can you diſtinguiſh the ſpermaceti candles of one boiling from thoſe of another?—In general they are pretty much alike.

There are a good many refiners of ſpermaceti I believe?——But very few.

Court. But ſuppoſing a number of candles were delivered to you, taken from different lumps of different boilings, would they be of one colour or of different colours?——I ſhould imagine they would be of different colours.

JOHN HEATH *ſworn*.

I brought the ſpermaceti from Weaver to my maſter.

THOMAS PIPER *ſworn*.—

I am a tallow-chandler; I work for the proſecutor; laſt Wedneſday was a week we refined ſome ſpermaceti; in the evening we took it out of the copper and put it into pans to cool; on the Thurſday morning we took one of the cakes out, and carried it forwards into the ſhop, he thought it was not cold enough; he let it ſtand till the Friday morning, then he carried the reſt there; on the Friday they were all in the ſhop; on the Tueſday morning my maſter called me, and aſked me how many pans we had filled; I told him twelve; I counted them and there were but eleven.

Court. Do you know who took it?—No.

How long have you been practiſed in refining ſpermaceti?—About three months.

Is there any difference between the ſeveral pots of ſpermaceti that are refined in the ſame boiling?——No.

In what reſpect do they reſemble each other?——In colour.

In what elſe?——In ſhape generally, but the colour is the object.

How can you ſafely ſwear whether this is the ſame?——To the beſt of my judgment it is.

Mr. Garrow. You cannot poſitively ſwear that that is one of your maſter's?—I ſwear to the beſt of my knowledge.

In what does it differ?——They that underſtand it could tell.

Do you underſtand it?——I underſtand it ſo far as that.

Then tell me?——Becauſe it is not brought off ſometimes properly, and it will not be ſo fair.

Is that well brought off?——Yes, I look upon it to be a very good piece of ſperm.

Would not another good piece of ſperm be like it?——I cannot tell, this ſeemingly reſembles that boil; but there are ſo few of the trade that there are none I believe that uſe pans.

Aye, I thought you had learned that.—If they came to be clapped together you might ſee ſome difference.

Have you compared that with the ſpermaceti?——No.

Not with the other eleven pots?—Yes, by a pattern taken off of the piece.

Did you compare it?——No.

You judge of it then by its being a round thing?——If you was to take the cake there, you would think it was the ſame boil.

You know as little about it as I do?—Oh, I think I know a little more too.

In what can you ſay either that it reſembles your maſter's, or differs from the manufacture of another man?——I ſwear to the beſt of my knowledge; but as to the differing from any other it is impoſſible to tell, unleſs you was to clap them together.

And you have not clapped them together, therefore you cannot tell; now if any body elſe had made one in a round pan, the ſhape of that would have been like it?——It might.

Do you think that that piece would go into any other of the pans than that which it was taken out of?—Very likely it might.

But very likely it might not; do you think it would?—I really believe it might.

Your maſter did not know how many he had poured out it ſeems!——I dare ſay he did.

You know he aſked you?——That was to hear what I had to ſay.

You are lately turned refiner too?——That is no odds to any body.

Did not your maſter take up this trade becauſe he was indicted for a nuiſance?—

Court. That is nothing to the purpoſe.

Priſoner. I leave my defence to my council.

FOR THE PRISONER.

BENJAMIN NORDEN *ſworn*.

Mr. Garrow. Do you know the priſoner?——Yes.

What is he?——He ſells candles, ſoap, and butter, a ſort of chandler; and he has ſerved me for eighteen or nineteen months. I keep a ſhop; I ſettle my accounts with him every week; I was there laſt Monday about nine in the morning; he was weighing out ſome candles for me; in the mean time, a man came in, and brought in a baſket, ſomething I did not know what it was; I thought it was wax; I cannot ſwear it was this, but it was juſt the ſame as this.

Do you believe it was that?——I believe it was that. A man came in, and put a baſket down, and aſked Mr. Scott whether he wanted to buy it; I did not underſtand whether it was ſpermaceti or wax; he aſked him a price however: he called the girl out to attend me, and the girl came out and weighed up ſome candles for me; I heard him aſking a price; I believe he ſaid two ſhillings or two ſhillings and two-pence, but I cannot tell rightly; and he told Mr. Scott that he would take it out half in candles; and the priſoner told him he would give him two ſhillings a pound if he had a mind to take it all out in candles: at laſt they agreed, and he looked out and told him the ſizes, and I ſaw ſome money paſs from Mr. Scott to the man, ſome ſhillings, four, five, or ſix.

Did the man leave what he brought in his baſket?—Yes, I believe it to be this; he put it upon a baſket behind the counter upon a ſhelf.

Was this a ſecret or open tranſaction in the ſhop?—It was upon the counter, open; ſeveral people came in beſides; the ſervant was there.

Court. What are you?—I keep a ſhop.

Whereabouts?—In Petticoat Lane.

How long have you kept it?—About eighteen or nineteen months.

Have you been in your ſhop all that time?——Yes, I have been out of my houſe in the country for a few days.

Have you lived no where elſe in town? ——No, Sir.

Are you clear in that? Have you laid no where elſe? ——No, Sir, not when I was in town.

You are ſure of that now?—Yes.

How long have you been acquainted with the priſoner?——Only as long as I kept ſhop; I was recommended to him, and he ſells candles reaſonable.

Was there any other perſon beſides you that overheard this converſation, and ſaw this man bring in this?——No they did not ſtop; I was obliged to ſtop becauſe I had an account to ſettle.

What was he to give a pound?—I cannot recollect whether it was two ſhillings or two ſhillings and two-pence.

When you came into the ſhop who were in the ſhop?——There was nobody there; Scott was there ſerving me with ſome candles.

Was any of the priſoner's family there? —His wife was in doors.

Was his ſervant there?—She was in the room till he called her out.

When the priſoner firſt called her, was this ſtrange man in the ſhop or no?—Yes.

Do you recollect how that ſtranger was dreſſed?——Yes, he had a dark brown or black coat and waiſtcoat, I cannot tell which; I believe he had his own hair.

Was you dreſſed as you are now, or how otherwiſe?——I had a brown great coat, a white coat, and a wax leather round hat.

What hat had the ſtrange man?——I do not know.

When the ſervant came in, where was her maſter ſtanding?—Behind the counter.

Was he ſtanding to the right or left?—He was near to the ſtreet, near the ſcales.

Where was you ſtanding?——Juſt by the counter, a little higher up towards the room.

How far in this converſation about the bargain had they gone when the maid ſervant came in?—So ſoon as the man came in and put the baſket down he called the maid directly.

Did you ſee the cake weighed?——I ſaw it put in the ſcale after, I believe, they had made the bargain.

How long did the ſtranger ſtay in the ſhop?——Very near half an hour to the beſt of my knowledge.

Did the maid ſtay all the time?——Yes, ſhe ſtaid to weigh out the candles into pounds, all ſorts of candles.

Do you recollect how ſhe was dreſſed then?—I really cannot tell rightly.

Had ſhe a hat or no?——No, ſhe had not to the beſt of my knowledge.

How long did you ſtay in the ſhop?—— I was there at eight, and ſtaid near half an hour.

Which went out firſt, you or the ſtranger?——The ſtranger went out firſt.

Court to Abraham Weaver. How much a pound was you to give for this?——Two and twenty pence.

Is the price of ſpermaceti reduced lately? ——I did not know the price, and therefore I went to two or three people.

Court to Proſecutor. What is ſpermaceti a pound now?——About two ſhillings and five-pence a pound; I would not take two ſhillings and five-pence for what I have at home.

Mr. Garrow. Is not the price conſiderable reduced in conſequence of the peace? ——Yes.

ANN SIMCOCK *ſworn.*

Examined by Mr. Garrow.

Was you ſervant to the priſoner?—Yes.

Do you know a Mr. Norden?—Yes.

Had he dealings with your maſter at all for ſome time?—I have lived with the priſoner eight or nine months.

Have you frequently ſeen Norden there? ——I ſaw him laſt Monday morning about nine; he came in and aſked for ſome candles, and ſome other buſineſs he ſaid he was about beſides; my maſter was ſerving the candles, and this man came in with the ſpermaceti, and he left off ſerving the candles himſelf, and called me to ſerve them; I ſaw what was in the baſket, it was a cake of ſpermaceti; it was as nigh as I can recollect ſuch a one as this. The man aſked my maſter, the price of the candles, he sold him ſeven ſhillings a dozen; there came other cuſtomers in, and I kept ſerving them, ſo that what the price of the ſpermaceti was to be I did not hear.

Did you hear them treating for the ſale of it?——I did not underſtand what the words were, they were talking together, but I did not underſtand what they ſaid, nor hear what price he was to have; he took away ſome candles, my maſter ſerved him, I did not aſſiſt in ſerving him; I did not continue in the ſhop all the time the man was there, I was in the kitchen two or three times.

Did you ſee Mr. Norden there after the ſtranger was gone?——Yes.

How long did he ſtay afterwards?——About half an hour.

How long was the ſtranger in the ſhop?——I count he might be half an hour, or longer, I was not there all the time he was.

What became of the ſpermaceti that he left?——When he was gone, the ſpermaceti lay on a large baſket in the ſhop; it lay there from Monday till Wedneſday, I had no directions about concealing it, it lay openly in the ſhop as the reſt of his goods; a great many people came in and out.

Court. How was this ſtranger dreſſed?——To the beſt of my knowledge it was black.

Did you ſee Norden come into the ſhop?——No, I did not ſee him come in.

How was Norden dreſſed?——I cannot properly ſay.

Had he a great coat or no great coat?——To the beſt of my knowledge he had no great coat, but I did not take notice.

What coloured cloaths had he on?——I cannot properly ſay, I did not take notice.

When you was called into the ſhop where was he?——He was ſtanding by the counter.

Which part?—About the middle, to the beſt of my knowledge.

Where was your maſter ſtanding?—He was behind it.

Was he near the ſtreet, or near the parlour door, or what other door?——He was almoſt in the middle of the ſhop.

Then it was fronting the ſtreet, was not it?——Yes, it was.

Do you remember that there were two pair of ſcales hanging up in the ſhop?——Yes.

Were Norden or your maſter ſtanding near the ſcales?——I did not ſee either of them ſtanding near the ſcales.

Which went out of the ſhop firſt, Norden or the ſtranger?——The ſtranger.

Who weighed out the candles to the ſtranger?—My maſter, to the beſt of my knowledge.

Are you ſure of that?——No, Sir, I am not properly ſure of it, but to the beſt of my knowledge; I was ſerving other cuſtomers.

Then you did not help at all to weigh out the candles to the ſtranger?—Not at all to the ſtranger.

Did you hear any bargain made by the ſtranger and your maſter?—No, Sir, I did not.

How long had you lived with your maſter?—Eight or nine months, I cannot poſitively ſay which.

Did you ever know your maſter buy any ſpermaceti before?——No.

PRISONER's DEFENCE.

I was taken up only late on Thurſday evening, and this being Saturday, is ſuch a buſy day with trades people that I could not get any body to appear for my character.

Court. *Let Norden and the girl go out of Court:* I want to aſk a queſtion of Weaver.

You ſay that the priſoner came to you laſt Monday about ten?—I thought it was Monday, but on a ſecond thought I believe it was Tueſday.

When was it then that you went and cut off a part of it?—On the ſame day in the afternoon.

Court to Soames. When was it that you met Weaver?—Monday or Tueſday I am ſure.

Cannot you tell which ?——It was Monday.

Are you ſure of that ?——Yes, I am ſure I went to the play on Tueſday, to the beſt of my knowledge I think it was Monday, I went to the Theatre on Tueſday and I am ſure it was not Tueſday, I ſtaid at home all the afternoon, and we drank tea remarkably ſoon, and went there remarkably ſoon.

Weaver. It was ten o'clock on Monday or Tueſday, but I rather ſuppoſe it was Tueſday.

(Norden called in.) What time of the day did you ſay this was ?———It was in the morning about nine o'clock.

Court to the Maid. What time of the day was it that the ſtranger came in ?——About nine in the morning.

Court to Norden. Did you ſee how much money the priſoner gave this ſtranger ?——I cannot tell rightly.

How much was it ?——Five or ſix ſhillings; there was no gold; it was thrown down on the counter.

What ſort of a baſket had he ?———A ſquare baſket.

What might it contain ?——It would hold four or five dozen of candles at the leaſt.

Court to Jury. Gentlemen, the firſt queſtion is, whether this piece of ſpermaceti is properly identified, in order to prove that it is the ſame, two witneſſes have been called, the proſecutor and his ſervant, and they tell you they can ſwear poſitively to the ſpermaceti; but it is incumbent they ſhould give you ſuch reaſons that ſhould induce you to believe they do not ſwear raſhly; they are called upon to aſſign their reaſons for ſwearing to it: and they are firſt generally, that the ſpermaceti loſt was of the form and faſhion; that is not ſufficient of itſelf: the next circumſtance is this, that all the ſpermaceti of one boiling has a particular caſt and colour, and that they can ſafely ſwear to it, and that it is always diſtinguiſhable from any other boiling: the proſecutor ſays he can alſo diſtinguiſh it, and there are but three other ſpermaceti refiners, and that they do not caſt in round pans as he does, but however it is poſſible they may: the learned Council for the priſoner has very much inſiſted that it is not ſufficiently identified, but you muſt obſerve that in trades and occupations there are certain things that induce men by habit, and otherwiſe, to diſtinguiſh one thing from another, when it is not in their power to produce the minute mark of diſcrimination; and I will tell you what I have found on the circuits, that a ſhepherd ſhall know the face of every ſheep, perhaps if there are a thouſand, and he can ſwear to every ſheep though he cannot point out to you or me the reaſon why. If you think the witneſſes are fully juſtified in ſwearing as they have done, from the colour of it, and comparing it by the ſamples to be the ſame boiling, then the identity will be proved to your ſatiſfaction. The next matter for your conſideration is this, you ſee this was in the cuſtody and poſſeſſion of the proſecutor on Friday laſt, on Monday I think or Tueſday it was found miſſing, on Monday it is in the poſſeſſion of the priſoner, ſo that very little time elapſes indeed from the time that it was loſt to its being found in his poſſeſſion; yet if the priſoner could by facts or circumſtances give a reaſonable account how he came by it; if this had been a commodity in which he uſed to deal, that would have been a ſufficient reaſon; but the ſervant declares ſhe never knew he dealt in it; and Weaver was ſo much a ſtranger in it he did not know the price; the priſoner has called two witneſſes to prove that a perſon ſold it him, if you believe them it is a good defence; but you muſt weigh their evidence and compare the circumſtances and the teſtimony of the one witneſs to the other, and conſider what degree of credit they have; the firſt witneſs tells you that two ſhillings and two-pence was aſked and two ſhillings was given for it: What does this man do? He goes immediately, without complaining of any loſs, and ſells it for two and twenty pence; ſome money was paid, the reſt was in candles; ſome candles were weighed, and there muſt be one hundred and fifty pounds weight of candles, and theſe are put into a baſket that will hold five or ſix dozen of candles; therefore you will conſider what degree of credit this defence is entitled to. I examined the witneſſes ſeparate as to a great variety of minute circumſtances, they did differ in ſome things, but not ſo much I think as to impeach their credit by any great variance: certain it is that when two witneſſes relate a tranſaction that has paſſed even a few days before, they may, partly from the infirmity of human recollection, and partly from inattention at the time, vary in ſmall circumſtances. Norden ſaid the maid aſſiſted, the maid ſays ſhe did not; that might be a miſtake in Norden, but the main leading features are, his ſelling this for twenty-two pence a pound, for which he gave two ſhillings; and the other is, his putting into this baſket, which would only hold five or ſix dozen of candles, one hundred and fifty pounds weight of candles: if you think it is doubtful whether this is the ſame ſpermaceti, and that theſe witneſſes have ſworn truly, then in God's name you will acquit the priſoner: however there is no evidence of this being ſtolen in the dwelling houſe, therefore you will acquit him of that, whatever your opinion may be as to the other part of the charge.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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217. **GEORGE BLACKHALL** was indicted for feloniouſly ſtealing, on the 10th of January laſt, two pair of leather boots, value 20s. the property of William Groves, privily in his ſhop.

DAVID GROVES *ſworn.*

I am a ſhoemaker, in Watling-ſtreet; laſt Saturday week, between five and ſix I was ſitting in a room behind the ſhop at tea, my wife obſerved the door go, I turned and ſaw nobody, but on looking again I ſaw the ſhadow of a perſon, I inſtantly got up, and as I was going into the ſhop, the priſoner was going out of it with the boots under his arm, or in his left hand; I ſaw the tops of them; I followed him; he turned down Queen-ſtreet, which is about fourteen doors from mine, he dropped the boots; I ſtill kept in purſuit of him, and he was taken up.

Court. Did you ever loſe ſight of him?—Never till he turned the corner to go into a court.

Are you ſure it is the ſame man?—I am ſure it is the ſame man; I have no doubt at all.

Mr. Scott Council for the Priſoner. The room you was in is behind your ſhop?——Yes; there is a partition that parts my ſhop.

Whereabout was you ſitting?—By the fire ſide.

You was not the perſon that firſt of all ſaw this man that you have been ſpeaking of?—I was the firſt perſon.

I underſtood you, your wife told you ſomebody was in the ſhop?—Yes, ſhe was ſure there was ſomebody in the ſhop; ſhe heard him; ſhe did not ſee him.

You have repreſented this perſon that you ſaw as a ſhadow; you ſay you ſaw the ſhadow of a man?—I ſaw the ſhadow of him.

Of courſe you could not ſee the body, nothing more than the ſhadow?—I ſaw his back, I did not ſee his face, I never loſt ſight of him all the time I purſued him.

Is it from the man's back that you now ſwear to the identity of his perſon?—I am poſitive he is the ſame man.

What do you ſwear to ſo poſitively?—To the height and the colour of his coat.

From no other circumſtance?——And from not loſing ſight of him; but I have a perſon here that ſaw him drop the boots.

You was not the perſon that took him?—No, I was not.

Now how far might this thief, whoſoever he was, have the ſtart of you, when you firſt of all came out of your ſhop?——I believe about eight or nine yaads.

It was quite dark I believe?——No, it was not; of a Saturday night the ſhops are light; there was a ſtrong reflection from the lights of the ſhops, next door to me there is a fiſh-monger's ſhop where there is a ſtrong light; I ſaw him go by there.

Did you run mute?——At firſt I ran mute, with intention to catch him myſelf, but I found he gained ground of me, and in Queen-ſtreet I hallooed out Stop thief! he dropped the boots in a minute or two; I had the man in my eye till he turned the corner of Red-lion-court.

WILLIAM COPPIN *ſworn.*

Laſt Saturday was week, in the evening, I was going to my maſter's in Queen-ſtreet, and Mr. Groves called out ſtop thief, and I ſaw two pair of boots lay, and I picked them up; I did not purſue the priſoner.

You did not ſee who dropped them?—No, a publick houſe boy ſaid, he knew who they belonged to.

Court. Is that boy here?—No, I took them to Mr. Groves's houſe.

JOHN PAIN *ſworn.*

Laſt Saturday was a week, in the evening, I was coming up Queen-ſtreet; I heard a man cry Stop thief! and I ſaw a man running and ſeized him by the collar, he wrenched himſelf from me; he ran up Saint Thomas the Apoſtle, acroſs Bow-lane into Baſing-lane; he ran into Red-lion-court, to that part where there is no thoroughfare; there were ſeveral people running, and finding he could not get out he turned round and unbuttoned his coat, and ſaid, what can you find upon me? I never loſt ſight of him from the firſt.

Court. When you firſt ſaw him had he any thing in his hand?—Nothing; juſt as I caught hold of him there was a perſon running after him which was ſome little diſtance behind him.

Court to Proſecutor. Did you obſerve this man lay hold of the priſoner's coat?—No, my Lord; I believe he laid hold of him at the time I called to ſome people in the ſtreet, and ſaid, my friends take hold of the things, and I ſuppoſe he took hold of him whilſt I turned round.

Court to Pain. Was you the next to the priſoner?—Yes.

Court to Proſecutor. Did you ſee this man next to the priſoner?—This was the man that delivered him to me.

Court to Pain. You were next to the priſoner when he turned into the court?—Yes.

Was there any body running before him when he turned into the court?—He was the only perſon before me; the proſecutor was near behind.

Court to Proſecutor. Are you ſure the perſon you ſaw running into the court foremoſt, was the ſame man that you ſaw drop the boots?—Yes, I am ſure of it, I never loſt ſight of him till the moment he turned up the court.

Mr. Scott. Did you ſee the priſoner drop any thing?——No, I did not.

If he had dropped any thing do not you conceive that you muſt have ſeen him?—If he had been near enough to me I might.

WILLIAM BLACKMORE *ſworn.*

I apprehended the priſoner; I produce the boots which were given me by Mr. Groves.

Court to Proſecutor. Are theſe the ſame boots that you received from that man?—They are the ſame boots that my wife received.

When did you firſt ſee them?——I ſaw them when they came by the door, and my wife ſaid he had taken them; I had only theſe two pair in the ſhop, and they hung upon two nails, and they were gone, and theſe were the identical boots, dirty, and they are my boots.

(The boots produced by Blackmore.)

Who had them on Wedneſday?

Groves. I kept them till the Wedneſday, I know them by the cut and by the workmanſhip.

Mr. Scott. You repreſent them as being all over dirt?—They were dirty but they have been rubbed off in the bag, here is ſome dirt in the bag.

PRISONER's DEFENCE.

Laſt Saturday was a week, I was going for ſome money, for Mr. Hancock that I live with, into Holborn, and I was coming back by this gentleman's place and there was a cry of ſtop thief, and many people were running, and I was running the ſame as another and that man laid hold of me, and they ſearched me and I had nothing about me, and they ſaid I had ſtole the boots, and when we came to Guildhall we had a hearing, and he could not ſwear I was the ſame perſon, and one of the gentlemen that ſat there was going to acquit me, for they could not ſay any thing at all againſt me there.

Court. How came you to run ſo faſt?—There were a matter of thirty people a running then; I ran like the reſt.

The Priſoner called ſix Witneſſes who all gave him a good character, and his maſter offered to take him again directly if he was at liberty.

Guilty

Of ſtealing, but not privily.

To be privately whipped and diſcharged.

Tried by the London Jury before Mr. Juſtice HEATH.

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218. RICHARD BRYAN was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Porter, at the hour of three in the night, on the 13th of January, and feloniouſly ſtealing therein, one pair of linen ſheets, value 20s. one linen gown, value 10s. one linen petticoat, value 8s. one linen table cloth, value 3s. one ſilk huſwife, value 4d. a glaſs quart bottle, value 3d and a pint of brandy, value 12d. his property.

The Witneſſes examined apart by the deſire of the Priſoner.

THOMAS PORTER *ſworn.*

The priſoner uſed to come to our houſe every evening for four or five weeks; I keep a publick houſe, the Boar's head, in Crown-ſtreet, St. Ann's, in the morning about four o'clock on Thurſday laſt, the watchman rung at my door, and I came down and found the back door open.

Who had been up the laſt in the houſe?—My wife, ſhe went to bed about a quarter paſt twelve.

Did the back door appear to have been forced open?——There was no mark of violence upon the door; I went into the kitchen and I found the pin of the window was forced open in the kitchen, and the window was open and one quarry of glaſs was broke, ſo that a man might put his hand in to undo the window, and the window was undone, ſo that a man could come in; the next thing I went into the bar, and found the till of the bar almoſt down, the next thing was a ſmall tub that was under the bar, that was broke open, I went and told my wife and ſhe came down ſtairs; I miſſed nothing till ſhe came down, and ſhe miſſed the things; none of the things were ever found again, but the huſwife which was found upon the priſoner when he was examined at the Juſtice's; the watchman gave deſcriptions of the priſoner, that he was at the door at half paſt twelve o'clock, that was the reaſon he was taken up.

When was the priſoner taken up?—On Thurſday night; on that ſame evening I was going out with a pot of beer about ſix in the evening, and I met him, the priſoner, at the corner of Crompton-ſtreet, and I aſked him to go in and drink, he came into the tap-room; then I left him in charge while I ſent for a conſtable, I ſaw him ſearched, and ſaw the huſwife found upon him; it was my wife's.

Mr. Peat Council for the Priſoner. Has this ſtreet any other name than what you named it juſt now?——Some people call it Hog-lane.

What kind of a houſe is yours; what do you generally deal in?—Beer and ſpirits.

You ſit up very late ſometimes, do not you?——Never after twelve.

You are an Iriſhman, are not you?——No.

Had not you a kind of wake for Iriſhmen this night?—No, we have very few Iriſhmen that uſe our houſe.

Had not you ſomething of a wake?——No.

Had not you much company?—No.

Have not you women frequent your houſe?——No.

Had not you fiddles, and dancing, and ſuch things going on in your houſe?—Not as I know of; I never ſaw any dancing; I was in bed.

Is not it uſual for women and men of a certain deſcription to have dancing at your houſe?——No, Sir.

No women come there and ſtay till one, two, three, and four o'clock in the morning?——No.

How came you to be called down?—I came down at four o'clock which is the time I get up always.

Had the priſoner been at your houſe the preceeding evening?—Yes.

Was there a Mrs. Adair with him?——I do not know that there was.

Do you know ſuch a woman?—I cannot recollect that there was.

Was he in your houſe in the courſe of the evening?——Yes.

Was he drunk or ſober?—He had been drinking.

Mrs. Adair frequents your houſe?—Not as I know of.

——— PORTER *ſworn.*

I am wife to the laſt witneſs; I was the laſt up, it was on Tueſday night that the houſe was broke open, on Wedneſday morning rather.

What time did you go to bed?—A quarter paſt twelve o'clock.

Did you leave the back door and the kitchen window faſt?——Yes, I left all the doors and the windows faſt; I faſtened them myſelf.

After your huſband called you up, tell me what things you miſſed?——I miſſed a pair of ſheets, a gown and coat, a table cloth, a brandy bottle out of the bar, a huſwife; the ſheets and table cloth were under the window that was broke open; that young man, the priſoner, was in our houſe, in our cellar, the Tueſday night about twelve o'clock.

Mr. Peate. Was not your houſe very full of company this evening?——No, it was not, there was very few people.

Do not you remember a lady of the name of Adair?—She came into the paſſage.

Did not you ſee her give the priſoner a huſwife or any thing?—No, I did not.

Was he drunk?—No, he left our houſe a quarter paſt twelve; I put him out of the houſe; he preſſed me very much to let him ſleep.

Did Mrs. Adair adviſe him to ſleep in your houſe?——Not in my hearing.

MARGARET CONNER *ſworn.*

I am a ſervant maid to the proſecutor; I know the priſoner by his uſing the houſe; I remember the night that the houſe was broke open; I ſaw him in the houſe that night; I was going down ſtairs for a pint of beer, and he was coming up out of the cellar; I aſked him what buſineſs he had there, and he ſaid he was coming down after me; he wanted the key of my room to go up ſtairs, and he was very loth to go out, that was about twelve, or a little after.

Mr. Peate. What time did you go to bed?——A little after twelve.

Was there a good deal of company in the houſe that night?—Yes, there was a good deal in the courſe of the evening, but they were gone before twelve.

Rather noiſy?——Not very noiſy; nobody in the houſe but him at twelve; I heard nobody adviſe him to go to bed.

Was you before the Juſtice?——Yes.

What did you ſay there on this buſineſs?——I ſaid that how the young man aſked me if he could have half my bed; I told him he might; I did not tell him to come.

Did you ſay any thing about his being in the cellar at the Juſtice's?—No, I do not think I did; he ſaid he could not go home becauſe the young woman was out, and had gone to her ſiſters.

Did you give him any bauble that you have to play with?—No, Sir.

Court to Mrs. Porter. How do you know the huſwife was in the box that night?—It was, it is very remarkable, it has ſome writing in it, Greek, or Latin, or ſomething that I do not underſtand; I had it given me, and I value it; I am ſure it was in the box that night, the box was locked, and the back part of it broke open.

You did not hear the girl down that night after ſhe went up to bed?—No, I did not.

Mr. Peat. Did your hear your huſband at any time ſpeak about a reward that he expected for this proſecution, if he ſucceeded, or any thing of that kind; recollect yourſelf?—I never heard any thing of that ſort.

——— SLADE *ſworn.*

I am the watchman; I was crying half after twelve, and going by, the priſoner was ſtanding at the proſecutor's door, without buckles and his ſhoes ſlipſhod; he was knocking at the door of the proſecutor's houſe; he ſaid he had got a pint of beer within doors a warming, and the maid had got his buckles out of his ſhoes, this he told me; he aſked me if I would have any of the beer; I told him I would not go in? he knocked again, then it was almoſt one; God damn me, ſays he, never mind, I know the way backwards, away he ran; I picked up a piece of parchment, he read it, and he ran away with it.

Mr. Peat. How long have you watched in that neighbourhood?——Only three nights.

What kind of company reſort to that houſe?——I cannot ſay.

Did you ever hear any noiſe?—I never did.

Did this landlord obſerve to you that he expected a reward, or any thing of that ſort?——No.

Do you expect any?—I expect nothing but to be paid for my trouble.

Did you ever ſay to the landlord, or any other perſon, that you expected a compenſation for convicting this man?—No.

——— DIVINE *ſworn.*

On Wedneſday evening, between five and ſix, one James Davis came to the Rotation Office and aſked for Hatton the conſtable, they had taken a man that was ſuſpected to have broken a houſe open; we took him into cuſtody, and in ſearching him I found a huſwife, which is here, it has been in my poſſeſſion ever ſince; I found it in his breeches, my Lord, between his legs, and he ſtrove to hide it in the tail of his ſhirt as well as he could, and I got it out of his hand; he ſaid it was a thing he picked up in the ſtreet; and the proſecutor was preſent, and he ſaid he believed his wife had ſuch a thing, but he was not ſure whether it was that or not. The priſoner ſaid he found it in the ſtreet at firſt, afterwards he ſaid he picked it up in the public-houſe paſſage, in the ſame houſe that was broke open.

The huſwife depoſed to.

Court to Mrs. Porter. How long has the maid lived with you?——Between two or three months, which is the time we kept that houſe.

Did you obſerve any particular intimacy between her and the priſoner?—I did that evening, never before, they were talking together, I obſerved them with more freedom than what ought to be.

Did ſhe get up when the houſe was alarmed?—Not till I went and called her, ſhe was undreſſed and in bed.

Court to Proſecutor. Did the priſoner come with you willingly?—Very willingly.

PRISONER's DEFENCE.

I came there about half an hour after eleven, and when I found the door was ſhu and the watchman came up he would no come in, I waited a conſiderable time an he was going away, and I picked up a piec of parchment, I thought it would be o ſome conſequence, becauſe I ſaw *a blue ſeal* when I met Porter, I was coming up t

Porter's; my ſkull is fractured; Porter told me to come in, and he took me; I went peaceably with them; I put the huſwife in my breeches pocket, and my pocket was broke.

Court to Conſtable. Did you ſearch him thoroughly?—I did.

Was his breeches pocket broke?—No.

Court to Slade. Did you obſerve whether the priſoner was ſober or in liquor?—I do not think he was right ſolid ſober.

MARY ADAIR *ſworn.*

I live in Phœnix-ſtreet.

Have you ever ſeen the priſoner in liquor?—Yes.

What has been his behaviour at that time?——Very bad.

Did he ſeem different from other drunken men?—Yes, flighty, he appeared to us more like a madman than any thing elſe.

He refuſed to go home when you adviſed him that evening?—He was very much in liquor that night; I never heard any thing againſt his character, the perſon he lived with before is in the Court.

The priſoner called three other witneſſes, who gave him a good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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219. JOHN QUICK was indicted for that he, on the 29th of November laſt, having in his cuſtody and poſſeſſion a certain bill of Exchange, commonly called an inland bill of Exchange, ſigned and ſubſcribed with the name of John Quick, dated London, 29th, of November, 1783, directed to Mr. William Boyce, No. 23, in Swallow-ſtreet, requiring him to pay to the order of the ſaid John Quick 10l. value received; he, the ſaid John Quick, afterwards, to wit, on the ſame day and place, falſely and feloniouſly did make, forge, and counterfeit, and cauſe and procure to be falſely made, forged, and counterfeited, and willingly act and aſſiſt in the falſe making, forging, and counterfeiting, a certain acceptance of the ſaid bill of Exchange, purporting to have been written by the ſaid William Boyce, with intention to defraud John Martin.

A ſecond Count, for uttering the ſame.

WILLIAM BOYCE *ſworn.*

Mr. Sylveſter, Priſoner's Council. Before you give your evidence Mr. Boyce, I muſt aſk you a queſtion. You are intereſted?—I have been called on reſpecting this bill, it was brought to me for payment; I come to prove that I have no connection or concern whatever with the bill.

Court. We cannot examine you to that fact.

Mr. Sylveſter. Why the priſoner and you were partners.

Court. You are an intereſted witneſs; this bill of exchange, this promiſſory note for 10l. is ſubſcribed with a name which purports to be your name, if the ſubſcription upon it is a true one, you are liable to pay the ten pounds.

JOHN MARTIN *ſworn.*

I know nothing more than I took this note, and gave change for it; but not on the ſtrength of the acceptor, for if Mr. Quick had preſented his own note to me, I ſhould have taken it; I paid it to Mr. Downs.

Mr. Sylveſter. You had a better opinion of the priſoner than you had of Boyce?—Upon my word I had.

So have moſt people I believe.—I believe they have; I paid it to Mr. Downs; that is the ſame bill.

——— DOWNS *ſworn.*

Have you the bill in queſtion?—Yes, I received it from Mr. Martin; I believe it to be the ſame bill by the mark in the corner, which is my uſual mark; it has been in the hands of Mr. Child; I do believe that to be my mark, this is the bill I received from Mr. Martin, I ſaw Mr. Martin indorſe it.

Was this bill paid?—Never.

Did the acceptor William Boyce refuſe

to pay it?——I know nothing of that, it was carried by a Banker's clerk in the city, he returned it to Mr. Child, they are not here.

Do you know William Boyce?—I only know Martin.

Court to Martin. Do you know the hand writing?—I only ſaw him write, but never looked over his writing, ſo that I do not know any thing of his hand writing.

Court to Boyce. Have you any more witneſſes than theſe beſides yourſelf?—No.

Mr. Sylveſter. My Lord, I have a dozen witneſſes to prove that this is Boyce's hand writing.

Not Guilty.

Tried by the ſecond Middleſex Jury before Mr. Recorder.

Mr. Sylveſter. My Lord, I humbly move your Lordſhip to grant Mr. Quick a copy of this indictment.

Court to Martin. Who are the priſoner and proſecutor?—I am a taylor; I have known the priſoner for ſome years; I underſtood they were partners together in the lottery buſineſs.

Court. I think the Court ought not to interpoſe in this buſineſs, but leave you to take the uſual remedy; and my reaſon is this, that the ground before the Court for the acquittal of the priſoner, is not the falſity but the incompetency of the witneſſes; now we can never preſume, that what a witneſs would ſay who is rejected for total incompetency, would not have put the priſoner upon his defence; if Boyce had been examined as a competent witneſs, and you could then have found a want of evidence, I ſhould not have heſitated: but however, the Court is not limited as to the time when they may grant a copy of an indictment.

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220. SARAH WILLIAMS was indicted for feloniouſly ſtealing, on the 30th of November laſt, three woollen blankets, value 6s. one rugg, value 2s. two pillows, value 4s. a bolſter, value 4s. one pair of linen ſheets, value 5s. the property of Charles Ward, in a lodging room let to the ſaid Sarah.

CHARLES WARD *ſworn.*

The priſoner lodged at my houſe a fortnight and three days; ſhe left my lodging the 30th of November without warning; ſhe came down on the Sunday and ſaid ſhe had a violent pain in her ſide; ſhe would go and be blooded; my wife lent her a grogram cloak, and ſhe went out and never came home any more, ſhe locked the room that day, and took the key with her, the room was broke open three days after.

What things were miſſing?——Three blankets, a pair of ſheets, a bolſter, two pillows, and a coverlid; they were there when ſhe was there; I know no more.

When was the priſoner taken?—Sometime about the middle of December; a pair of pillows were found again at a pawnbroker's in High Holborn; his name is George Angel.

MARY WARD *ſworn.*

I had not ſeen the things there from the time I made the bed for her to go in, till the door was broke open, I am ſure they were there when ſhe came to the lodgings, becauſe I laid them on myſelf; I took her myſelf in Cheapſide about the Monday ſe'nnight before Chriſtmas day; I met her accidentally; I ſaid to her, Sally; yes, ſays ſhe it is me; ſays I, how came you to uſe us in this manner; to take away the bedclothes; ſays ſhe, come along with me I will tell you all about it; ſhe took me down Bread-ſtreet, and as it was the duſk of the evening, I did not like to go down with her; I ſaid, here is a publick houſe, let us go in and have ſomething to drink; I handed her in there; ſhe was very unwilling; then I ſent for a conſtable, but I could get nothing at all out of her that night.

Priſoner. When ſhe met me, ſhe told me with many bitter wiſhes, ſhe would not hurt a hair of my head if I would tell her where the things were; there were but two blankets on the bed, and ſhe ſaid it was a ſad miſtake of hers.

GEORGE ANGEL *ſworn*.

I am a pawnbroker; the priſoner came to my houſe and aſked me to buy ſome goods, about ſix weeks ago, on a Monday morning; I aſked her what goods, ſhe ſaid ſome goods ſhe had put in pawn through diſtreſs; I aſked her whether they were her own property, ſhe ſaid, yes; I aſked her where they were, at what pawnbroker's; ſhe ſaid, in Drury-lane, and I went with her to the pawnbroker's, and we took them out of pawn; they were two pillows, five blankets, two tea-kettles, a patchwork counterpane, and rugg.

Any ſheets?———No; I bought theſe things of her; they were afterwards ſold, all but the pillows. *(The pillows produced.)* I delivered them to the conſtable.

Were thoſe pillows that you delivered to the conſtable, the ſame that you bought of the priſoner?———I cannot poſitively ſay, to the beſt of my knowledge they were.

Had you any other of the kind?——Yes.

Have you any reaſon to doubt of their being the ſame?——I have no reaſon to doubt it, but I cannot poſitively ſwear that they were the ſame, becauſe there were a great many of the ſame kind in my houſe, and they were mixed one among another, they appeared like the ſame to me, to the beſt of my knowlege, they are the ſame.

DAVID RANKIN *ſworn*.

I am the conſtable, I had theſe two pillows at Mr. Angel's, in St. Giles's. *(The pillows depoſed to by the Proſecutor's wife.)* There is a mark in them that I know to be mine, there is a particular tear in one, and the other I know by ſeveral rips that I have ſewed up, I will ſwear to the pillows, I could not ſwear to the blankets.

PRISONER's DEFENCE.

The broker ſaid at Guildhall that he never bought any things of me but four blankets, one counterpane, and two pillows; and the next day he took his oath, that he bought the pillows in a twenty ſhilling lot, but I never ſold him any ſuch thing, he bought trifling things of me twice.

A STUDENT.

My Lord, I am a Student, there was a queſtion propoſed by the priſoner, whether Mrs. Ward at the time ſhe apprehended her, did not tell her, ſhe would not hurt a hair of her head.

Mrs. Ward. I told her, ſays I, if I can get my property again by the permiſſion of the Alderman; I will not hurt a hair of your head, and the ſecond day ſhe confeſſed.

Priſoner. My friends have been here two or three days.

GUILTY.

To be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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221. ANN SMITH was indicted for feloniouſly ſtealing, on the 14th of January, two pewter quart pots, value 3s. the property of Thomas Fiſher.

THOMAS FISHER *ſworn*.

The priſoner came into my houſe about nine o'clock laſt Wedneſday night, and had a penny-worth of purl, and I had my houſe very full of company, and was very buſy, and ſhe took the opportunity, and went out of the tap room down the cellar ſtairs where the pots ſtood. I only prove the property.

RICHARD DAWES *ſworn*.

I lodge in the proſecutor's houſe; on Wedneſday evening laſt, I went out from the tap-room into the parlour, and I met a woman in the paſſage, ſhe had a cloak on, and I ſaw ſomething of a lump under her cloak, ſhe paſſed me and was going out of the houſe, I returned and ſtopped her, and ſhe had two quart pots, I ſaw her drop firſt one pot, and then the other, I am poſitive of it.

(The pots depoſed to.)

PRISONER's DEFENCE.

When I went out of the paſſage, I ſaid, I was very poorly; the two pots was in the paſſage, and the gentleman ſaid I had them, I had no pots upon me, no more than I have now.

GUILTY.

To be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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222. SARAH TAYLOR was indicted for feloniouſly ſtealing, on the 7th day of January, one quart pewter pot, value 2s. and two pint pewter pots, value 2s. the property of Lucy Barrett.

LUCY BARRETT *ſworn.*

I keep a public houſe, on the 7th of this month a gentleman in Court came and aſked me what was come of his beer, for it was gone; the priſoner and three others were in the parlour, I went in and ſhut the door, I ſaid, I will ſearch you all round; the gentleman that loſt his beer ſaid, ſearch me firſt, I put my hand to his coat, he ſaid, now ſearch that woman, I did ſo, I found two pint pots in her pocket, and the pot that had the gentleman's beer in, concealed under where ſhe ſat: upon that I ſent for a conſtable.

JOHN BROWN *ſworn.*

I went to drink ſome beer and I miſſed the pot, I went to the tap-room, and aſked if they had taken my beer away, they ſaid, no, I recollected the priſoner came to my box when my back was towards her, ſhe was examined, ſhe had a pair of pockets that hung to her ancles, which I ſuppoſe would hold ſeven or eight pots each, and there was one pint pot in each of them and the quart pot was concealed under her.

(The pots depoſed to.)

Priſoner. I have nothing to ſay in my own defence, I muſt leave it to the mercy of the Court.

GUILTY.

To be privately whipped and diſcharged.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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223. WILLIAM NORGATE, WILLIAM CAREY alias CADEY were indicted for feloniouſly ſtealing, on the 23d day of December laſt, ſeventy pounds weight of lead, value 5s. belonging to Nicholas Fleming, and John Sykes, and then affixed to a certain houſe of the ſaid Nicholas and John, againſt the ſtatute.

A Second Count, laying it to be the property of perſons unknown.

JAMES SHAKESHAFT *ſworn.*

On the 13th of December, I received information of a ſack with ſome things gone into a houſe in Bell Lane; I ran down and called upon another officer, and went into the houſe, there were three ſitting by the fire, in a back room, Norgate, Cadey, and one Pearce, I told them my buſineſs, and the priſoner Cadey told me there was no ſuch thing, I looked about, and ſaw ſome lead lay in the floor, and Cadey ſaid a man had juſt brought it in, and threw it down and run away, I aſked Norgate and Pearce what they did there, and they ſaid, they came to ſee Cadey, and they were weavers; I took hold of the hands of Pearce and Norgate, and they were all mortar, I ſaid, you do not look like weavers, I have a notion you have ſtolen this lead; they ſaid, they had been up in a pigeon trap at the top of a houſe, and that made their hands ſo dirty: we took them into cuſtody; and on Monday before the Juſtice, Pearce turned evidence: I and another of our officers went up to the top of the houſe, where the lead was ſtolen from, and we brought a piece of lead away from the top of the houſe, to match with that which was ſtolen; it was taken off the gutter.

Mr. Scott, Priſoner's Council. Whereabouts was this lead laying in Cadey's houſe?—In the back room on the ground.

But that contained ſundry other things?—Yes.

Was this lead laying open?—Yes.

Did you examine the hands of Cadey? I did not, I had no ſuſpicion at that time that he had ſtolen it.

—— POWELL *ſworn.*

Mr. Fleming came to Mr. Burner's, where I work, and deſired ſomebody to go to the office to look at ſome lead which had been laid on the building.

Who did the building belong to?——I ſhould ſuppoſe to Fleming, he paid us, that was in the year 1782.

Has Mr. Fleming any partners?—I know nothing at all about him; I went to the place where they ſaid the lead was ſtolen from; this gutter was laid in two lengths; the upper length was gone, and the lower length remained, which correſponded, they had joined; it was cut ſtrait down and not indented.

Court. In laying the different lengths of a gutter, do not you lay the one over the other?—Yes.

Do you nail them down at the joining?—Not at the bottom but againſt the rafters, on the ſides where the lead turns up, and ſometimes at the drip.

You did not fit that piece to the place?—No.

Court. Are you clearly ſatisfied as a workman, that that lead was taken away from that place?—I have no reaſon to doubt it, yet at the ſame time I cannot ſwear it, there is a great deal of lead of that length; it was not a very uſual length.

Court. Is there any body here belonging to the houſe it was taken from?

Shakeſhaft. My Lord, I went to Mr. Sykes, one of the executors, and he told me he had had a great deal of trouble with the houſes, and would have no more.

Powell. I believe they were uninhabited houſes; I did not think to examine the nail houſe; I cannot ſwear with preciſion.

THOMAS PEARCE *ſworn.*

I am an accomplice in this buſineſs, and have been admitted an evidence; Norgate and I was at the Duke's Head, in Winford Street, drinking a pint or two of beer, and agreed to go to Carey's houſe to get ſome chiſſels to go to this houſe: Carey had no chiſſels to lend us, and Carey returned back with a bit of iron bar; then we went to the houſe, and got over a wall and went up two pair of ſtairs and broke through the cieling; I went to the top of the houſe and got the lead off, we brought it down into the yard, and went to Carey's houſe and told him; then Carey took up a bag, and went with us and put it in, and carried it back to his own houſe.

Court. Carey was not with you when you ripped it from the houſe?—No.

Was any body with you but Norgate?—No, it was ſeven weeks laſt Saturday, about ſix or ſeven in the evening, about half an hour before we were found.

Court to Shakeſhaft. Did you perceive how they got up?——Yes, they broke through the cieling.

Mr. Scott. My Lord, I ſubmit that the felony was compleat before Carey was employed, and therefore he is a receiver.

Court. I am of the ſame opinion, becauſe it is not laid generally, but as fixed to the dwelling houſe, and there is alſo no other circumſtance againſt him except as a receiver, but the evidence of the accomplice.

PRISONER NORGATE's DEFENCE.

I only went with Pearce to ſee another lad in the houſe.

The Priſoner called five witneſſes, who all gave him a very good character.

Court to Peance. What were you to have for this lead?—I believe ten ſhillings and four-pence.

Court to Powell. What was it worth?—It is worth at the rate of ſixteen ſhillings a hundred.

Court. Why then ten ſhillings and four-pence was as much as it was worth?—Yes.

WILLIAM CAREY, }
Alias CADEY, } NOT GUILTY.

WILLIAM NORGATE, GUILTY,

To be publickly whipped and diſcharged.

Tried by the London Jury before Mr. RECORDER.

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224. **JOHN GIBBERT** was indicted for that he, on the 9th of January laſt, one piece of counterfeit milled money and coin, to the likeneſs and ſimilitude of the good and legal and current coin of this realm, called a guinea, not being then cut in pieces, unlawfully and feloniouſly did put off to one Archibald Ruthwin for twelve pieces of current ſilver coin of this realm called ſhillings, and one other piece of current ſilver coin of this realm called a ſixpence, againſt the form of the ſtatute and againſt the King's ſtatute.

ARCHIBALD RUTHWIN *ſworn.*

Examined by Mr. Silveſter.

Did you go on the 9th of January to the Globe Tavern in Hatton Garden?—Yes.

Who did you meet there?—I met a man.

Is he here?—No.

How ſoon did you meet the priſoner himſelf?—In a quarter of an hour? the man ſaid he would ſtep out and ſee if his friend was come; he ſtepped out and introduced the priſoner at the bar to me; the priſoner ſat down by the ſide of me, and he ſays to his friend, is this your friend; then we began to diſcourſe; ſays he now I can depend upon you, I ſaid yes, then he pulled out a guinea to ſhew me, which is this; I praiſed it exceedingly, I turned it over and ſaid I never ſaw ſo good a one in my life, I ſaid it was ſo good I thought I could vend a great many of them; I aſked him the price, he told me it ſhould be thirteen ſhillings; ſays I twelve ſhillings and ſixpence will do I ſuppoſe; why, ſays he, if you take a quantity and are likely to be a better cuſtomer, I will not ſtand; accordingly I had the guinea in my hand, and I kept it in my poſſeſſion till he ſtept to the door to ſend for the reſt; when he came in, he ſaid have you any call for any whites; ſays I you may let me look at them; ſays I they are very good indeed, I think I can be a cuſtomer for ſome of them; ſays he they are nine and twenty for a guinea; he aſked me if I wanted any *half bulls*, that is half-crowns, then a gentleman came in and interrupted our diſcourſe; my friend ſaid, ſays he, you will be late out of town, ſays I, damn it, we never mind, we travel all hours, only give us a bottle; he then ſaid he could not get them that night, and juſt at that time Mr. Clarke came up, and took him into cuſtody.

The guinea and the ſhilling produced.

Mr. Chetwood Priſoner's Council. You never ſaw this priſoner before?—No, not to my knowledge.

Was any body in company with you?—The man that introduced me.

Where is he?—I do not know.

Is he a friend of the man's or of your's?—I do not know.

But you know that perſon?——I know him by ſight if I was to ſee him.

Do not you know him otherwiſe?—No, Sir.

Upon your oath, have not you ſeen him ſince?—Not to ſpeak to him.

Have not you ſeen him ſo as to ſpeak if you choſe it?—Not to have any connection with him.

The Remainder of this Trial in the next Part.

ERRATA.——In Number II. Part V. Page 252, Line 40, for *ſeven years* read *fourteen*—and in Page 262, Trial 215, for *Joſeph Dumſage* read *Dunnage.*

The Seventh Part (which will be the laſt) will be publiſhed in a few Days, containing the remarkable Trial of Aickles for Swindling, and others; with the Arguments of Council, and Opinion of the Judges on the reſerved Caſes of Gaſcoyne and Hickman.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of JANUARY, 1784, and the following Days;
Being the SECOND SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of John Gilbert.

He was at the Globe Tavern with you all the time?—He was.

You had no accounts to ſettle with this man?—No.

You ſay you had that that looked like a guinea from him?—Yes.

In the preſence of the other perſon?—Yes.

Are you employed by the mint?—No, Sir, I was employed by Mr. Clarke who is.

How long have you known the other perſon, who you ſay was a friend of the priſoner's?—I never ſaw him but once.

JOHN CLARKE *ſworn.*

I am employed for the mint, and have been for many years; I had information of the priſoner; I got a captain of our patrol to act as a deception, not to be known, I deſired him to act as a ſmuggler that he might not be known, and I gave him two twenty pounds notes, and deſired him to go to the Globe Tavern, and when the money was brought he was to ſend one of the notes to be changed, and when that note was ſent out to be changed I then knew that the money was there; I received a meſſage, that he was come they believed, and I took Gilbert in cuſtody and ſearched him, and I found ſeventeen ſhillings and I think ten or twelve ſixpences all counterfeits. *(The guinea ſhewn him.)* I ſuppoſe that is not worth above three-pence or a groat.

Mr. Sylveſter. Twelve ſhillings and ſix-pence is a pretty good price for it?—Yes, very good.

Is this what they call milled money?—Yes.

RICHARD FRANKLIN *ſworn.*

I am one of the moniers of the mint.

Was that coined at the Tower?—Certainly not, it is counterfeit.

The Priſoner called four Witneſſes to his character, ſome of whom had deals with him but never knew him attempt to put off any bad money to them.

GUILTY.

Fined 1s. *and impriſoned twelve months in Newgate.*

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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225. HENRY GRAY was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Wright, at the hour of nine in the forenoon of the 26th of November laſt,

Elizabeth Wright and others of the family then being in the ſaid houſe, and feloniouſly ſtealing therein twenty guineas, value 21l. and twenty-three half guineas, value 12l. 1s. 6d. the monies of the ſaid William Wright.

WILLIAM WRIGHT *ſworn.*

I live in Fleet-ſtreet, the corner of Fleet Market; on the 26th of November, about nine in the morning I told out ſome money, there was a pile of twenty guineas and twenty-three half guineas, I went out about twenty-five minutes after nine o'clock, and returned in four or five minutes, and when I got back I found the window had been thrown up, and all my money gone but one half guinea.

BENJAMIN THOMAS *ſworn.*

I am a blackſmith; I know Mr. Wright's houſe; on the 26th of November, I was coming down Fleet Market, on the ſide leading to his houſe; I ſaw a man half way in the window, by the help of a ſledge that lays under the window, he ſtood upon that and he was about half way in the window under the ſaſh, I ſaw him draw himſelf out as I was coming down, I thought he was converſing with ſomebody, and he and another ran by me as hard as ever he could; I had no ſuſpicion of any robbery; I think the man had a caſt in his eye, I cannot ſay, as they went by me they had like to have thrown one another down.

Court. Should you know him again? —I think I ſhould, but I am not ſure; he had then dark, or rather black clothes on.

Court. Look round the Court and ſee if you ſee any body like him.——No, really to be upon my oath, another man may be of the ſame ſize.

Court. The next witneſs is an accomplice, but here is no ground to identify this.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

226. **JOHN HENRY AIKLES** was indicted for feloniouſly ſtealing, on the 31ſt of December laſt, one bill of Exchange, dated the 30th of December, 1783, value 100l. drawn by Samuel Edwards, and directed to Richard Wells, by the deſcription of R. Wells, No. 11, Cornhill, London, whereby the ſaid Samuel Edwards required the ſaid Richard Wells to pay to the order of him the ſaid Samuel Edwards, two months after the date thereof, 100l. and which ſaid bill of exchange was indorſed by the ſaid Samuel Edwards, the ſaid bill of exchange being the property of the ſaid Samuel Edwards; and the ſaid ſum of 100l. being then due and unſatisfied to the ſaid Samuel Edwards, the proprietor thereof, againſt the form of the ſtatute.

The priſoner alledging that he was a Heſſian, a Jury were ſworn, one half of whom were Heſſians, viz.

William Halfpenny
Frederick Lange
James White
George Klugh
William Newman
John Dippell
John Scott
James Tregent
John Page
Daniel Tolkeon
William Bailey
Charles Klught

COUNCIL FOR THE PROSECUTION,
Mr. GARROW.

COUNCIL FOR THE PRISONER,
Mr. SYLVESTER and Mr. FIELDING.

Mr. Garrow, of Council for the Proſecution, opened the Caſe as follows:

Gentlemen of the Jury,

You have collected from the appearance of the Gentleman at the bar, and the combination of ability and experience by which he is defended, that he is not one of thoſe petty offenders whoſe minute offences occupy much of your time in this place. The delinquency of Mr. Aikles is of a much greater extent, and wears a bolder aſpect. You have learnt, Gentlemen, from the indictment, what is the nature of the charge imputed to the priſoner; but it will be neceſſary for the better underſtanding the ſubject of this enquiry, that I ſhould ſtate to you what the ſituation of Mr. Aikles has been, and what his connection with the proſecutor. Mr. Aikles is one of thoſe virtuous and benevolent men, who have diſcovered the ſecret of acquiring large fortunes, and of ſupporting elegant houſes and ſuperb equipages by acts of the pureſt philanthropy, and the moſt diſintereſted and enlarged benevolence; in a word, he is one of thoſe, who advertiſe to ſupply the neceſſities of young men, whoſe indiſcretions have reduced them to want a temporary ſupply of money, for the laudable purpoſe of extricating them from the hands of others, who might impoſe on them to their ruin, and all this for the fair legal diſcount on their notes. In this character Mr. Aikles addreſſed himſelf to the proſecutor Mr. Edwards, who is a very young man, of ſome fortune, and who therefore appeared to Mr. Aikles to be a very fit ſubject for his friendſhip and protection. The priſoner waited on Mr. Edwards, and told him that if in the preſent great ſcarcity of money he ſhould be under any embarraſſment, he would relieve him; in conſequence of this intimation from the priſoner, the tranſaction which forms the ſubject of this enquiry took place. Gentlemen, I ſhall now proceed to ſtate the facts which I ſhall ſubmit to you in evidence, which I ſhall do with ſome particularity, as it will be neceſſary for the Court to attend to them, and to determine on the law reſulting from thoſe facts. And, Gentlemen, I am very much relieved in ſtating to you my imperfect notions of the law of the caſe, by feeling that I do it in the hearing of Judges eminent for their learning and integrity, under whoſe correction it is impoſſible that I ſhould lead you into error. Unleſs my inſtructions miſlead me moſt groſsly as to the facts, and unleſs my conception of the law is utterly unfounded, I expect with confidence that the learned Judges will tell you, that there is a current of deciſions, deriving its ſource at a very early period, and running down uninterruptedly to this day, that will warrant you in point of law to pronounce the priſoner guilty of the felony imputed to him.

Gentlemen, in the latter end of the month of December laſt, about the laſt day but one of the year, Mr. Edwards, in conſequence of the very friendly intimation which he had received from the priſoner, applied to him to diſcount him a note for one hundred pounds, which Mr. Aikles agreed to do, on being paid the very moderate compenſation of two and a half per cent. in conſequence of this agreement, Mr. Edwards drew a bill on his guardian Mr. Wells, payable to his own order; the bill was accepted by Mr. Wells, and indorſed by Mr. Edwards. Mr. Aikles went to Cornhill, and having ſatisfied himſelf that the acceptance was genuine, Mr. Edwards expected to be paid the value of his bill, and for that purpoſe delivered it to the priſoner; but to his ſurpriſe he found that Mr. Aikles was not in caſh (an accident which very generally attends theſe ſort of tranſactions) it was therefore neceſſary for him to go to his apartments in Pulteney Street to get the money, and he propoſed that Mr. Edwards or his friend ſhould go with him to receive it; to this propoſal Mr. Edwards found himſelf under the neceſſity of ſubmitting; but having by this time adopted a ſuſpicion that his bill was in hands not the moſt ſecure, he had the precaution to give expreſs directions to Mr. Croxall to go with the priſoner, and by no means to part with him or to loſe ſight of him till he received the money; Mr. Croxall having received theſe directions, went with the priſoner to his apartment; here Mr. Aikles told him, "I have not the money in the houſe, I muſt trouble you to wait ten minutes till I go and fetch it;" this was oppoſed by Mr. Croxall, who told him he expected the money, and did not chuſe to part with him till he received it; the priſoner aſſured him on his honour, that he would not detain him above a quarter of an hour, but on Croxall ſtill reſiſting his leaving the houſe, Mr. Aikles aſſumed all the importance and affected the feelings of a man of faſhion and nice honour, complained of being diſtruſted, and told Mr. Croxall that Mr. Edwards would not have treated him ſo unworthily: the priſoner left his houſe, and the witneſs, Mr. Croxall, having waited there till his patience was exhauſted, went out in hopes of finding him, but without ſucceſs; he met however with Mr. Edwards, who, impatient of ſo long a delay, was come to enquire for his money, they returned together to the houſe of the priſoner, where they continued three days and nights, during all which time Mr. Aikles never returned; many other perſons indeed came to enquire for him by all the names which he uſed in his numerous tranſactions; but Mr. Edwards ſeeing no probability of recovering his note, or of receiving its value, applied to a magiſtrate, who very properly ſent the priſoner here to abide the event of your inveſtigation of his conduct.

Gentlemen, all that it will be neceſſary for me to adduce evidence before you to prove in ſupport of this proſecution will be theſe ſhort facts; firſt, that Mr. Edwards made the bill in queſtion; that he delivered it to Mr. Aikles for the expreſs purpoſe of diſcounting it, and returning him the caſh by Mr. Croxall, and then the Court will tell you, that in point of law, if the priſoner afterwards embezzled the note ſo entruſted to him for this ſpecial purpoſe, or converted it to his own uſe, he is guilty of the felony, with the commiſſion of which he is charged. You will expect, from the ingenuity of my learned friends who appear as Council for the priſoner, that every objection will be taken that the caſe will in any degree warrant; but unleſs I am groſſly miſtaken, the facts will come out in evidence as I have ſtated them to you; and I aſſure myſelf, that having heard thoſe facts, if the directions of the Court ſhall warrant you to ſay, that under the law of the caſe the priſoner may be guilty of the crime imputed to him by the indictment, you will feel great pleaſure that it has become your duty to diminiſh, by one at leaſt, a neſt of vermin, who have but too long infeſted this metropolis, to the utter ruin of ſome of the firſt families in the kingdom.

SAMUEL EDWARDS, Eſq; *ſworn.*

Mr. Sylveſter, one of the Priſoner's Council. Do you mean to pay this note when it becomes due?——If I am obliged to pay it, not otherwiſe; if I can poſſibly avoid the paying it, I ſhall not think myſelf bound to pay it; I do not underſtand law, but if the law tells me I muſt pay it, I ſhall.

Examined by Mr. Garrow.

Where do you live?——When I am in town I lodge with Mr. Wells, on whom this note was drawn, who is my uncle, and was my guardian before I came of age.

Mr. Sylveſter. Let the witneſſes go out of Court.

Mr. Garrow. What was the way you firſt became acquainted with the priſoner at the bar?——My firſt acquaintance with the priſoner at the bar was, he left his addreſs about three weeks ago at my lodgings; his addreſs was, "Mr. H. No. 21, Great Pultney-ſtreet, from ſix to ſeven in the evening, or from eleven till twelve in the morning."

Court. Did you know him before?—Never; I enquired of the ſervant with whom he had left it, it was the moſt myſterious thing I ever met with at that time; in conſequence of this addreſs being left, I called the next morning before twelve, at No. 21, in Great Pultney-ſtreet, where I ſaw the priſoner at the bar, and as his face was perfectly ſtrange to me, I aſked him if he had left ſuch an addreſs at No. 11, in Cornhill, where I lodge, he ſaid he had, and he ſuppoſed my name was Edwards; I ſaid it was; he then ſaid he had heard that I wanted a note diſcounted; which I was very much aſtoniſhed at indeed; I could not conceive how he came to know it.

Court. Had you in fact wanted a note diſcounted?——I had a few days before.

Had you ſent any meſſage to Mr. Aikles?——I had not; he ſaid if at any time I wanted a note diſcounted, if it was drawn on a perſon of credit and reſponſibility, that he would diſcount it at any time, on the moſt eligible terms, which terms he then mentioned to me, which were two and a half per cent. agency, and the legal intereſt; in conſequence of this, on the 30th of December laſt, I called at his houſe in the evening, and he was out.

Mr. Garrow. When was the firſt interview?——I ſuppoſe it was about a week before that time; on the 31ſt of December, I ſent one Mr. Croxall to know if he would diſcount me a note of one hundred pounds, mentioning the gentleman on whom it was drawn, and if he would do it, if it was convenient for him to come into the city, he might be convinced that it was good, by applying to Mr. Wells the acceptor; the priſoner came with Croxall, in conſequence of the meſſage I had ſent by Croxall, on Wedneſday the 31ſt; I begged Mr. Wells would ſtep into the room; the priſoner was introduced to me by Mr. Croxall; I then aſked him what he would diſcount my note for, provided he approved of it; he ſaid for twenty-five ſhillings, which he had reckoned was two and a half per cent. for his agency, it was for two months, and five per cent. legal intereſt; I referred him to Mr. Wells, to know if it was his acceptance, he ſaid it was, and immediately Mr. Wells left the room; the priſoner then ſaid if I would go up with him to the weſt end of the town, to Pulteney-ſtreet, he would give me the caſh; I ſaid that Mr. Croxall would accompany him, and pay him twenty-five ſhillings on his receiving the one hundred pounds; I had delivered the note to Mr. Aikles on his applying to Mr. Wells to know whether it was a good one; Mr. Croxall left me to go with the priſoner, and as he went out, I whiſpered him that he would not leave the priſoner without the money, and that he would not loſe ſight of him.

Did Mr. Croxall return with the money?——No, Sir.

You expected him of courſe?——I was to go to prevent Croxall coming; I was to meet him and receive the money; I went to Pulteney-ſtreet, in my way I met Croxall; I afterwards returned to the houſe of the priſoner, he had been gone out about five minutes, and I waited there for three days and three nights, and the priſoner never returned; I am confident of it for three days.

Mr. Garrow. Whilſt you was there the priſoner never returned?——No.

Have you ever ſeen the hand writing of Mr. Aickles?——Yes, I have it now in my pocket.

Did you ever whilſt you was at his houſe receive any letter from Mr. Aikles, that you know to be his hand writing?

Mr. Sylveſter. I object to that; did you ever ſee him write?

Mr. Garrow. Then I will repeat the queſtion; did you ever receive any letter from him that you believe to be his hand writing?—I can only tell by compariſon.

Court. Do you believe it to be his hand writing?——I have reaſon to believe to the contrary, that it was not his hand writing, that he ſent to me by way of letter; I ſaw him afterwards on the Saturday when I went with the conſtable to apprehend him, he was at the houſe of a lady, where he had dined, in Margaret-ſtreet.

Did any thing paſs between you and the priſoner concerning this note when you apprehended him?——Yes, he ſaid he was very ſorry, he made many apologies, and ſaid he would fetch me the note.

I believe you did not truſt him to fetch the note?——No, but I went by his particular deſire to Norfolk ſtreet, I cannot tell the houſe; nothing material paſſed, only that he wiſhed to ſend for ſome perſon; I thought he ſhould go before a juſtice; he ſaid when I went to the houſe in Norfolk-ſtreet, I ſhould receive my note; it was made payable to my order, indorſed by me; I ſaw it yeſterday; I ſaw it two days ago in the poſſeſſion of Smith and Turner; I have ſubpœned them, they ſaid they ſhould keep it till the matter was ſettled.

Mr. Fielding, another of the Priſoner's Council. Are they here?—I do not know.

Mr. Garrow. It is found in the hands of thoſe to whom it has been either delivered by negociation or otherwiſe.

Mr. Fielding. The Gentleman has ſeen it in the cuſtody of men free from all ſuſpicion, Smith and Turner live oppoſite the Pantheon in Oxford-road.

Edwards. I have demanded my note on Saturday ſeveral times, and it has not been delivered to me; he offered it to me on Saturday ſe'nnight, when I took him, if I would give him twenty pounds.

Court. Did he know where it was?——Yes, laſt Saturday night.

Mr. Sylveſter to Mr. Edwards. This note was a note drawn by you on your uncle?——Yes.

What you call an accommodation note?——It was not.

There was money due between you?—There was, and is now.

Was this note ever in the poſſeſſion of Croxall?——Never.

Did not you apply to him by advertiſement?——No.

Now on the 30th, of December you applied to him to get a note diſcounted?——Yes.

He was to have agency for his trouble, and the uſual diſcount of five per cent.?—Yes.

If the money had been brought you would have been ſatisfied?——I ſhould have been well ſatisfied.

So much ſo that you thought it was only a fraud at firſt, till ſomebody put it into your head it was a felony?——I beg your pardon, I ſhould have been guilty of a raſh act if I had met the priſoner.

You advertiſed it as a note that was loſt? Yes.

What was he committed for?——I do not know.

I will read you the commitment, *(reads)* "Committed on ſuſpicion of having committed divers frauds, and being a common cheat."——That I know nothing of.

You do not know that?——Indeed I do not.

Why, was you not examined before the magiſtrate?——Yes.

(Reads) "Charged before us by the oath of Samuel Edwards," that is your name, is not it?—The bill of indictment was the firſt I ever heard.

Ever heard, why how long was that before he was committed; what was he committed for?——Theſe are things I cannot anſwer; I can only ſay I brought him before Sir Sampſon Wright, and he was committed. I offered five guineas reward, and the payment was ſtopped.

You did not ſuppoſe then that it was a felony, becauſe that would have been compounding felony you know?—I conſidered that he he had run away with my note, but whether that was compounding felony or no I do not know.

Had Mr. Aikles then, when he came to your houſe to enquire about the goodneſs of the note, had he the note delivered to him by you?—He had.

Then having the note in his hand, and the full poſſeſſion of the note, he aſked your uncle whether it was his acceptance?——He did.

How came you to whiſper Coxall?——I generally ſpeak openly; I ſpeak openly now; I did it out of delicacy.

You have had a little converſation about this note?——I have had a great deal.

Did Mr. Aikles offer to ſettle the matter?——He ſaid he had ſettled it on my firſt ſeeing him, on the Saturday evening; when I had him at Bow-ſtreet, he then ſent a man to me.

Upon your oath, did not you intruſt him with this note for the purpoſe of getting the money?——Expecting the money immediately back again certainly, I could have no other purpoſe.

Mr. Garrow. I think you told me that the purpoſe for which you gave this note to Mr. Aikles was to diſcount it?—It was.

Mr. Sylveſter. Was it to diſcount it, or to get it diſcounted?—To diſcount it.

Mr. Garrow. Did you or not underſtand that he was the monied man that was to diſcount it?——He told me himſelf that he belonged to the bank, and that he would immediately give the money on the arrival of Mr. Croxall at his houſe; he deſcribed himſelf to belong to the bank; he ſaid, that he was to have two and a half per cent. agency for the buſineſs, and I conceived him to belong to the bank, he told me, he would give me the money at his own houſe.

RICHARD WELLS *ſworn.*

I live in Cornhill; I am guardian to the proſecutor; I ſaw the priſoner; he aſked me if the acceptance of the one hundred pounds note was my hand writing, it was drawn by Samuel Edwards, payable to the order of Mr. Edwards for one hundred pounds, it was the 30th of December, and at two months date.

Did Mr. Aikles explain to you the purpoſe of his application?——I do not think he did the leaſt in the world, I am ſure he did not; he had the note in his hand at my houſe; Mr. Edwards was preſent in my parlour, and he aſked me if that was my acceptance; I told him it was; I left the room, and left Mr. Edwards, and the priſoner, and Croxall, to tranſact the buſineſs.

Mr. Fielding. When he aſked you the queſtion he had the note in his poſſeſſion?——Yes.

And the proſecutor was ſatisfied with that?—He ſeemed to be very well ſatisfied.

Court. What age is the proſecutor?—Twenty-ſeven.

JOHN CROXALL *ſworn.*

Mr. Garrow. You are acquainted with Mr. Edwards?——Yes.

Do you recollect at any time ſeeing the priſoner with Mr. Edwards?——Yes, on the 31ſt of December.

Where did you ſee them?——At Mr. Wells's, No. 11, Cornhill; I was with Mr. Edwards when the priſoner came; he ſaid he came there with intent to diſcount a note of one hundred pounds for Mr. Edwards; I had previouſly made application to the priſoner in the morning when I called at his lodgings; I applied to the priſoner by deſire of Mr. Edwards; it was on the 31ſt of December, at his lodgings, No. 21, Great Pulteney-ſtreet, where I ſaw him.

Court. What did you apply to him for?—I told him I came from Mr. Edwards; Mr. Edwards wiſhed to know when he would let him have one hundred pounds at two months.

Mr. Garrow. Did you go to him to aſk if he would let Mr. Edwards have one hundred pounds for his note?—Yes, I told the priſoner I was come from Mr. Edwards, and he would be glad to know what time he would let him have the money that they were talking about for a note; the priſoner ſaid, when I ſaw Mr. Edwards laſt, I told him, that if he would let me have his note for half an hour I would get him the money, and he likewiſe ſaid, that if he would come or ſend any perſon with the note, they might wait in the parlour while he fetched the money; I then aſked the priſoner what time would be moſt agreeable to meet Mr. Edwards, he told me twelve o'clock in Cornhill, No. 11, I returned to Cornhill, and was in the room when the priſoner entered; Mr. Edwards then produced the note to the priſoner, and aſked him what he was to give for the diſcounting it; the priſoner ſaid, ſeven and a half per cent. which was five and twenty ſhillings, two and a half above the common intereſt; Mr. Edwards ſaid it was a great deal of money, could not he abate any thing of it; he ſaid, no, not for ſo trifling a ſum as one hundred pounds; after that Mr. Wells came into the room; the priſoner went up to Mr. Wells and ſaid, pray Sir is this your acceptance? Mr. Wells ſaid, yes, it was his acceptance, then the priſoner turned round to Mr. Edwards and me and ſaid, now gentlemen, if you are ready, we will go to my houſe, or my apartments, and we will get you the money; I ſaid to Mr. Edwards, Sir, you had better go along with us, he ſaid, no, Mr. Croxall; you go along with the gentleman, and I will be there by half an hour after one o'clock; I ſaid, I wiſh you would be there about one o'clock becauſe I have other buſineſs; he ſaid he would; I went with the priſoner immediately, he called a coach to his lodgings, in Great Pulteney-ſtreet, No. 21.

Mr. Garrow. What was the purpoſe of your going with the priſoner?——To receive the money; in going along, the priſoner told me he had diſcounted many notes for gentlemen, and had found money for ſeveral to a great amount; I ſaid to him, pray Sir, how far have you got to go for this money from the houſe where you lodge, he ſaid about three ſtreets off; when we came into the priſoner's parlour he aſked me to ſit down, and he went backwards; he came in directly and ſaid, pray Mr. Croxall be ſeated; I ſhall be back in a quarter of an hour; I will ſend you the paper to read: I was not ſatisfied with his going out; I was determined to keep ſight of him, and watch his going in and coming out.

Mr. Garrow. Did you object to his going out?——I heſitated rather about it, but he told me, that Mr. Edwards was either to come there or ſend ſomebody to ſtay in the parlour while he went for the money; in turning the corner of Great Pulteney-ſtreet, going into Brewer-ſtreet, I loſt ſight of him in a moment; I walked backwards and forwards, and Mr. Edwards came up; I afterwards returned to the priſoner's houſe; I did not find him there; I continued there ſometime; I went away, and left Mr. Edwards while I went away; and when I returned, I found him there, and I ſtaid till half after nine; the priſoner did not return back; I found Mr. Edwards in the parlour where I left him; I was there the next morning before eight o'clock and continued till Mr. Edwards came to me; we breakfaſted in the houſe the next morning; we continued there the whole of the next day; I went out, and Mr. Edwards was there while I went out; the priſoner did not return; I did not continue there long the third day, but I watched for him at a publick houſe; I did not ſee him go to his houſe.

Did he at any time pay you the money, or any part of it for this one hundred pounds note?—No, Sir.

Nor deliver you the note back?—No.

Was you preſent when he was apprehended?—No.

Mr. Sylveſter. You went to receive the money?—Yes.

He was to return in a quarter of an hour?—Yes.

You never had the note in your poſſeſſion?—No.

You only went for the money?—No.

Did you watch during the night time?—No.

Whether he came home at night you do not know of your knowledge?—No.

It was underſtood by all of you, that he was to return in a quarter of an hour?—Yes.

Walter Smith and William Turner called on their ſubpœnas.

Mr. Garrow. My Lord, I ſubmit to the Court, that as he has ſworn that he ſubpœned theſe people, and they are not come, that the Court will be ſo good as to ſend for them.

Mr. Juſtice Aſhurſt. Let a meſſenger go for them.

Mr. Catchpole the Marſhalman returned, and brought word that they had been waiting at the Court all day.

Court. Call them again.

Walter Smith and William Turner called again but did not appear.

Mr. Garrow. My Lord, it is proved, that theſe people have been ſubpœned, and have been again ſent to by order of the Court, and do not appear, therefore I ſubmit to your Lordſhip whether I may not give parol evidence of this note, it being found as every other note is, which is the ſubject of a proſecution for felony, in ſome other hands; it is no longer in the hands or power of the proſecutor, I therefore ſubmit it is competent to the proſecutor to ſhew where he ſaw it laſt; if notes are loſt that are put into the poſt, and are never found again, there muſt of neceſſity be parol evidence given of them or no evidence at all, ſince, like the preſent, they are not in the power of the proſecutor.

Mr. Fielding. My Lord, I ſubmit to your Lordſhip, that theſe men ought to come forward; it is proved that this note is in exiſtence, and ought to have been brought here, and it therefore furniſhes that leading idea in every caſe, that the note ought to be produced which is in exiſtence, and is the beſt degree of evidence; if the note was loſt, then indeed it would be a queſtion with the Court, whether you would receive parol evidence.

Mr. Sylveſter. I take it there is not a clearer principle in law that you cannot give parol evidence of a note that does exiſt: it was the duty of the proſecutor to apply to the Court, and to ſee before the Court was called on, whether his witneſſes did or did not attend. No application was made till about the middle of the trial, when it is found out that they cannot proceed without the evidence of theſe people, then an order of Court is applied for; I believe it would be very unprecedented to give evidence of any part of this note, unleſs the note was here preſent to be produced to your Lordſhip, and I am ſure your Lordſhip will not go out of the common road of evidence.

Mr. Fielding. They might have got the note here.

Mr. Juſtice Heath. I do not think it is ſo univerſal a principle of law as to have no exception, for where priſoners are indicted for ſtealing a note, it is not neceſſary to ſhew that that note is in exiſtence, or to account for its coming into the hands of the priſoner, in ſuch a caſe there could have been no doubt at all, but parol evidence could have been given, and the note being in the hands of this Smith and Turner in a ſtate of negotiation, makes no difference; I think they ſtand in the place of the priſoner, their poſſeſſion is preciſely the poſſeſſion of the priſoner.

Mr. Sylveſter. If it had gone the length that the priſoner had negotiated it.

Mr. Juſtice Heath. I ſhall certainly ſave the point for the opinion of the Judges.

Mr. Sylveſter. In this caſe the priſoner was intruſted with this note to get it diſcounted.

Court. No not to get it diſcounted, but to diſcount it; you aſſume that.

Mr. Sylveſter. My Lord, I contend the priſoner had the free power of this note, the dominion, the poſſeſſion, to part with to any body whatever that he pleaſed; If I ſend my clerk to a banker's with a note, if he goes off with the note it is felony, but if he goes to the banker's and gets the money it is a breach of truſt; where there is only a cuſtody of the thing itſelf, and no power or dominion over it, diſpoſing of it is illegal and felonious; but where there is a power of diſpoſing of it, it is not; here I can ſee a clear fraud; give me your note and I will get it diſcounted; this is a common fraud, a common trick, it is too common, but nobody I believe had an idea at this time that it was a felony: my Lord, I do not know where to draw the line; I ſhould be glad to know where the felony begins, becauſe the poſſeſſion of it is no felony; he is intruſted with it; there is no felony in carrying it home; and he paſſes it to a perſon to get it diſcounted.

Mr. Juſtice Heath. You miſtake the fact and then you argue upon it; you argue upon wrong facts: Mr. Edwards and Croxall both ſay, that this man was to diſcount this note for a price, for Croxall ſays, that Edwards produced the note to the priſoner and aſked him what he was to give him for diſcounting it, and he ſaid two and a half, and the priſoner ſaid, if Mr. Edwards ſent any body to his lodgings they might wait in his parlour till he ſent for the money.

Mr. Fielding. My Lord, upon theſe facts I beg leave to follow my learned friend in this idea as a matter of law growing out of the fact; as to the definition of a larceny, I underſtand from Lord Coke and others, that the taking muſt be from the poſſeſſion of a man, and not of the property when removed from the poſſeſſion; if poſſeſſion be obtained by the perſon without

out the ingredients of felony, it then becomes ſuch a ſubject as cannot ſupport the allegation of larceny; here there is, in my conception, a clear poſſeſſion, and ſuch a poſſeſſion as removes the property clearly out of the hands of Edwards, if ſo then upon that ſubject, clearly cannot be built the definition of larceny.

Court. I conceive there is ſome difference as to the change of property, if this man had kept the note, would it have been a felony in him to have kept poſſeſſion of the note, certainly not; then he alters this thing and he changes it into money; Edwards expects the money; he does not get the money; he never expects to have the note back again; the matter ſtrikes me as not to be rendered a bit more plain by any thing that can be ſaid.

Mr. Garrow. My Lord, I ſhould leave this caſe with the utmoſt pleaſure to the Court, but that all arguments of this ſort are addreſſed to the Jury, and are intended to have their operation there, it therefore becomes my duty to trouble your Lordſhip with a very few words by way of reply. My Lord, I am not at all diſpoſed to controvert the poſition of my learned friend, Mr. Fielding, as to the definition of larceny, I am ready to admit that there muſt be a felonious taking from the poſſeſſion of the proprietor, and on that ground I am perfectly contented to argue this caſe, for I am warranted by a long uninterrupted ſeries of deciſions to ſay, that this, to the hour of the converſion, was the poſſeſſion not of the priſoner but of Mr. Edwards. The caſe which we are now arguing, is preciſely like the caſe of a man who goes to Smithfield Market and cheapens a horſe, the owner delivers him the horſe for the purpoſe of trying his paces, and the ſtranger rides away with the horſe; if I was to addreſs myſelf to the common underſtanding of any man who hears me, and was to aſk in whom the poſſeſſion in the horſe reſided, he would anſwer, that the *actual* poſſeſſion of the owner was determined by his delivery to the ſtranger; but the law has ſaid, that this poſſeſſion having been acquired with a felonious intent, ſhall not alter the poſſeſſion in contemplation of law, but that ſuch a taking is a felony. What was the caſe of *Sharpleſs* at this place about nine years ago? It was the faſhionable trick of that day (for every period has its faſhions in artifice) to go to a goldſmith's and to order a quantity of his goods to be ſent home; and it was the caution of the day for the goldſmith to direct his ſervant not to leave the goods without the money, but on ſome pretence Sharpleſs ſent back the ſervant and kept the goods, and the Judges held that this was felony, though it would be difficult to prove that the goldſmith had any *actual* poſſeſſion of his goods after they were delivered by his ſervant to the ſtranger. This caſe ſeems to me to be perfectly in point, but the ſame principle is, if poſſible, more ſtrongly recognized in two caſes, decided very recently; firſt, in the caſe of the ring dropper, where a man drops a ring or purſe, and on pretence of dividing its produce with ſome byſtander; he delivers the thing found, and takes as a ſecurity for his proportion a watch or a cloak, which he converts to his own uſe; here your Lordſhip ſees there is ſomething given for the thing ſtolen; your Lordſhips have repeatedly held that this is felony, and yet no man will ſay, that after the watch or cloak are delivered they remain any longer in the *actual* poſſeſſion of the owner. I have had the honour of ſtating to your Lordſhips one caſe of horſe-ſtealing, there is another, which has received a ſolemn determination of all the Judges of England within a very ſhort time, which is concluſive of this caſe. A man hires a horſe on pretence of taking a journey into Eſſex, in point of fact, he never takes ſuch a journey but ſells the horſe; this has been determined to be felony: but, my Lords, I feel that I have troubled your Lordſhips with more caſes than it was neceſſary to have cited in ſupport of a poſition ſo clear, I ſhall therefore conclude with ſtating one very recently determined, and which, if it ſtood alone, might ſerve as an anſwer to the objection of my friend Mr. Fielding.

A man goes to a publick houſe and orders a pot of beer and change for a guinea, to be ſent to the houſe of Mr. Stiles, and when it is brought, he ſends the ſervant back on ſome pretence, takes the change and goes off; permit me to aſk whether the publican who remained in the bar of his houſe, had any more controul over, or poſſeſſion of his money, than any man who hears me; and yet your Lordſhips have held, and held with great wiſdom, that this taking is a felony; but Mr. Silveſter aſks, When did the felony commence? I anſwer precisely at the ſame period of time, at which it commenced in the caſes which I have had the honor of ſubmitting to the Court; in the caſe of the horſe-ſtealer, it commenced at the inſtant in which he put his foot into the ſtirrup with an intent to ſteal the horſe; ſo here the felony commenced at the inſtant in which the priſoner got the note into his hands, with a felonious intent to convert it to his own uſe. If your Lordſhips feel yourſelves mature by the deciſion of to-night to batter down the authority of all theſe caſes eſtabliſhed on mature conſideration by the wiſdom of your predeceſſors, and ſo often fortified and confirmed by the concurrent wiſdom of your Lordſhips: if you are prepared to ſay that the ſtrong principle which ſo uniformly runs through all theſe caſes is no law, then your Lordſhip muſt direct the Jury to acquit the priſoner; but if your Lordſhips feel yourſelves bound to act in uniſon with theſe determinations, it ſeems to me that your Lordſhip has no alternative but to direct the Jury to find the priſoner guilty.

Court. If by any fraudulent means or contrivance, the party gets the poſſeſſion of goods into his hands with intention to ſteal them, and undoubtedly the party whoſe property they are never meant to part with them in that way, therefore it becomes a felony; I ſhall therefore ſum up to the Jury, and I ſhall afterwards take the opinion of the Judges upon it.

The learned Judge then ſummed up the evidence to the Jury as before recited, and added as follows.

Gentlemen of the Jury, firſt as to the law reſpecting this caſe, I muſt tell you that as at preſent adviſed, my idea of the law is this, that under the authority of the caſes which have been ſo ably cited by the learned council for the proſecution, if the priſoner got this note into his poſſeſſion with a preconcerted deſign to ſteal it, that is a felony, though in fact it was delivered to him, eſpecially if you ſhould be of opinion that it never was the intention of Edwards to part with the poſſeſſion, but that he or Croxall ſhould be preſent till the money was actually paid; the poſſeſſion of the thing in law does not mean the bodily apprehenſion of the thing, the holding it and taking it: if it was given to him with the ſpecial purpoſe of his diſcounting it, and that Croxall was ſent with the priſoner as an agent of the proſecutor, and that the other ran away with this note in order to defraud him; why then it will amount to a felony, and what is the evidence that he did ſo? why you will find from Edwards's evidence, that he undertook to give him caſh, and then Edwards ſaid Croxall ſhould accompany him and pay the twenty-five ſhillings; ſo that you ſee the firſt propoſal on behalf of the priſoner was, that Croxall ſhould go with him and he would give him the caſh, which is contrary to the defence, which is, that Edwards intruſted him with this note to get it diſcounted, for he was to diſcount it himſelf for a ſtipulated ſum, and Croxall tells you, that the priſoner ſaid, when he ſaw the proſecutor, if he would let him have the note for half an hour he would give him the money; then Croxall is ſent with the priſoner, and the propoſal was, that he is not to go out of his houſe, but he was to be in the parlour till he ſent for the money; therefore it was the idea of Edwards and Croxall, and the priſoner's propoſal, that this note ſhould never be out of his poſſeſſion, and his going away with it, and ſtaying away from his lodgings three days and three nights is a very conſiderable circumſtance; then when they went to the houſe in Norfolk-ſtreet, there were ſeveral ſhuffling excuſes; the queſtion therefore is, whether you think it was ever the intention of the proſecutor to let this note be out of his poſſeſſion till he got the one hundred pounds; if you think it was not, you will find the priſoner guilty, otherwiſe you will acquit him.

Guilty.

Court to Jury. You find that he took it with a preconcerted deſign?——Yes, and that he undertook to diſcount it.

Are you of opinion that Edwards the proſecutor intended to leave the note in the priſoner's poſſeſſion without the money?—No, not without the money.

The two queſtions then are, whether the priſoner had not a preconcerted deſign to get this note into his poſſeſſion, with intention to ſteal it.

Jury. Certainly ?

Court. And whether the proſecutor intended to part with that note to the priſoner without having the money paid before he parted with it?

Jury. No.

Tried by the ſecond Middleſex Jury before Mr. Juſtice Heath.

OPINION of the TWELVE JUDGES

On the reſerved Caſes of Samuel Gaſcoyne and Daniel Hickman, delivered by Mr. Juſtice Ashurst.

The Priſoners Samuel Gaſcoyne and Daniel Hickman being called to the Bar, Mr. Juſtice Aſhurſt addreſſed them ſeverally as follows:

Samuel Gaſcoyne, you are tried and found guilty of a highway robbery on Jane Edwards; there was ſome doubt on your trial, either on a queſtion moved by your Council, or ſome doubt entertained by the Court, and the caſe was reſerved for the opinion of the Judges: the facts appear to be, that the proſecutrix was brought before Mr. Green, a Juſtice of the peace, on a complaint for an aſſault on another woman: the magiſtrate adviſed the parties to make it up; upon this the proſecutrix ſent for her huſband, and he went to get bail, of which ſhe informed the magiſtrate, but the Juſtice leaving the office, you told her, you would take her to gaol; the proſecutrix begged and intreated that you would ſtay till her huſband's return, as he would be back preſently; you then aſked her if ſhe would have a coach, ſhe ſaid, no; ſhe then fell on her knees, and intreated you not to ſend her away from her children till her huſband returned; ſhe had a ſhilling in her hand which ſhe offered you to ſtay till her huſband returned; you forced her into a coach; you came into the coach; you put a handkerchief to her; you then handcuffed her to a man who was going to priſon, and who had before reſcued himſelf, as was alledged; that you then took the ſhilling out of her hand, and ſaid, this will buy us a glaſs a-piece; you then aſked her for her money, and ſaid you would bring her back, and immediately you put your hand into her pocket and took all the money you could find, which was three ſhillings; you then ſtopped at an alehouſe and called for ſome gin, and you gave the ſhilling you firſt took from her to pay for the gin, and had ſome change; ſhe made no complaint then, as you had promiſed to carry her back again, but ſaid, if you would ſo do you ſhould be welcome to the three ſhillings you took out of her pocket; that no part of the money was ever returned, but the coachman ſaid you paid for the coach either one ſhilling or one ſhilling and

ſixpence.

xpence; that you was not a conſtable or officer, but attended at the publick office; nor had any order to convey the proſecutrix to priſon: the learned Judge who tried you left it to the Jury with this direction, that if they thought you had originally, when you forced her into the coach, a felonious intent of taking her money, and that you made uſe of that violence of the handkerchief as a means of preventing her reſiſtance, they would in that caſe find you guilty; that the Jury found you guilty, and they added, we find that the priſoner had a felonious intent of getting what money the woman had, and that the putting her into that ſtate was only a colourable means of putting his intention into execution. The Judges have conſidered of your caſe, and upon theſe facts they are unanimouſly of opinion, that this is clearly a felony and robbery; and that your original intention of forcing her into the coach, was an intention of carrying your purpoſe into execution, and that you made uſe of the ſanction and pretence of law for the perpetration of the offence, and therefore you was very properly convicted.

Daniel Hickman, your caſe was alſo referred to the twelve Judges; the facts on your trial appeared to be, that you had obtained money from the proſecutor by charging him with the crime of ſodomy, and threatening, that if he did not make you ſatisfaction, you would bring a ſerjeant and a file of men to take him before a magiſtrate: the proſecutor ſwore, that he parted with his money for fear of loſing his character, and that he had no other fear; the Jury on that found you guilty; but ſome doubts having been entertained upon a late caſe that has been determined I believe, upon the opinion of all the Judges, the Judge who tried you wiſhed to have your caſe likewiſe referred; the Judges have conſidered of your caſe, and they are of opinion that your caſe does not materially differ from the caſe of Donelly; for that the true definition of a robbery, is the ſtealing or taking from the perſon, with ſuch a degree of force or terror, that induces the party unwillingly to part from his property, whether terror to mens perſons, or the loſs of fame and reputation, which to ſome men may be an equal terror; the law makes no kind of difference; the principal ingredient in robbery, is a man's being forced to part with his property; therefore you having obtained the property of the proſecutor by threatening to charge him with the greateſt of crimes, that is ſuch a kind of threat as is ſufficient to conſtitute the crime of robbery, and the Judges are of opinion that you have very properly been found guilty by the Jury.

MISDEMEANORS.

227. JUDITH BAREW wife of Iſrael Barew, otherwiſe Iſrael Barrow, ABRAHAM NATHANS, SARAH JEFFRIES, and FRANCES wife of DAVID DAVIS were indicted for feloniouſly receiving, on the 19th of December laſt, one ſet of moreen bed furniture, containing thirty yards, value 5l. and two ſets of moreen window curtains, value 30s. then lately ſtolen by certain ill diſpoſed perſons, well knowing the ſame to have been ſtolen, taken, and carried away.

DANIEL LUCKHURST *ſworn.*

I only prove the property.

JOHN CHAPMAN *ſworn.*

On the 17th of September laſt, I was in the houſe of Mr. Luckhurſt that was robbed; it was left in my care, I faſtened it in the evening of the 17th, about eight o'clock, I went again on the 10th to open it, and I found it had been broke open.

What things were miſſing?—The furniture of a moreen bed and nine window curtains ; I know nothing of the defendants, nor of the property being found.

MICHAEL NATHAN *ſworn.*

About three months ago, on a Saturday night, I went to Whitechapel to buy a quarter of beef ; I left my maid at home in my houſe, and ſhe ſhewed me theſe curtains ; I found them at my houſe.

Court. Is your maid here.

Proſecutor. My Lord, ſhe was here juſt now, but I am afraid ſhe is ſent out clandeſtinely.

Court. Do you know any thing of theſe four defendants ?——No, no farther than the maid told me they took the curtains up to the Juſtice's, and the conſtable has them.

DENNIS M‘DONALD *ſworn.*

I have had them ever ſince.

Mr. Peat Council for the Defendants. How long ago is it that you carried them to the Juſtice's ?——The Friday following, about three weeks ago.

Judith Simons called on her recognizance, but did not appear.

Court to Nathan. What is become of your maid ?——She has been gone from me better than three weeks, I could not keep her any longer.

What did you part with her for ?——Becauſe ſhe wanted more wages, and I would not give her any more.

Have you ſeen her ſince that ?——I ſaw her on Saturday, and I ſaw her here to day.

Upon your oath, do not you know where ſhe is at this time ?——No, I do not.

Did you deſire her to go away from here ? ——No, and pleaſe you my Lord, what ſhould I deſire her to go away for.

Did you ?——I did not.

Did you hear any body elſe deſire her to go away ?——No, I do not ſpeak to her ; I ſaw her at the Pitt's head going into the tap-room.

Were any of the defendants there ?——I did not ſee any of them.

Court. Send to the houſes over the way and ſee if ſhe is there.

Dennis M‘Donald. The curtains were brought to me about the 26th or 27th.

Of what month ?—Of September, and I kept them in my cuſtody, and took the people.

SARAH NATHAN *ſworn.*

Michael Nathan aſked me to go with him to the Juſtice's to deliver the curtains up ; I went with him, and I was bound over.

Do you know any thing of the matter ? ——No.

Where do you live ?—In Shoemaker-row.

In whoſe houſe ?—In Iſrael Mordecai's ; I am married ſince to Michael Nathan.

Do you know how the curtains came into the houſe ?——I do not know, I was not there then ; I ſaw the young woman this morning ; I do not know who deſired her to go away.

Mr. Montague. My Lord, I have been over, and ſhe was at the Pitt's Head with the reſt of the witneſſes, and they came over here together.

Mr. Peat to Sarah Nathan. How long is it ago ſince you went up to the Juſtice's ? ——Three or four months.

ELIZABETH ALEXANDER *ſworn.*

On a Sunday in September I heard ſome words in the houſe where we live, and I got up to the door and I ſaw Mrs. Davis, one of the defendants coming down ſtairs, and I heard her ſay, thank God it coſt twelve guineas and an half, it does not belong to me ; but what ſhe meant I do not know ; that is all I know about it.

Who was ſhe ſpeaking of ?——I do not know.

Had ſhe any thing with her ?—No, ſhe had not.

What houſe did you live in then ?—The ſame as I do now, in Allen's-court, St. James's, Duke's-place ; one Mrs. Wright is the landlady ; I am a lodger.

Does Mrs. Davis live in the ſame houſe with you ?——No.

Do any of the defendants live in the ſame houſe with you ?—No ; Mrs. Simons lives in the ſame houſe.

LEAH SIMONS *ſworn.*

Michael Nathan deſired me to go along with him to bring theſe goods to the office, for the maid told him that the goods were left at that houſe; I know nothing of my own knowledge.

Court. Do you know Judith Simons the maid?——Yes; ſhe is my daughter.

Then what is become of her?—She is not under my juriſdiction; ſhe has been at ſervice.

Who deſired her to get out of the way?—I cannot tell.

Court to Proſecutor. Have you any other evidence?—No, my Lord, that that is out of the way is the principal evidence.

Court to Jury. Gentlemen, this trick as it appears to me, has ſucceeded for the preſent, for there being no evidence you muſt acquit the defendants.

Court. Take care of the recognizance.

All Four Acquitted.

Tried by the London Jury before Mr. Recorder.

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228. THOMAS JAMES was indicted, for that, on the 1ſt of December laſt, before William Earl of Mansfield, one of the Juſtices aſſigned to hold pleas at Guildhall, in the city of London, a certain iſſue was joined between Richard George, plaintiff, and William Wells, defendant, in a certain action of treſpaſs, on the caſe that was tried before a jury of the ſaid city of London; and that the ſaid Thomas James did then and there appear, and was produced for a witneſs, and was duly ſworn, and did take his corporal oath on the holy goſpel of God, that his evidence ſhould be the truth, the whole truth, and nothing but the truth; he the ſaid William Earl of Mansfield then and there having competent authority to adminiſter the ſame oath; And it then and there became a material queſtion, whether the plaintiff was ever inſolvent, or ever made any compoſition with his creditors, or whether the ſaid creditors had been paid their full debts: And that the ſaid Thomas James, not having the fear of God before his eyes, &c. knowingly, falſly, wickedly, maliciouſly, and corruptly, by his own act and conſent, did depoſe and give in evidence, in ſubſtance and to the effect following: that is to ſay, That Richard George the plaintiff, meaning the plaintiff in the ſaid iſſue, was never inſolvent, and had never made any compoſition to his creditors, and that no aſſignment of his effects ever was made, and that the creditors had been paid their full money of 20s. in the pound by Mr. Dublois, whereas in truth and effect the ſaid Richard George the plaintiff had been inſolvent, and had made a compoſition with his creditors, and an aſſignment of his effects had been made, and the ſaid creditors had never been paid their full money of 20s. in the pound, but whereas in truth and in fact the ſaid creditors of the ſaid Richard George were paid after the rate of 8s. in the pound, as a compoſition, and the ſaid creditors accepted the ſame accordingly; and the ſaid Thomas James well knew the ſame to be true; and ſo the jurors aforeſaid upon their oaths ſay, that the ſaid Thomas James, by his own proper act and conſent, &c. did commit wilful and corrupt perjury.

Court. How is the perjury aſſigned with reſpect to 20s. in the pound?——"The creditors of the ſaid Richard George never paid their full money 20s. in the pound."

Court. It does not add by Mr. Dublois.

Mr. Sylveſter, of Council for the proſecution, thus opened the caſe.

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, this is an indictment againſt the defendant Thomas James, for wilful and corrupt perjury. The priſoner at the bar who now appears before you to anſwer this charge, is an attorney belonging to the Court of King's Bench, and the indictment charges that an action came to be tried before Lord Mansfield, in which Richard George was plaintiff, and William Wells defendant: it was an action brought to recover the ſum of ſixteen pounds, due from Wells to George; before this action there had been many tranſactions between theſe two gentlemen,

tlemen, and the ſum at one time was forty-nine pounds, due from Wells to George, part of that money having been paid, and about ſixteen pounds odd remaining unpaid; George applied to Wells to beg the favour that he might have ſome money, he deſired the ſum of twenty pounds; Wells gave him his note at a ſhort date, not having caſh by him; this note by ſome means or other got out of the hands of George; he told Mr. Wells, ſays he, I have been defrauded of that note, and I deſire you to ſtop the payment, I have been ſwindled out of it by a man of the name of Sharp, and I will give you an indemnity. Sometime after this, this note was put in ſuit againſt Wells by Sharp, but it was nonproſſed, and he gave him another note, and it was agreed that the balance of ſixteen pounds ten ſhillings ſhould remain in his hands as a counter-ſecurity; Mr. George, however, by the advice of I do not know who, whether by the advice of Mr. James, or ſomebody elſe, thought proper to bring an action againſt Mr. Wells for this very ſixteen pounds odd; when that cauſe came to be tried, ſays Wells, I am not indebted to you in that money, my note is outſtanding; that in point of law was looked upon to be no defence; then the queſtion was, whether this had not been agreed by the arties to remain as a ſecurity, and, that it as the meaning of the parties was certain, ecauſe George having become inſolvent, had omitted this ſixteen pounds in the ccount of his debts, becauſe he knew it as to remain as an indemnity for the note hich Wells had given. When the cauſe me on to be tried, they firſt produced the idence of the debt, and Mr. James the torney, wiſhing to get a verdict for his ient, was examined as a witneſs for his ent; he was aſked, Was the plaintiff orge ever inſolvent, did not he make a poſition with his creditors, was there aſſignment of his effects? all which he ied; and ſaid the creditors had been the ſum of twenty ſhillings in the nd: upon which Lord Mansfield ſaid ſee every fact that has been ſuggeſted is denied by Mr. James; upon which a verdict was immediately found for the plaintiff in this buſineſs.

Gentlemen, this is a juſtice due to the country for you to try and determine on the offence of Mr. James. I need not tell you that the crime of perjury is a very foul and horrid crime, and deſerves the moſt exemplary puniſhment. If the facts are not proved clearly, I am ſure you will rejoice with me, that Mr. James ſhould be acquitted. I am ſure I only wiſh, and the proſecutors only wiſh to have the matter come fairly before you; if the witneſſes prove the fact charged againſt the defendant, you are bound to find him guilty, and he muſt abide by the conſequences; one thing is admitted by the learned Council who conducts his defence, the record of the proceedings is not here, but it is admitted that there was ſuch a cauſe, and that the cauſe was tried before Lord Mansfield. Gentlemen, I ſhall call the witneſſes, and prove the facts, without taking up any more of your time.

The Witneſſes examined apart by deſire of Mr. Fielding, Council for the Defendant.

JANE WELLS *ſworn.*

(Examined by Mr. Sylveſter.)

Was you Madam at the ſittings after laſt term in the Court of King's Bench?—Yes.

Do you remember a cauſe between George and Wells?——Yes, I was preſent and heard the Counſellor aſk Mr. James, I believe, whether he was an inſolvent man.

Whether who was?——Mr. George, and whether he had not made a compoſition with his creditors, and Mr. James ſaid no, he was not, but had paid every body twenty ſhillings in the pound, or at leaſt Mr. Dublois had paid it for him; the Council then aſked Mr. James how he knew that, and he ſaid he had been concerned in the buſineſs all through.

Mr. Fielding. Old Lady, you ſeem to have a pretty accurate memory as to what the Council ſaid to Mr. James, do you remember the manner in which my Lord

Mansfield treated the cauſe?——I cannot ſay I do.

You do not remember that?——No.

You do not remember my Lord Mansfield's ſaying, pho! pho! there is no defence at all?——No.

Was not my Lord Mansfield of opinion that there was not a ſhadow of defence?—I do not remember.

Do you remember that it was not at all neceſſary for Mr. James to go half through the evidences?——I know we were not called any of us.

And the verdict went againſt you?—Yes.

Now you affect to recollect very well the queſtion of the Council and the anſwer of Mr. James?——That is all I remember.

How often now have you rehearſed this queſtion and anſwer?——Not very often, becauſe I have ſomething elſe to do than to think about it.

Where was it firſt talked over?—Sometimes I forget things, and ſometimes I can remember them.

Court. Was Mr. James produced and ſworn as a witneſs?—Yes, Sir, they aſked him if he was a lawyer, he ſaid no, a lawyer's-clerk, and then he was produced as a withneſs.

Court. Did you ſee the oath adminiſtered to him?——Yes I did; before he was aſked any queſtions he was ſworn.

Mr. James. What part of the Court was I in?——On the left hand as they went into Court.

Court. You ſay you heard the Counſellor aſk Mr. James the defendant whether Mr. George was an inſolvent man, and whether he had made a compoſition with his creditors, and Mr. James ſaid he had not, but had paid all his creditors twenty ſhillings in the pound, or at leaſt Mr. Dublois had paid it for him; was he aſked the two queſtions together, or did he anſwer the one firſt, and then the other?——One followed the other as faſt as he could aſk them; he anſwered he had not, he had made no compoſition at all.

That was all you recollect he ſaid?——Yes.

THOMAS HOLMES *ſworn.*

(Examined by Mr. Sylveſter.)

Was you at Guildhall the ſittings after laſt term, when the cauſe of Richard George and William Wells was tried?—I was, I was ſubpœned as a witneſs, I remember Mr. James there, I remember Mr. Wells's Council ſtated to the Court that Mr. George was inſolvent, and Mr. James ſaid he was not.

Do you remember his being ſworn?—Yes Sir.

Was he ſworn before he was aſked any queſtions?——Upon my word I cannot ſay whether it was before or after, I remember his being ſworn.

Which ſide produced Mr. James as a witneſs?——He was a witneſs for Mr. George; the Council aſked Mr. James if Mr. George was inſolvent, he ſaid he was not, and had never made any compoſition, he had paid every one their full money, twenty ſhillings in the pound, at leaſt Mr. Dublois did for him.

Court. In anſwer to the queſtion, whether he had made any compoſition with his creditors, repeat as diſtinctly as you can what he ſaid, and all that he ſaid?——He ſaid he had not made a compoſition, he had paid every one his full money, twenty ſhillings in the pound, at leaſt a Mr. Dublois did for him.

Mr. Fielding, Defendant's Council. Maſter Holmes, you ſay that Mr. Wells's Council was ſtating to the Court that Mr. George was inſolvent, upon which u ſtarted Mr. James, and ſaid he was no and then came the queſtion, Is that fo the Council was going on, as my learne friend Mr. Sylveſter very often does, ſta ing that which will not be proved, and M James got up and ſaid to the Court, he not inſolvent; is that it.

Mr. Sylveſter. Was he examining th upon oath?——I ſaw him ſworn, b whether he was ſworn then or not I ca not ſay.

Court. The words aſſigned as perju are, "That he never made any comp

“ tion with his creditors, but had paid
“ them the full money, twenty ſhillings
“ in the pound.”

MARY HOLMES *ſworn.*

Examined by Mr. Sylveſter.

Do you remember Mr. James being at Guildhall?——I do.

Do you remember whether he was ſworn or not?——Yes he was.

What happened after he was ſworn?—Mr. Wells's Council ſaid Mr. George was inſolvent, and Mr. James ſtarted up and ſaid he was not inſolvent, then the Council ſaid he made a compoſition with his creditors, and he ſaid he never made any compoſition with his creditors.

Court. Was he ſworn before he ſaid ſo?——Yes.

Mr. Fielding. Do you remember the words, “ or at leaſt Mr. Dublois did for him?”——Yes.

Then he gave the Court to underſtand that Mr. Dublois had actually ſettled with his creditors?——Yes.

BLOIS DU BLOIS *ſworn.*

Examined by Mr. Sylveſter.

Do you remember Richard George?—Yes.

Do you know Mr. James?—I have ſeen him once or twice, I have no acquaintance with him, there was a meeting of the creditors, I did not attend them, I believe George was in very low circumſtances, he was obliged to make an aſſignment of his effects.

Has any compoſition been made?——There was a compoſition of eight ſhillings in the pound, which I paid amongſt the principal part of his creditors, but I do not know that any of them were paid their whole debts except one man who arreſted him.

Who was his attorney then?——Mr. James I believe, he attended with him ſeveral times in order to make up his affairs.

Mr. Fielding. You had ſome opinion of George yourſelf?—Certainly.

And you paid the compoſition?——Yes.

Mr. Sylveſter. In the account did Mr. George include the ſixteen pounds due to him from Wells?—I never ſaw his name in my liſt.

Mr. Fielding. Have you got the aſſignment here?——I have not, it is with Mr. Barnard the attorney, I thought I had it, I am glad I had not, if I had, I ſhould have loſt it as I was burnt out.

Court. Was Mr. James privy to this ſettlement?—He attended ſeveral times to get the aſſignment, and afterwards he attended with me for Mr. Barnard.

Did he know there was a compoſition of eight ſhillings in the pound, or any other compoſition made with George's creditors?—Mr. James came with George to me, and George told me how his affairs were, that he wiſhed to make an aſſignment of his effects; James came along with him then.

Court. Did George ſay any thing in the preſence or hearing of James about making a compoſition; for an aſſignment and a compoſition are two very different things; an aſſignment of effects may produce twenty ſhillings in the pound, a compoſition is an agreement for debts: does it therefore appear from any fact that Mr. James knew that George had made a compoſition with his creditors, do you know whether Mr. James knew of a compoſition of eight ſhillings in the pound?—I have every reaſon to believe that Mr. James was privy to the compoſition, becauſe he attended with Mr. George for that purpoſe.

For what purpoſe?——For making the aſſignment.

—Aye, that is the thing I mention?—The compoſition was mentioned in the aſſignment.

Court. We muſt ſee the aſſignment, you ſay George paid one creditor twenty ſhillings in the pound?—I believe he did.

Did Mr. James know it?

Mr. James. I was concerned in it?—I cannot tell, I only ſuppoſe he did by being Mr. George's attorney.

Mr. Fielding. (*A paper ſhewn him.*) Is that your hand writing Mr. Dublois ?—— Yes.

TIMOTHY FISHER *ſworn.*

What are you ?—A linen-draper at Holborn Bridge.

Do you know George ?——Yes, he was an upholſterer in 1781, he owed me money, it was about October, we met at the Half-moon Tavern, before which it was agreed we ſhould take eight ſhillings in the pound, I received two notes for the eight ſhillings; I never received more ; I have ſeen Mr. James, I have no acquaintance with him.

Was he at the meeting at the Half-moon Tavern ?—I believe he was.

Did you ſee him after that ?—I cannot ſay ; I have ſeen him within this month, for he has called upon me merely to aſk me concerning this matter.

Mr. Fielding. Do you know Mr. Wells ?—No.

Mr. George was an upholſterer was not he ?—Yes.

Do you recollect with certainty, whether Mr. James was at that meeting or not ?—I believe he was the perſon that was to ſettle the matter, I think he was there, but I cannot be ſure.

HENRY LADYMAN *ſworn.*

I was one of the creditors of Mr. George, we met at the Half Moon.

Was Mr. James preſent ?—I really do not recollect, but I think he was, I did not charge my memory.

What was the compoſition to be ?—Eight ſhillings in the pound.

Did you ever receive more than that ?—No, never.

What year was this in ?—One thouſand ſeven hundred and eighty-one.

Court. You have not fully explained to me, in what manner this evidence of Mr. James was material to the cauſe that was trying in George againſt Wells.

Mr. Sylveſter. George looked upon this not to be a debt due to him, and therefore he had no right to pay it, there was a note of Wells's to George of twenty pounds, which he had been defrauded of, that was not ſtanding againſt Wells ; George agrees this ſixteen pounds, which Wells owed him, ſhould remain in his hands.

Court. That remained in his hands equally whether George had made a compoſition or not.

Mr. Baldwin. I was in Court, my Lord Mansfield ſaid it was not material.

——— BALDWIN Eſq; *ſworn.*

I only wiſh to inform the Court how the cauſe ſtood, this was an action brought by George againſt Wells, to recover a ſum of money due to him for a debt in trade, ſometime before this George had applied to Wells, telling him he could get caſh on his note, he had indulged him with a note of his, though I believe the debt was not then due ; George put this note into the hands of ſome Jews, he never could get any thing for his note, which Wells had given him ; the note got amongſt many others into the hands of Sharp, an action was brought againſt Wells by Sharp, Mr. George took up the defence and ſaid he would defend that ſuit ; this man in defending this action expended about the ſum of ninety pounds ; Sharp did not ſucceed in his cauſes, of courſe Sharp got non-proſſed ; the note is now in the hands of Mr. Welch, attorney, concerned for Sharp ; now George ſays to Wells, it is time you ſhould pay me your debt ; you never will be called upon ; Sharp has ran away ; I have expended ninety pounds in defending it : now whether George had made a compoſition or not, it had nothing at all to do with it ; this was rather a converſation that paſſed between Sharp and James, who fooliſhly enough entered into converſation on the ſubject.

Mr. Sylveſter. Was not Mr. James a witneſs ?——I do not know ; he ſtood by ; it is very likely he was.

Mr. Sylveſter. Lord Mansfield's words were theſe ; can either of you ſwear there is no ſuch tranſaction ?—I do not remember that.

Mr. Fielding. My Lord Mansfield ſaid it has nothing at all to do with the caſe.

Court. I will tell you on each ſide, how far I conceive it is material in trials of this kind, the ground on which I conceive it to be material and neceſſary, that the point on which the perjury is aſſigned, ſhould be material to the point in iſſue in the cauſe; for it goes to the queſtion of the perjury being wilful and corrupt, for it is not to be preſumed that a man would incur the guilt and penalties of perjury for that which could have no benefit, and for which he could have no motive: it ſhould be in ſome degree more or leſs material to the point in queſtion, if I am right in that view of conſidering it, it is not neceſſary that the fact given in evidence ſhould be really and truly material to the queſtion, but ſuch a fact as might appear to the witneſs to be material to the queſtion at the time.

Mr. Fielding. Here they have laid it as an averment, that this is material to that point, therefore the materiality is a fact neceſſary to be eſtabliſhed: the indictment ſays, it became a material queſtion, whether the ſaid George was ever inſolvent or ever made any compoſition with his creditors, or whether the ſaid creditors had ever been paid their full debts.

Court. They muſt ſupport that part, ſuppoſing it is conſidered in this point of view, whether it may not be conſidered as material to the defence meant to be ſet up; that he had got a conſent and permiſſion to retain that debt as an indemnity for him, againſt that outſtanding note; that was the general ſhort nature of the defence intended to be ſet up; then was it not material to ſhew that he was in inſolvent circumſtances, and that therefore the defendant could have no other indemnity that would be ſatisfactory to him.

Court to Mr. Sylveſter. We have at preſent no evidence of the defence that was opened on the queſtion that was tried, all that is admitted is, that a cauſe was tried between George and Wells.

Mr. Sylveſter. We will now call William Wells.

Mr. Fielding. He cannot be a witneſs, for there is no final judgment ſigned.

Court. No; and if it was a point material he would be entitled to a new trial; if this is material the effect of it will be a new trial; if not, the defendant cannot be convicted.

ANN WELLS *ſworn.*

Examined by Mr. Sylveſter.

Was you preſent in Court when the cauſe was tried between George and Wells?

Yes, I heard Counſellor Power ſay George was inſolvent; Mr. James ſaid he was not; he made no compoſition; he paid all his creditors their full money; twenty ſhillings in the pound; or, at leaſt, Mr. Dublois paid it for him; I recollect that Counſellor Power ſaid, how do you know that, and Mr. James ſaid, becauſe I have been concerned in the buſineſs all through.

Court. What was the defence that Counſellor Power ſet up for Mr. Wells?—I do not recollect exactly; I have a notion it was, that he had given this note to indemnify him; I recollect now, it was this, that he was liable ſtill to this note; upon which Mr. Welch, who was in Court, ſaid he had the note, but it was good for nothing: Lord Mansfield aſked Mr. Welch to give up the note; he ſaid, he did not think himſelf juſtified in doing it.

Mr. Baldwin. I believe the cauſe was over; my Lord Mansfield had decided in his own mind; the Jury had not found a verdict.

Mr. Sylveſter to Ann Wells. Do not you recollect the defence was, that he could have no other ſecurities; George being an inſolvent man?—I cannot recollect; Mr. Welch is the proper perſon to give you that, he knew what defence he meant to ſet up.

Court to Proſecutor. Have you any farther evidence?—No, only Mr. Wells the defendant in that cauſe.

Court. Certainly not.

Mr. Fielding. Gentlemen of the Jury, I am to ſolicit your attention to the caſe of the defendant, Mr. James, who now ſtands before you, and I truſt you will give me credit when I aſſert, that if I ſtood up as the advocate for a man who I thought had been guilty of perjury, I ſhould feel myſelf extremely awkward, and extremely embarraſſed in offering any ſort of apology for that crime; but I do promiſe you, that I feel myſelf in a very different ſituation here, I feel myſelf addreſſing you on the part of a man who has been extremely improperly indeed brought before you, under the weight of an accuſation which reflects as little credit on Mr. Wells as a matter can well do. The parties who were concerned at firſt, Mr. Wells and Mr. George, they had ſome tranſactions together, and Mr. Wells was indebted to Mr. George in a ſum of money, and George deſired Wells to give him a note which he would get diſcounted if poſſible; he parted with it, and he could get no money for it, therefore the note was outſtanding; in this ſituation he applies to Wells, tells him the manner in which this note had been got poſſeſſion of, and concludes he will hear of it; but ſays he, do not pay it; I will take upon myſelf all the expence that ſhall be incurred, therefore, I will now give you this indemnity againſt all the eventual expence of that buſineſs; he gives him therefore two notes, one of ſixteen pounds, to remain in his cuſtody as an indemnification: the note is afterwards put in ſuit by a Mr. Sharp; the action is defended; Mr. George himſelf is at the expence of all this; Sharp abſconds, a non proſs is ſigned, and there is an end of that action; Mr. Wells during this time had not been a ſhilling out of pocket, not a ſixpence, and therefore the notes ought to have been returned; but after this there was a bill due, for the firſt note that Wells had given to George being good for nothing, that could not be taken as a payment for the goods; Wells ſtood indebted to George, therefore George ſays to him, deliver up my note and pay me; he held him at arms length, which obliged George to bring an action; upon this action Wells pleads a ſett-off, and gives in evidence theſe two notes, given to him merely to anſwer the purpoſe of indemnification; but it ſo happened, that at the very time Mr. George gave theſe two notes to Wells for an indemnification, Wells gave him a memorandum, and that memorandum we are in poſſeſſion of; ſo that the queſtion of compoſition, or ſolvency, or inſolvency, were perfectly immaterial in that queſtion, and being defeated in this, corrupt as it was in Wells, to think of ſetting of any thing like theſe notes, you are not at all ſurprized at this matter being followed up with all the animoſity and vindictiveneſs that could poſſibly be ingrafted on ſuch a cauſe; Mr. James had ſome ſolicitude about his client, he had no motive, he had no intereſt, he merely ſtood up by way of converſation between him and Mr. Bower; Mr. Bower aſſerted, that he had made a compoſition, although that was perfectly immaterial to the buſineſs, but Council very frequently ſtate things which are perfectly immaterial; Mr. Bower ſays, did not he make a compoſition? No, ſays he, or if he did, Mr. Dublois made it for him; the very anſwer goes to this, that he could not ſay there was no compoſition, becauſe he acknowledged there had been one, for that Mr. Dublois had made one; Dublois knew nothing of James, therefore, if George had intruſted Mr. James to ſettle for him to a certain amount, Mr. James might very well ſay that in Court; Lord Mansfield would not hear James; but the converſation between Mr. James and Mr. Bower was perfectly immaterial: now they have averred that this was a material matter before the Court, and they have not proved it. As for Mr. James the defendant, he has gone through life with unimpeached integrity, and it would not therefore be ſufficient for me to cloſe with mentioning any defect in their evidence, without ſubmitting the caſe to you; you have heard Mr. Baldwin, and it ſeems a little ſingular, that the two firſt witneſſes, one of which is Mrs. Wells, a relation, ſhould be brought here to bolſter up a cauſe like this; the manner in which she has given her teſtimony, the affectation as to her memory of what I am ſure no one of you would have affected to remember——

Court. I do not think Mr. Fielding that you ſtand in a ſituation that I ought to allow you to throw any imputation on the witneſſes.

Mr. Wells, Attorney for the Proſecution. I aſſure your Lordſhip there was nothing malicious in the proſecution.

Court. I am ſure if you was concerned in it, Mr. Wells, there was not.

Court to Jury. Gentlemen, being of opinion, that in point of law it is material for the proſecutor of this indictment to prove this that was alledged in the indictment, which is, that the facts that were the ſubject of this indictment were material to the cauſe upon the trial on which this perjury was ſuppoſed to be committed; but the proſecutor, upon whom it is incumbent, not being able to prove in a diſtinct or clear manner what the queſtion in that cauſe ſo tried really was, I am of opinion, that in point of law, they fail in proof of material allegation, which it is neceſſary for them to prove; therefore I ſhall abſtain from giving any opinion whatever on the merits of the caſe.

Not Guilty.

Tried by the London Jury before Mr. **Recorder.**

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229. **WILLIAM ANNAND** was indicted for feloniouſly receiving, on the 6th of November laſt, one piece of velvet, containing ſixteen yards, value 9l. well knowing it to be ſtolen.

The witneſſes being called on their recognizances, and not appearing, the Defendant was

Acquitted.

The Trials being ended, the Court proceeded to paſs Sentence as follows:

Received ſentence of death, 18.

Samuel Oliver, Thomas Ledger, George Allen, Thomas Welch, William Clarke, John Parker, George Mellon, Thomas Jones, William Bell, Joſeph Clarke, Ann Moore, Sarah Partridge, alias Roberts, Joſeph Harriſon, John Lee, Joſeph Dunnage, and John Aſh.

Alſo, Daniel Hickman, alias Higgins, and Samuel Gaſcoigne, whoſe caſes had been reſpited for the opinion of the twelve Judges.

Received ſentence of tranſportation for fourteen years. 1.

Sarah Pearſon.

Received ſentence of tranſportation for ſeven years. 25.

John Petrie, (to Africa) Francis Liddy, Frederick Norburgh, James Powell, John Bryant, Jonathan Darlington, William Cox, alias Vanderplank, Robert Mott, Richard Mills, Ruth Mercer, Luke Hoyle, Joſeph Granger, James Tenkell, John Rigg, otherwiſe Bigg, Michael Lyon, Edward

ward Flinn, William Beard, Henry Symonds, James Howard, Stephen Le Groves, John Hall, James Grace, Mary Cave, James Blades, Henry Taylor.

Confined to hard labour twelve months in the House of Correction, 3.

Charlotte Smith, Mary Hardy, Mary Jones.

Confined to hard labour six months in the House of Correction, 7.

Martha Ray, Edward Brett, Henrietta Harrison, Paul Wilkes, Mary Wilson, Ann Smith, Sarah Williams.

To be publicly Whipped, 6.

Robert Sheridon, Edward Brett, (twice) James Ellick, James Daly, Paul Wilkes, William Norgate.

To be Imprisoned twelve months in Newgate, and fined 1s.

John Gilbert.

Andrew Beckman, whose ſentence was reſpited at a former Seſſions, being a foreigner, was fined 1s. and diſcharged, on condition of returning to his own country.

Kennith Mackenzie, Esq; for murder, and Philip Proſſer, for coining, remain till next Seſſions.

John Henry Aikles's ſentence was reſpited, his caſe being referred to the twelve Judges.

The next Seſſions begins on WEDNESDAY the 25th of *February* at the OLD BAILEY.

Trials at Law, Arguments of Counſel, &c. carefully taken in Short-Hand, and copied with Diſpatch by E. HODGSON, Writer of theſe Proceedings, No. 35, *Chancery Lane.*

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of FEBRUARY, 1784, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

NUMBER III. PART I.

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M DCC LXXXIV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable ROBERT PECKHAM, Eſq; LORD MAYOR of the City of London; The Hon. Sir HENRY GOULD, Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; The Hon. Sir RICHARD PERRYN, Knt. one of the Barons of his Majeſty's Court of Exchequer; The Hon. FRANCIS BULLER, Eſq; one of the Juſtices of his Majeſty's Court of King's Bench; The Hon. JAMES ADAIR, Eſq; Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.

Nathaniel Fenn
George Panter
Robert Jones
Henry Creſwell
William Old
Edward Pierce
Alexander Boote
William Hadden
Nathaniel Harris
John Remmington
Francis Upjohn
Southern Payne

Firſt Middleſex Jury.

William Seymour
Joſeph Hobbs
James Norton
John Abrahams
Jaſper Stocker
Joſeph Symonds
Joſeph Walker
James Reed
Henry Cooper
John Andrews
Samuel Brown
Richmond Barker

Second Middleſex Jury.

John Williams
William Burgeſs
Richard Carr
William Ball
Joſeph Nourſe
* William Jackſon
Edward Widdows
John Walker
Alexander Hendy
Thomas Holmes
James Fendon
George Burraſton.

* William Corne *ſerved on the trial of George Barrington in the room of* William Jackſon.

230. JOHN JARRETT was indicted for feloniouſly ſtealing, on the 14th of January laſt, one paper hat-box value 6d. and one woman's chip hat covered with ſilk value 2s. the property of James Bell.

James Bell and John Dowſe called on their recognizances, and not appearing, the priſoner was ACQUITTED.

A copy of the indictment ordered on the motion of Mr. Sylveſter.

231. **WILLIAM MARTIN**, otherwiſe **THOMAS BANKS**, was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Charles Peavey, about the hour of twelve in the night, on the 18th day of February laſt, and burglariouſly ſtealing therein two large copper boilers value 21s. one ſmall copper kettle value 7s. and one hempen ſack value 1s. the property of the ſaid Charles.

CHARLES PEAVEY *ſworn.*

I live at Whitton, in the pariſh of Twickenham, on the 18th of February laſt, I was in poſſeſſion of two large boiling pots and a kettle.

Court. Where were they?—They were in the waſh-houſe, the back part of the houſe, which joins to the houſe.

Is it under the ſame roof?——Yes.

When did you laſt ſee theſe articles?—I ſaw them in the evening, but I cannot tell what time of the day; the next morning, before ſix, the ſervant girl came and informed me the houſe was broke open, I got up immeditely and obſerved the wall was broke by the ſide of the door, and the door of the waſh-houſe was open.

Had you made any obſervation on that part of your houſe before you went to bed?——No, I went to bed that night by a little after ſeven.

Did you loſe any thing elſe?——Yes, I loſt a ſack, with my name at full length, Charles Peavey, Whitton.

What reaſon have you to ſuſpect the priſoner at the bar?——On the Thurſday in the afternoon a man came to me from Kenſington Gravel-pits, who was a conſtable, his name is Thomas Collis.

Do you know the priſoner?——I have ſeen him before, he is an inhabitant of Iſleworth.

REBECCA GROVE *ſworn.*

I am ſervant to the proſecutor, I was laſt up in the houſe; I ſaw the door faſt, and the porridge pots ſafe; the wall was ſafe and not broke down, it was as uſual at eight in the evening.

What does your family conſiſt of?——Three men ſervants and me, and my maſter and miſtreſs.

What time did you go to bed?—About a quarter after eight.

Court. It was dark then?—Yes, there were two bolts to the waſh-houſe door but no lock; the front door was locked.

Court. And the houſe was in perfect ſecurity as uſual?——Yes.

Court. Did you get up firſt in the morning?——No, the men were up firſt, but they went out the contrary way to that door.

Court. Is there any other communication to your houſe except by the front door and the waſh-houſe door?——Yes, Sir, through the hall.

You may go into that hall and get out of the houſe without having any communication with the waſh-houſe?——Yes.

Was that hall door faſt?——Yes, I got up a quarter before ſix.

Court. Did you go immediately into the waſh-houſe?——Yes.

What did you obſerve there?——I obſerved the wall broke down and the door unfaſtened, it was not quite open, but the bolts were puſhed back.

Where you obſerved the wall broke down could a man get in?—Yes, and they might unbolt the waſh-houſe door; I turned myſelf round and miſſed the two portidge pots and a kettle, and the covers belonging to them; I immediately told my maſter and miſtreſs.

JAMES COLLIS *ſworn.*

I am a baker and conſtable, at Kenſington Gravel-pits; I know no farther than Mr. Shares, a cowkeeper, and Aldridge who keeps the plow, came to inform me there was a ſuſpicious perſon who had got ſome pots at the houſe; that was the priſoner; I went to him and aſked him how he came by them things.

Court. What had the priſoner in his poſſeſſion when you went to him?——He had two pots in a ſack; and one was too big to go in.

Are you ſure it was the priſoner?—Yes; I aſked him how he came by that property;

he behaved very inſolent, and would not tell me, I told him I would take him to a place where he ſhould tell, with that he talked of going to law with me, and entering an action againſt me for ſtopping him with his own property; I took him to Bow-ſtreet about two hours and a half after.

(The ſack and pots produced and depoſed to by the Proſecutor and his maid.)

——— ALDRIDGE *ſworn.*

I keep the Plow, at Kenſington Gravel-pits; the priſoner was in my tap-room, in the morning between ſix and ſeven o'clock, when I came down ſtairs; Mr. Shares came to my room door and informed me he thought ſome goods were there that was ſtolen; I came down and the large pot was outward; the ſack was inſide out; I ſaid, where are you going with them pots? ſays he, what is that to you; he would not tell me; I went to the conſtable and brought him over, he would give no anſwer, and was very inſolent; he threatened to puniſh us; I told him I would cut the ſack; the ſack was inſide out, and there was Mr. Peavey's name upon the outſide of it, I have known a great many years.

Court. Are you ſure that theſe things were brought there by the priſoner?—Yes.

JAMES SHARES *ſworn.*

I am a cow-keeper; I live juſt by Mr. Aldridge; I was going by on Thurſday morning, and ſaw theſe pots ſtanding at the door; I went into the houſe, and the priſoner came out and owned the pots, this was juſt before ſeven o'clock in the morning, I am ſure it was the priſoner; I went up and called the landlord, as I ſuſpected the priſoner, and he went for a conſtable.

PRISONER's DEFENCE.

I found the things in a ditch coming to London that morning.

Court. Have you any witneſſes here?—No; I was brought here laſt night, and I had no time.

Have you any witneſſes to your character?—No, nobody knows any thing of it.

Court to Jury. Gentlemen, you are firſt to judge whether this houſe was broke open in the night time, which is neceſſary to conſtitute a burglary, the woman went to bed at a quarter after eight, that is the night certainly; and the property is found at Kenſington Gravel-pits, between ſix and ſeven o'clock in the morning, therefore theſe things muſt have been taken away in the intermediate time, now you are to judge at this ſeaſon of the year, whether it was in the night; the diſtance is near ten miles.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

232. WILLIAM WHITE was indicted for that he, on the 1ſt of February, about the hour of eight in the night of the ſame day, being in the dwelling houſe of Abraham Iſrael, one ſet of cotton bed window curtains, value 40s. the property of the ſaid Abraham, feloniouſly did ſteal, take, and carry away; and that he the ſaid William White afterwards, to wit, on the ſame day, and at the ſame time, feloniouſly did break the ſaid dwelling houſe to get out of the ſame.

ABRAHAM ISRAEL *ſworn.*

I live in Little May's-buildings, St. Martin's-lane; on Sunday was three weeks, the priſoner came into my houſe at the ſtreet door, which was open, between ſeven and eight o'clock in the evening; I ſat in my little parlour, and I heard ſomebody ſtep up ſtairs in my room; I took the candle and went up ſtairs, and when I came upon the ſtairs, I ſaw the door of the room over me open, ſo I went down ſtairs again and ſhut the ſtreet door, and hallooed out for aſſiſtance; I was afraid to go up ſtairs.

Court. Was any body in the houſe beſides yourſelf?——Yes, lodgers; I called for aſſiſtance, and the priſoner came down ſtairs, and finding the ſtreet door locked, he went up ſtairs again, and wanted to jump out of the window.

Court. Was the window open?—I ſuppoſe he opened it.

But do you know whether it was faſt or no?——I cannot tell; I did not venture into the room; I waited for people to aſſiſt me; they came and ſaw the priſoner out of the window upon the tiles; I ſuppoſe he was afraid to jump; when I ſaw the people come, I opened the ſtreet door to let them in to help me take the man, they took him half off upon the ſtairs; that was the priſoner; when we came into the room the bed was laid together upon the bedſtead, and the furniture was taken half off from the bedſtead.

Court. Was there any thing moved from the room?——No.

Court. Gentlemen of the Jury, in the firſt place this is a crime as charged in the indictment which the law has made equal to burglary, but in this caſe here had been no breaking at all; he came in by the ſtreet door, and got out by a window, which the proſecutor does not know but it was open: the next thing charged here is, that he ſtole a pair of bed curtains, now you hear he had got them half off, but they were not all removed; if they had been ſeparated from the bed and had been removed but a foot, that would have been a felony; but in this caſe it is not ſo; therefore in point of law, the evidence does not ſupport this indictment.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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233. **DANIEL CLARK** was indicted for feloniouſly and burglariouſly breaking and entering the dwelling houſe of Richard Garrett, between the hours of four and ſeven in the afternoon on the 2d day of February laſt, no perſon being therein, and burglariouſly ſtealing therein thirty-ſix yards of linen bed furniture value 40s. three pair of linen ſheets value 30s. ſeven linen ſhirts value 20s. ſixteen muſlin neckcloths value 16s. two linen nightcaps value 2s. one pair of worſted ſtockings value 12d. one pair of ſilk ſtockings value 5s. one pair of ſilk gloves value 6d. two linen handkerchiefs value 2s. one ſilk handkerchief value 1s. one cloth coat value 20s. two cloth waiſtcoats value 10s. one pair of breeches value 10s. one pair of ſilver ſhoe buckles value 3s. one pair of ſtone ſhoe buckles ſet in ſilver value 3s. one ſilver watch value 40s. one other ſilver watch value 20s. a ſilver pint mug value 50s. three ſilver table ſpoons value 30s. and ſix ſilver tea ſpoons value 6s. the property of the ſaid Richard.

RICHARD GARRETT *ſworn.*

I live in Holywell-ſtreet, Shoreditch; I left my houſe about four in the afternoon on the 2d of February, I returned about eleven at night; I am ſure the houſe was faſt and double locked when I went out, there was nobody left in the houſe; when I firſt put the key in the outſide gate I found it had been opened, the bar was down and the ſtreet door wide open; it was quite light; I pulled to the door and called in the watchman, and we found the front door forced open, and the lock wrenched, and the ſtaple forced away, it was wrenched out, and the locks up two pair of ſtairs were all open; I loſt all my wearing apparel, except what I have on my back now; I loſt all the things mentioned in the indictment.

Mr. Sylveſter, Council for the Proſecution. What was the value of all the things you loſt, have you made any calculation?——I cannot rightly tell; the mug and ſpoons about 3l. two pair of ſilver ſhoe buckles value 10s.

JOHN ARMSTRONG *ſworn.*

I am a conſtable, on the 2d of February, between ſix and ſeven at night, Mr. Harper and me, the officers for Shoreditch, were walking along, and we ſaw the priſoner, and Harper ſays to me, here comes Daniel Clark; ſays I he has ſome property upon him; as ſoon as he ſaw us, he tried to avoid us; we let him paſs; he came to the place called Dirty-lane, he turned up there with his face to the wall and his back to us, as if going to make water, and I think he ſaid, what is the matter, Sir; I ſaid, nothing, do not be alarmed; when he ſaw the other come up, he threw down the bundle and ran away, there was a woman at a houſe door, and he puſhed a perſon on one ſide and ran in, and he immediately ſhut the door; the other officer came up to the door and ſaid, where is the man that came in here? ſays the woman he came in and ſaid for God's ſake, ſave me, hide me, and ſo I opened my back door and he is gone; I then went out, and there were two walls, and he had got over two doors, and we found him in another woman's cellar; a woman came out from another houſe, and begged we would come in for there was a man in the cellar; ſays I, that is the man, we will take you to a magiſtrate; the other officer was in company, and we took him to Juſtice Wilmot's, the Juſtice was not at home, and the priſoner wanted to leave a ſum of money for his appearance, he wanted to go to the watch-houſe, but my brother officer had known him ſome years, and ſaid, he would take him to gaol, the next morning the proſecutor came to Juſtice Wilmot's, the property was produced, and he ſwore to it.

Jury. You ſaw the things fall from the man?—I ſaw him throw them down.

——— HARPER *ſworn.*

I can only repeat what Mr. Armſtrong has told you, I knew the priſoner, and he did not, I ſaid, here is Daniel Clark, ſays he, do you know any thing of him, yes, ſays I, I do; he went to him and talked to him, I heard them talking together, and he threw down a bundle.

Court. Did you ſee him throw down the bundle?—Yes.

What did you do with it?—I have kept it in my poſſeſſion ever ſince, this is the ſame.

(The things produced and depoſed to.)

Court to Proſecutor. Can you take upon yourſelf to ſwear whether the things were or were not there when you went out?——Yes, my Lord, they were all there, and the door locked.

Court. What was the value of all you loſt?—About ten pounds.

Have you any linen bed furniture here?—No, only a few ſhirts, and neckcloths, and one pair of ſheets.

Priſoner. There were a hundred people in this yard, and they ſaid, this is the man, and that is the man, and the other is the man; and I was brought out of the houſe, and then they ſaid I was the man.

Court to Harper. Did you ever charge any other man with being the man?—No.

PRISONER's DEFENCE.

I was drinking at a public houſe, I was never out ten minutes from three o'clock in the afternoon, till this affair happened, I have not a ſoul here, I have a liſt of the people to my character, there is the man at the public houſe, that they know, that came and took his oath that I was at his houſe, there was a great many people in the houſe, that will ſwear I was not out of the houſe ten minutes in the courſe of the time.

Court to Jury. Gentlemen: Upon indictments of this ſort, there are in general three queſtions very material to be attended to, the firſt is, as to the fact of breaking into the houſe, and to that Mr. Garret ſays he left the houſe perfectly ſecure when he went out, and when he came home the door was broke open, the lock forced, and the ſtaple wrenched out, if that be ſo, it muſt have been done by force, then there is no doubt but the houſe was actually broke open; the next queſtion is, whether there was any perſon in the houſe at the time, to that you have the proſecutor's evidence alſo: the next queſtion is, as to the value; now where the houſe is broke open in the day time no perſon being in it, it makes a very material difference as to the degree of guilt and the degree of puniſhment, for if the value does exceed five ſhillings, in that caſe it is capital; the articles now produced are much above that ſum, and therefore, if you are ſatisfied with this evidence, you will find the priſoner guilty, if not, you will acquit him.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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234. **JOHN DAVISON, BENJAMIN BARLOW** (*a child ten years old*) and **DANIEL LOVE** were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of James Barkley, on the 26th day of January laſt, about the hour of one in the night, and feloniouſly ſtealing therein, one black bombazeen gown and petticoat, value 5s. one ſilk cloak, value 6s. one ſhift body, value 3d. four pair of linen ſleeves, value 1s. two linen aprons, value 2s. two check aprons, value 6d. three laced caps, value 3s. one ſilver tea ſpoon, value 1s. one muſlin ſhawl, value 1s. one ſilk handkerchief, value 3s. one black ſilk apron, value 1s. the property of Jane Box; one linen ſtock, value 6d. two linen table cloths, value 10s. one ſilver table ſpoon, value 4s. one cotton bed gown, value 1s. one ſhaul, value 1s. and one linen apron, value 1s. the property of the ſaid James Barkley. And two linen aprons, value 6d. the property of Eleanor Clegg, ſpinſter.

JAMES BARKLEY *ſworn*.

I live in Lower Brook-ſtreet, Groſvenor Square; I am a houſe-keeper; on the 26th of January laſt, I loſt ſeveral things out of my houſe, the night preceding, I went up to bed about twelve o'clock, and carried my ſhop-books with me; I made no obſervation of my houſe being faſt, me, and my wife, and a maid, and a man, and an apprentice, were in the houſe; I cannot tell who was up laſt, I aroſe about half paſt ſeven, when I came down ſtairs I obſerved ſome drawers on a chair in the parlour, which were brought out of the front ſhop, and were there when I went to bed; I carried them into the ſhop again, and the maid came crying up ſtairs, and ſaid, we were robbed, I went down ſtairs, and the back kitchen window was ſtanding ſtraight out, with the line puſhed ſtrait out, I went up ſtairs, but I miſſed nothing then; afterwards the patrols came to me with a ſilver ſpoon, and the inventory of the things which they had taken to the watch-houſe, I do not know what I loſt.

JANE BOX *ſworn*.

I am aunt to the proſecutor's wife, I loſt the things mentioned to be mine in the indictment.

What were the value of thoſe things?—About a guinea, the things are in Court, the patrols produce them.

Were theſe things in the houſe the night before?—Yes.

Was you the laſt perſon up?—No.

JOHN DISNEY *ſworn*.

I have an inventory of the things that are took, I am one of the patrol of St. George's Pariſh, Hanover Square, on the 27th of January, as my partner and me were upon duty, going up Oxford-road, near Groſvenor Square, we met three boys coming down, one of them had a bundle, which is Daviſon; this is the bundle, we ſeized him with the bundle; the other two, to the beſt of my knowledge and belief are the ſame but I cannot poſitively ſwear to them, I ſwear to Daviſon.

You took the bundle from him?—Yes; I aſked him where he had been at that hour in the morning, he ſaid, he had been up to Hammerſmith, I aſked him what he had in the bundle, he ſaid, foul linen, he was taking them to his mother's, ſhe was a laundreſs, I took them to the watch houſe, and found the bundle quite different to what he had ſaid, I aſked him when we got to the watch-houſe, who the other two were, and he ſaid, he met them on the road, and they gave him a ſhilling to carry the bundle, the other two ran away.

Has the bundle been in your cuſtody ever ſince?—Yes, ever ſince.

(*The things produced and depoſed in Court to Proſecutor*.

Will you take upon yourſelf to ſwear that theſe things were in the houſe that night?—Yes.

ELEANOR CLEGG *ſworn.*

I am ſervant to the proſecutor, I went to bed about twelve o'clock, I examined the houſe, it was all faſt; the next morning about eight, I found it broke open and the kitchen door was wide open.

Who was firſt up?—The apprentice got up before, but he did not know the houſe was robbed.

Might not the apprentice have opened it?—No, Sir.

Is he here?—No, I obſerved the kitchen poker lay on the dreſſer, I went into the back kitchen, and the tinder-box lay on the table, it was not there the night before, it was in the work ſhop, there were two or three window sbroke, one window was in the middle of the kitchen in the wall, and was not made to open, ſome of the iron was broke, any little boy could get in, this window looked into the fore kitchen.

Had that window any communication with the outward door?—No.

Then a perſon from the outſide could not break that, they muſt have got in before?——They got in at the back kitchen window.

How was that broke?——It was pulled out half way, any perſon might have acceſs through that window, I obſerved the window to be faſt when I bolted the back kitchen door the night before; I went up and told my maſter in the ſhop.

Did you ſearch whether any thing had been taken away?——Not juſt then, I did not, I loſt two aprons. *(The aprons depoſed to.)* Theſe aprons were with the other things for the purpoſe of being waſhed.

JANE BARKLEY *ſworn.*

I am wife to the proſecutor, I went to bed about twelve o'clock, I ſaw the girl bolt the back kitchen door, and we went to bed, and in the morning my huſband came up and informed me that the houſe was broke open, then I came down, and the firſt thing I ſaw was the poker laying on the dreſſer with which I ſuppoſe they had got into the front kitchen, I could almoſt get in myſelf, there was a bottle with ſome phyſic in it, and a glaſs without a foot, I ſuppoſe they had been taſting it, thinking it was ſome liquor; I ſuppoſe they did not get out the ſame way that they came in, I believe one of them got in at the kitchen door and went and unbolted it, I only loſt a ſhaul which is here, and a bed gown, and an apron, a pair of ſtockings, and a table ſpoon, I have the fellow of it in my pocket now.

(The table ſpoon produced by Diſney, which he found at the lodgings of the Priſoner Love.

THOMAS UNDERHILL *ſworn.*

I am the other patrol, we met the three priſoners about three o'clock in the morning, the lower end of Brook's-ſtreet, Groſvenor Square; the priſoner Daviſon had this bundle on his back, we ſtopped and aſked him what he had there, he ſaid ſome dirty linen, that his mother was a laundreſs, and he was going to take it to his lodgings; I told him to go with us, I took him to the watch houſe, the other two ran away.

PRISONER DAVISON'S DEFENCE.

They promiſed me that I ſhould be an evidence, if I would tell who the other two were.

Court to Daviſon. Have you any thing to ſay to the fact?—No.

PRISONER BARLOW'S DEFENCE.

I know nothing at all of it.

PRISONER LOVE'S DEFENCE.

I work at the carpenter's buſineſs, I rented a room, and went to bed at half paſt nine, and this little lad came in and went to bed along with me, he ſaid, he was locked out; I have known his mother ſome years, and ſhe knew my mother, and he got up at twelve o'clock, he ſaid, he was going home, and was affraid his mother would lick him if he lay out all night, he went, and about ſix in the morning he came in, and ſaid, he had been walking the ſtreets all night, and that he could not go home for he was affraid, and he lay down again, and the patrol came and ſearched the room, and found a table ſpoon, and I was quite aſtoniſhed when it was found.

Priſoner Daviſon. I have friends enough, but they did not know I ſhould be tried to day.

Jury. Is there nobody comes after that child, Benjamin Barlow.

Mr. Akerman. There is a hard working woman his mother, that comes after the child.

JOHN DAVISON, GUILTY, **Death.**

BENJAMIN BARLOW, } NOT GUILTY
DANIEL LOVE, }

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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235. GEORGE BARRINGTON was indicted for feloniouſly ſtealing, on the 31ſt day of January laſt, one ſilk purſe, value 2s. ten pieces of gold coin of this realm, called guineas, value 10l. 10s. and one piece of gold coin of this realm, called a half guinea, value 10s. 6d. the property of Sir Godfrey Webſter, Baronet, privily from his perſon.

(The Priſoner challenged William Jackſon as one of the Jury, on which account William Corke was ſworn in his ſtead.)

Sir GODFREY WEBSTER *ſworn.*

On Saturday, the 31ſt of January laſt, about half after ten o'clock, ſoon after the opera was over, I was attempting to get into the tea room, but there was ſuch a prodigious number of people, and the room was ſo crowded, I could not get in without great inconvenience; I leaned againſt the door way; I had a new gold watch chain, which had caught on a lady's clothes, and I took it in my hand to put it into my fob, in doing which, I felt a ſilk purſe in my pocket, which contained a fifty guinea note of Hamerſley's and ten guineas and a half; a part of my hand reſted ſlightly on this purſe, and barely touched it; I felt in half a minute a perſon lean againſt my right ſhoulder, which was next the paſſage; that was the priſoner; I looked him ſteadily in the face, and while I was ſo doing I felt a gentle pulſation juſt above my right cuff; I thought it was ſingular that any body could be ſo cold to tremble at the opera; in a very few ſeconds after, I perceived my purſe was gone; my Lord Weſtmorland was ſtanding by me, and I told him I was robbed; that perſon that leaned againſt me had walked away.

Court. Did not you perceive your purſe go out of your pocket?——No, I did not.

What was there in your purſe?—There was a fifty guinea note of Hamerſley's, payable at ſight, and ten guineas and a half in gold; from feeling the purſe in my pocket a very few ſeconds before that perſon leaned againſt me, and miſſing it a very few ſeconds after he walked away from me, and before he was out of my ſight, I was thoroughly convinced he was the perſon that took it; had I known his name and his former character I ſhould without the leaſt heſitation have ſeized him on the ſpot, but his dreſs and his appearance put him externally ſo much above committing a crime of that ſort, and not wiſhing to make a riot and buſtle in a publick place, I reſolved not to diſturb the ſociety at that inſtant, but to follow him; I followed him from the paſſage door where I ſtood by the outward lobby, between twenty and thirty feet to the outward lobby where the ſtove is, and where the money is received from people that come to the opera; he turned into the inner lobby that leads to the front boxes to the right; he there addreſſed himſelf to a little man in a dark brown, or a ſnuff coloured ſuit of cloaths, and I think laid hold of his arm, as I do of Sir Robert Taylor's now, and ſaid, is the carriage ready; whether that perſon made any reply to him or not I really cannot take upon me to ſay, he then turned ſhort about, paſſed by me, and went into the outward lobby again; he then made a ſemblance of joining ſome ladies, who were going into the great hall where the ſervants were, he proceeded with them till he came to a flight of ſeven or eight ſteps which were very much crouded with ſervants who wait there, and as he deſcended the ſteps through a line of ſervants on each ſide, he rather raiſed himſelf a little as if looking for his domeſticks, and cried, are my ſervants there; the door which goes out of the opera faces the upper of the three arcades; he went through the line of ſervants, but inſtead of proceeding ſtrait forwards which he ſhould have done, he deviated to the right and went out of the center arcade; I followed him without ſaying a word, or making the leaſt geſture or hint of ſuſpicion, at the diſtance of between four to ſix feet; when he came to the centre arcade, he took rather wider ſteps acroſs the flag pavement, but he did not run; the moment he put his foot on the kirb ſtone of the pavement he ſet off, ſtooping under the pole of a carriage that had two bay horſes, into the center of the Haymarket; I purſued him down the middle of the ſtreet through the carriages, as they were going on, to very near the bottom of the Haymarket, in Pall-mall, where he attempted to throw himſelf under a coach; I threw myſelf upon him and caught him by the ſkirt of his coat; finding I laid hold of him I believe he ſaid, zounds, Sir, what do you mean, but however he ſaid, Sir, what do you mean, I am a gentleman, or words to that effect; I ſaid to him, Sir, it is an aukward thing to mention, but I think you have robbed me of my purſe, or that you have ſtole my purſe; he rather made ſome effort to get away; I took him by the collar and ſhook him, and ſaid, Sir, do not compel me to be rough with you; a great concourſe of people naturally got round us, and we were ſome how or other carried by the preſs oppoſite to Pinchbeck's, and a coach was called, which he was half way forced into, and my foot was on the ſtep, I objected to going into the coach, and ſaid, I ſhould carry him to the Opera-houſe; I did ſo; and at the Opera-houſe and frequently after, he ſaid, Sir, have a care, I am not the ſort of perſon you take me for, you will get yourſelf into a ſcrape; pray Sir, do not expoſe me; take care what you are about; but whether he ſaid it before we got to the Opera-houſe or after I cannot ſay.

Court. You had no knowledge of him before?—No, Sir, I never ſaw him before; when I took him to the Opera-houſe I aſked for the conſtable, who ſeeming to be a a ſtupid ignorant fellow, and I had my doubts whether he was quite ſober; I called to the corporal of the guard, as I wanted to find my buckle, which I had loſt, and likewiſe to caution the company there; I think the corporal's name was Bridgen; I bade him be anſwerable for him as a military man, for me, a Member of Parliament; Mr. Breadhill offered to walk up with me to the Rotation-office; I returned to the corporal and ſaid, can you ſpare me a couple of men to take this man up to the watch-houſe, he ſaid, yes, and gave me a file of ſoldiers, and I went up with him to the watch-houſe; in the way to the watch-houſe he repeatedly ſaid, Sir, have a care, you will get yourſelf into a ſcrape, I am not the perſon you take me for; I was rather irritated, and ſaid at laſt, if you have any friends that can ſpeak for you I do not wiſh to expoſe you, I will take you to a tavern or coffee-houſe, and you may ſend for your friends, but I will never quit you; upon his again repeating it, I ſaid, to him, if I have done you any injury I will beg your pardon or do any thing you wiſh; I am the laſt man in the world to do a thing of this kind unoffended; he bowed his head and made no anſwer to that; when I conducted him to St. James's watch-houſe, I gave the ſoldiers ſomething, and left him in the cuſtody of the conſtable of the night, and at the ſame time deſired him to tell me his name, which he did not refuſe, but made a ſort of waving his hand and a bow; when I had given in my own name, and he had declined giving his, I was going, not being uſed to tranſactions of this ſort; but one of the conſtables ſaid, Sir, would not you have him ſearched; the priſoner then walked up to me and ſaid, Sir, I am ſure you are a perſon of too much feeling and delicacy to have me ſearched by vulgar fellows of this ſort, my dreſs and appearance do not make that neceſſary; but however he was ſearched without the leaſt ſcruple they ſtripped him, and upon him wer found a few ſhillings, ſome papers, and lancet, which lancet I can ſwear to, and think there were a ſmall pair of compaſſes and a box of Irvin's lozenges for a cold he had on a white marcella quilted waiſtcoat, an under waiſtcoat, a new plain blue coat, black ſattin breeches, and clouded ſilk ſtockings; he was perfectly well dreſſed, and there was a ſort of bandage under his waiſtcoat: they ſearched him very minutely, even to his hair, but nothing of mine was found upon him; I went to Mr. Breadhill's houſe to get my hands and face waſhed, and a freſh pair of ſhoes, and a meſſage came there to inform me, that the perſon who robbed me was George Barrington; it ſeemed Sir Robert Taylor's ſon coming home, came paſt the watch-houſe and knew him, I returned immediately to the watch-houſe, and there I found Mr. Taylor, Sir Robert's ſon, I then gave the depoſition as nearly verbatim as I have to your Lordſhip, and ſwore to it; after the depoſition was over they aſked me when I ſhould appear againſt Barrington; I ſaid, Mr. Barrington, if that is your name, I do not wiſh to oppreſs you or any man; I do not wiſh to hurry or drive you; he made a bow and ſaid, I thank you Sir, your time is mine; I immediately ſaid, on Monday; but on Monday morning a tranſaction happened, which, whether I am to narrate or not I cannot ſay; I ſhall certainly ſubmit to the Court; it was a meſſage I received from a Mr. Mitchell, whom the magiſtrate thought proper to bind over.

Mr. Chetwood Priſoner's Council. Will your Lordſhip hear that.

Mr. Juſtice Gould. If in conſequence of that meſſage you had an interview with the priſoner afterwards, it would be evidence?——I had not any further than ſeeing him at the office in Litchfield-ſtreet.

Court. You mentioned at the door of the tea-room there was a very great crowd?——Yes.

Was there any body within your touch, or near you, that you ſuppoſe could be guilty of a fact of this kind?——There was nobody near me; there were many people to the left; the room was as full as it could be; the priſoner leaned againſt me, which I thought ſo extraordinary a thing that I looked him full in the face; my left arm was to the room which was very full, my right arm was next the paſſage, I had a little gold chain doubled up in my hand, my purſe was in my right hand pocket, I felt it not three ſeconds before that perſon leaned againſt me, and I miſſed it not three ſeconds after.

Court. There was no perſon near you but the priſoner on the left-hand ſide?——No, I fancy nobody within five or ſix feet, ſomebody might be ſtanding behind him, or retired where I could not ſee them, but I ſaw nobody but him, and he leaned againſt me.

Mr. Chetwood. Pray Sir how long had you ſtood at the door of the tea-room before you obſerved any thing at all?——I fancy about a minute and a half, I had been at the other ſide of the houſe, the tea-room is the right-hand ſide.

Did nobody paſs you in that time, Sir Godfrey?——I rather think not, I do not recollect.

They might, but nothing ſtruck you?—Nothing at all.

You ſay Sir, you had wrapped up your chain?—No, I held it looſely in my hand, my hand reſted on my pocket, and in putting my hand into my pocket, which I did when I went into the door-way, I felt my purſe.

I think you ſaid juſt now that you *thought you* felt your purſe?—I ſaid ſo then, but I mean to ſay now, I am ſure I felt my purſe.

Court. I took it ſo.

Mr. Chetwood. This perſon leaned againſt you?—Yes.

And you was going into the room, and was prevented by the crowd, may be you leaned againſt ſomebody?—No, I did not, there was a lady next to me, and I ſhould not lean againſt her.

You did not obſerve him do any thing?——Yes, Sir, I felt five or ſix very ſlight pulſations over my right cuff, like a perſon ſhaking.

It was a very cold night?—Yes, but it was exceedingly hot in the room.

You was not in the room?—No, in the door.

Then in the paſſage the air draws; you ſaw him move off?—Yes.

Did you keep your eye upon him?——Certainly.

And you ſaw him ſpeak to a perſon to aſk him if the carriage was ready?—I did.

Did you ever ſee that perſon afterwards?——I never ſaw him before or ſince, I ſhould not know him now, I ſaw the priſoner ſpeak to him.

What I mean is, what you may underſtand, Sir, did you obſerve him give any thing to the man, or was it poſſible he could give any thing to that man?——I am perfectly well aware of the inſidiouſneſs of that queſtion.

It is not an inſidious queſtion, Sir Godfrey; had you him in your eye all the way till he came to the door?——I did not ſee him for three or four ſeconds, I ſaw him go out of the door, and I did not ſee him for three or four ſeconds after.

Was you by when he was ſearched and nothing was found?——Yes.

From the time you miſſed your purſe, had you him ſo much in your eye all the time, that it was or was not poſſible for him to deliver any thing to that perſon?—What he gave to this perſon in the ſnuff-coloured coat I cannot take upon me to ſay, I did not ſee him give any thing; he joined ſome ladies, I did not ſee how his hands were employed at all; nothing of mine was found upon him.

Court. You ſay you did not ſee him for a few ſeconds?——No.

Are you ſure it was the ſame perſon?—I have not a ſhadow of a doubt, if I had I would not ſay it was the perſon, I am perfectly clear that was the perſon, perfectly ſure of it.

James Mitchell called, but did not appear.

Court. If in conſequence of the meſſage received from this witneſs, Sir Godfrey had found where his purſe was, it would have been evidence; but, as it is, if he was here I ſhould not examine him, therefore I ſhall not eſtreat his recognizance.

Court to Priſoner. What have you to ſay?

PRISONER's DEFENCE.

May it pleaſe your Lordſhip, and you Gentlemen of the Jury: I had an opportunity to ſee the opera on this Saturday night, through the means of a performer belonging to the houſe, who received from me at the ſame time ſurgical aſſiſtance; when the opera was over, I had proceeded as far in my way home as the outward door, and I found the foot-way to the right and left ſo taken up with chairs, chairmen, and link-boys, that it appeared to me the beſt way to go ſtrait acroſs if I could; I had another reaſon for this choice; I had appointed to meet an acquaintance at the Orange coffee-houſe, it was a fine moon light night, a very ſevere froſt, and the ground in the middle of the ſtreet as dry, or drier than on the foot pavement; I had got about half way acroſs the ſtreet, when one of the many carriages which are aſſembled there on ſuch occaſions, driving very hard, obliged me to uſe my endeavours to avoid the danger of being run over, I proceeded ſome little way down the Haymarket, within about one hundred yards of the Orange coffee-houſe, when Sir Godfrey laid hold of me, I had never ſeen him before, and he charged me with having his purſe; I did not make any reſiſtance, or endeavour to avoid giving him every ſatisfaction in my power, I adviſed him to go into the coffee-houſe, and I hope I ſhall not offend in informing the Court, that he ſwore in the moſt violent manner that he would not be convinced; if I do not miſtake, he damned his heart and his blood, and expreſſions of that kind, that he would not be convinced; I was brought to the watch-houſe immediately, and when I was there, previous to my being ſearched, I told him he was miſtaken, he told me he ſuſpected me, and if he was miſtaken he would give me every ſatisfaction, he would fight me or any thing elſe; I was ſearched as you have heard, and neither his property nor the property of any other perſon was found in my poſſeſſion; you obſerve gentlemen, the proſecutor has not ſaid that I ran till I reached the outward door; he has ſaid, that after he had miſſed his purſe, he followed me firſt in the inner lobby, then into the outward lobby, from thence down the large flight of ſtone ſtairs, and then through a large ſtone hall; he followed ſo cloſe that he heard, or fancied he heard me ſay ſomething about a coach or ſervants, expreſſions which might have been made uſe of by ſome gentleman that was there, and miſtakenly attributed to me: You will perceive, Gentlemen, that in all this time of his following me, he did not accuſe or moleſt me, though it is evident, and I hope will appear to you evident, that he might have done it ten times over; I do not know whether you have been able to perceive the temper and diſpoſition of the proſecutor; but this is certain, that he is fiery and hot, and of that I could give many convincing proofs; you will be the beſt judge, whether if his ſuſpicions were well grounded, he would not have charged me on the ſpot, and taken me into cuſtody; as to my running, I hope it may be accounted for, the coldneſs of the night, or a deſire of being home by times, may induce a perſon to make more than ordinary ſpeed: This is my caſe, and I moſt humbly hope that the Court will hear me with patience; it is not my intereſt or my inclination to offend any perſon in this honorable Court, and if I ſhould happen to let drop any expreſſion which may not be ſtrictly proper, I truſt it will not be conſtrued into an offence, but that it will be imputed to ariſe from that anxiety and deſire of vindication, which every man in my unhappy ſituation muſt naturally feel. Gentlemen of the Jury, if you were to be aſked whether any rumour or report to my diſadvantage had reached your ears, unconnected with the preſent, you would perhaps ſay yes; if you were aſked again, whether you would ſuffer yourſelves to be influenced in the ſmalleſt degree by ſuch a rumour or report, I am ſure you would with one voice cry God forbid! I truſt therefore, Gentlemen, that no inſinuations, or rumour, or ſuggeſtions, from what channel ſoever you may have received them, will induce you to deprive me of life, or to condemn me without clear and ſubſtantial proof; but as prejudice from ſuch reports, will ſometimes penetrate into the minds of the beſt and wiſeſt, and make an impreſſion before they themſelves are aware, of it, you will do well, Gentlemen, and I moſt humbly and earneſtly beg of you, before you determine your verdict on this occaſion, to aſk yourſelves one queſtion; would you on the evidence you have now heard, condemn any other perſon of whom you had never heard any thing before the preſent time. Gentlemen, my life is in your hands, and I do not addreſs myſelf to your feelings, but to your candour and impartiality.

Court to Jury. Gentlemen, you have a trial that requires your very ſerious attention, and you will diveſt yourſelves of all prejudice that might ariſe from any thing that you have heard before concerning the priſoner at the bar, and confine yourſelves to the evidence in this caſe: Gentlemen, the priſoner is indicted for a capital offence, in privately ſtealing from the perſon of Sir Godfrey Webſter a purſe and money: the queſtion for your conſideration will be, whether, upon this evidence, you are of opinion that he was the perſon that actually took the purſe or not, and whether there is ſufficient evidence for you to be ſure, and to conclude, that he was the perſon without any heſitation or doubt. The evidence for the proſecution is that of Sir Godfrey, the proſecutor only. [*Here the learned Judge ſummed up the evidence and then added*] Gentlemen, this is the whole of the caſe, and upon this evidence there is no pretence to ſay, that this purſe was not taken privily from his perſon, therefore, it is either a capital offence or no offence at all: I told you before that you muſt diveſt yourſelves of every circumſtance that you have heard relating to the priſoner, you are to judge whether he was the perſon that took the purſe or not; the evidence appears to me to carry preſumption with it, but there is not ſuch proof in a caſe of life as appears to me to be ſatisfactory: there is ſtrong reaſon of ſuſpicion, but you muſt be ſatisfied in your own conſciences, that the priſoner at the bar was the perſon; it was a place crouded, it was at the Opera Houſe, Sir Godfrey was at the door of a room full of people, there might be other perſons behind the priſoner at the bar, on his right ſide; the priſoner was immediately purſued, Sir Godfrey the proſecutor had his eye upon him and obſerved him, and ſaw him ſhift no property to any other perſon, and the priſoner is ſearched minutely at the watch-houſe, and no property found on him: it ſeems to be ſuch a ſort of a caſe, that whatever your ſuſpicions are, there does not appear to me ſufficient grounds to convict him of a capital offence.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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236. DANIEL GUNTER was indicted for feloniouſly aſſaulting Joſeph Campfield, on the King's highway, on the 9th day of February, and putting him in fear, and feloniouſly taking from his perſon and againſt his will, one ſhilling, his property.

JOSEPH CAMPFIELD *ſworn.*

On Monday the 9th of this month about nine o'clock at night, I was robbed near the Red Cow, Hammerſmith.

Court. Is that houſe in the public ſtreet? —Yes.

Was any one with you?—Yes, it was in the Brentford Stage, Elizabeth Booth was with me, nobody elſe, the coachman ſtopped at the Red Cow to water his horſes, and when he came out, a man on horſeback followed him, I do not know the man, and he called the coachman on one ſide, but what paſſed I do not know, the man then directly rode off, and the coachman came to the coach door, and opened it, and aſked me if I had any matters to loſe; I aſked him why, he ſaid, a man had called him on one ſide, and aſked him who he had withinſide, and he told him, he had only two ſervants out of place, and had been ſo ſome time; he drove on, when we had got a little diſtance from the Red Cow, a man came up and ſtopped the coach in the open ſtreet.

Court. How far might it be from the Red Cow?—About forty or fifty yards, and the man demanded my money, he had a piſtol in his hand, I gave him what money I had, which was only one ſhilling, he then demanded my watch, I told him I had none, I had one but I had concealed it, he told me if I did not deliver my watch he would blow my brains out, and with that, Elizabeth Booth gave him her money, he took that and rode off.

Court. How long might he be with you?—A very little while, about a minute or two.

Can you ſpeak to the perſon of the man? —No, really I cannot, my Lord; it was nine o'clock at night.

Was it dark?—It was not very dark.

Was there any moon?——None, that I recollect.

Did you obſerve the colour of his clothes? —In dark coloured clothes he appeared to be.

You ſaw he came out from the Red Cow on horſeback?—Yes.

Did you obſerve the colour of the horſe? —It appeared to me to be a bay horſe.

You are not ſure of it?——No, I did not take particular notice of him.

When did you ſee this man afterwards? —I never ſaw him afterwards to my knowledge.

Then you have nothing to ſay againſt the priſoner?—No, I do not know that I have, I do not know that is the man, I ſaw the priſoner the next day at Bow-ſtreet.

Was you ſent for?—Yes, I was ſent for from Brentford.

ELIZABETH BOOTH *ſworn.*

Do you know the laſt witneſs?—Yes.

Was you and him in the Brentford coach?—Yes, on the 9th of this month, it was about nine o'clock.

Did you ſee any man on horſeback com out of the inn at that time?—I ſaw a ma on horſeback go into the houſe, and giv

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the hoſtler his horſe, he came out and went behind the coach and ſpoke to the coachman, he came from behind the coach, and mounted his horſe and rode off, the horſe was held at the door; the coachman came and told us we ſhould be robbed, and the young man that was in the coach aſked him what reaſon he had to think ſo, and he told him that a man on horſeback had juſt called behind the coach, and aſked the coachman whether he had any body in his coach that could ſtand againſt him, the man gave the coachman a glaſs of brandy, we begged to get out, but the coachman ſaid he would run all hazards, and we had not gone twenty yards before he ſtopped us, he had a piſtol, and he preſented it, he aſked us for our money, and ſaid, if we did not give it him he would blow our brains out.

Court. Did you obſerve whether Campfield gave him any thing?—Yes, he gave him what ſilver he had, and I put my money into my glove, but the highwayman was ſo quick upon us, that I gave him my glove and money together; he robbed us both, he aſked the young man for his watch, and the young man ſaid he had never a one; he ſaid if he did not give him it he would blow his brains out, but on my giving him my money in my glove he rode off.

Did you take ſuch notice of the perſon that robbed you to know him again?—No, Sir, I would not pretend to ſwear to him.

Did you obſerve any thing of his clothes?——He was dreſſed in brown clothes, but I cannot ſay particularly.

Do you know any thing of the horſe?—No, I was ſent for to the Juſtice's, but I could not ſwear to him.

THOMAS BRADLEY *ſworn.*

Did you drive the Brentford coach on the 9th of this month?——Yes.

Do you remember theſe two perſons being in your coach that night?—Yes.

Did you ſtop at Hammerſmith?——Yes, at the Red Cow, about half after eight.

Did you go into the houſe?—Yes.

Do you know the priſoner?——Yes, as I was coming out of the houſe he came in, he met me and ſtruck me in the face.

Court. What in anger?—I do not know, I did not ſee him till I felt him, I took him a bit of a puſh with my arm, and told him I did not like it; he then aſked me if I knew him, I ſaid, no.

Court. Did you not know him at that time?——No, I did not know him till he told me who he was; he aſked me to have ſomething to drink; I told him I had had enough; he deſired me to have a glaſs, and ſaid it would not hurt me; I had a glaſs and he had another, I thanked him, and was coming out of doors, I took hold of my reins to get upon my box as uſual, then he called to me, and ſaid he wanted to ſpeak to me, and I went by the ſide of the coach, rather behind; he then aſked me who I had got inſide; I told them there were two poor people going to Brentford, that I had plenty of room; I thought he wanted to tie his horſe, which the hoſtler had in his hand, and ride withinſide; I never looked at the horſe to take any notice of it; he then aſked me if the paſſengers had got any money; I told him no, I did not think they had; he ſtaggered up againſt the windows, and ſaid he warranted they could ſtand a guinea, and he would give me half; he ſeemed to me to be very drunk; I told him I could work for half a guinea as well as he could; he then mounted his horſe and rode away; I ſtopped about ten minutes, but I ſpoke to my paſſengers firſt, and told them if they had any money to leave it with the landlord.

Court. Should not you have done well to have ſeized this fellow, and taken care of him?——It was impoſſible for me, we are afraid to do that, becauſe often times a paſſenger will run away, and not pay us, and if we go to hold them, they ſummons us before a Juſtice of Peace.

Court. What was your opinion of it?—I could not tell whether he was romancing; I drove on, and in about fifty or ſixty yards I was told by the priſoner to ſtop.

Was it the ſame man that you drank the glaſs with, and had this diſcourſe with, was he the man that ſtopped you?——To the beſt of my knowledge it was.

Look round and ſee whether the priſoner is the man?——To the beſt of my knowledge he is.

Did you ſee any other man before you ſaw him?——I ſaw one other man before I ſaw him, there was another man came paſt before he rode away to London.

When this man that you talked with mounted his horſe, which way did he ride?——I cannot ſay.

Which way did the man come from that ſtopped the coach?—He came from Brentford.

What did he ſay?—He told me to ſtop, or he would blow my brains out; I went on, he had ſomething in his hand, then he rode up rather before me again, and told me to ſtop, then I ſtopped; the man rapped at the coach, and told them to put down the blinds, and I heard him aſk the people in the coach for their money; he ſtaid about two minutes.

Was you before the Juſtice?——Yes, on the Saturday following, it was on Monday the coach was ſtopped, and the next day I was rather in liquor; on the Saturday following I ſaw the priſoner at the bar.

Did you know him again?——I did not think I could be certain of him.

Court. Had you ſuch a diſcernment of his face at Hammerſmith?—I did not ſtay any longer than my liquor was poured out, and he drank his.

Then you did not take ſufficient notice of him at Hammmerſmith to know him again?——I did not take great notice of him, I rather had doubts of him, I do not think I can be perfect as to the man.

CHARLES JONES *ſworn.*

I have nothing to ſay againſt the priſoner; a friend of the priſoner's came to me the 8th day of this month, and hired a horſe of me, the priſoner was in company with him.

What coloured horſe was it?—A cheſnut horſe; the priſoner told me he was going to Greenwich, and to return that afternoon; on the Tueſday following I met with the horſe at a ſtable in Long-acre, and I was informed he was forfeited; I know nothing of the priſoner, but only that my horſe was in cuſtody.

SAMUEL MAYNARD *ſworn.*

I am one of the patrol on the Brentford road, on the 9th of February we were out about eight o'clock, and I met a poſt chaiſe and four between Kenſington and Hammerſmith turnpike gate, and the gentleman that was in the poſt chaiſe informed us he had been fired at by a ſingle highwayman, giving us a deſcription of his clothes and horſe, which was a bay horſe with a ſwitch tail.

Court to Jones. Does that anſwer the deſcription of your horſe?——Yes, the horſe I found in this man's poſſeſſion is my horſe, my horſe is called a bay cheſnut, with a ſwitch tail, commonly ſo called.

Maynard. We went to Hammerſmith, and enquired for ſuch a perſon, they ſaid there had been ſuch a perſon; after that I returned back to Kenſington turnpike-gate, and when we had got within three hundred yards of Kenſington gate, we heard a horſe coming very faſt; we then ſet off, and ran three of us, and left two men behind, there were five of us all together, and in a few minutes the horſe came up, he did not aſk for the gate to be opened, but ran againſt it, and it almoſt diſmounted him, and I laid hold of him and ſaw a piſtol ſtick on one ſide of his pocket; I ſeized him, that was the priſoner at the bar; he was about to lay hold of the piſtol that was in his pocket, and I took it out of his pocket; we then took him off the horſe, and took him into the turnpike houſe to ſearch him, there we found another piſtol in his other pocket, and in his right hand coat pocket there was found a woman's glove, with two ſhillings and threepence halfpenny in it, I did not take that out; in his waiſtcoat pocket was found ſome powder and balls; in his breeches pocket there was two ſhillings and ſixpence and half a guinea; the piſtols were loaded with powder and ball; he was taken the next morning before Sir Sampſon, the two paſſengers were there, but I believe they ſaid they could not tell whether it was the ſame man; we took the horſe to the George in Long-acre, and it was there when Jones claimed the horſe; the coachman was at Sir Sampſon's the next morning on the 10th, with his coach, he ſaw the priſoner, and ſaid he could not ſtop, but that that was the man that had treated him with brandy.

Court. What do you ſay to that, you told us you was not there till Saturday, you ſaid you was fuddled the next morning; was you at Sir Sampſon Wright's the next morning, recollect yourſelf?——I was not had before any magiſtrate, I was up at the office, I was up there, and took up ſome paſſengers from the the Brown Bear.

Was you there when Camfield and Elizabeth Booth was there?——That was on the Saturday.

Did you ſee the priſoner at the Brown Bear?——I had been drinking that night and the next morning, I do not know who I ſaw; I had been drinking the moſt part of the night and the next morning.

Court to Maynard. Did he appear to you to be ſober?——He did.

Did you hear that man ſay, that the priſoner was the man?——He ſaid it many times over that the priſoner was the man, and he could ſwear to him; he appeared to me to be as he is now.

Coachman. I had been drinking moſt part of the night, and I had drank a great deal of purl, and one thing or another.

Court to Maynard. What did the priſoner ſay?——I do not know that the priſoner ſpoke.

Did you ſee the coachman there on the Saturday?——Yes, and Sir Sampſon Wright was very angry with him.

Court to Coachman. Did you, or did you not, ſay that the man that gave you the glaſs of brandy was the man that ſtopped you?—I did not tell my maſter the words that Mr. Maynard ſays, I told my maſter I had ſtopped at the Red Cow, and ſet down two paſſengers, and that a man gave me a ſmack in the face, and that he gave me a glaſs of brandy, and that I had not gone above fifty yards before I was ſtopped; I did not te my maſter, that the man that ſtopped me was the man that gave me the brandy.

Court to Maynard. Was this man's coach there?——Yes.

PETER THOMAS *ſworn.*

I am one of the patrol, I was preſent when the priſoner was taken; I found in his right hand coat pocket a piſtol, loaded with powder and ball, and this glove with money in it; he had a piſtol in his left hand pocket.

Elizabeth Booth. That is my glove, I have the fellow of it.

Court. What money had you in that glove when you loſt it?—I had about eight or nine ſhillings, but there was not ſo much money when the patrol took it, I gave the highwayman my glove and money in it.

Jury. Is that the glove that you gave the highwayman?——Yes.

Court. You are ſure that is the glove that you delivered to the highwayman?—To the beſt of my knowledge it is.

Have you got the fellow here?—Yes.

(The two gloves ſhewn to the Jury.)

Court. Were the two gloves fellows?—Yes.

Court to Thomas. What money was in the glove?——Two ſhillings and three halfpence.

Court to Booth. Was your money all ſhillings?——There was one half crown, and the reſt were ſhillings, and five pence in halfpence, there was about ſix ſhillings beſides the half crown.

Court to Thomas. What ſilver was there found in the other pocket of the man?——One ſhilling and two ſixpences, one half crown, and half a guinea, and a penny, that was in his breeches pocket.

EDWARD HUGHES *ſworn.*

I am one of the patrol, and I was in company with the reſt; I was preſent at the apprehending the priſoner, and I ſaw him ſearched, he was taken at Kenſington gate, I held his left hand while he was ſearched; I ſaw Maynard take one piſtol out of his pocket, and Thomas took another and a glove; and I went the next morning to ſearch his lodgings, I found a loaded piſtol over his bed.

Did you ſee the money taken out of his pocket?——Yes.

How much?—I cannot ſay.

PRISONER's DEFENCE.

I went down to Windſor on the Sunday evening, I ſtopped there all day on Monday, and ſpoke to the waiter about a place, and him and I could not agree upon terms, and I ſet out from Windſor on Monday night about five o'clock, and I was taken by theſe men; they came directly and pulled me off my horſe, and lugged me into the public houſe, and took the piſtols out of my pocket, and what elſe they took I do not know; but one of them ſtruck me, I was a good deal in liquor when I was taken, very much, I could hardly ſet on my horſe, and perhaps I might go up againſt the gate pretty hard; I believe I have witneſſes to my character.

The priſoner called eight Witneſſes, who all gave him a very good character.

GUILTY, Death.

Tried by the firſt Middleſex Jury, before Mr. Juſtice GOULD.

He was humbly recommended to mercy by the Jury.

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237. JOHN FOX and JOHN JONES were indicted for feloniouſly ſtealing, on the 16th day of January laſt, five weather ſheep, price 50s. the property of John French.

JOHN FRENCH *ſworn.*

I live at Carnaby-market; I am a butcher; on the 16th of January, in the afternoon, I miſſed five weather ſheep, which ſhould have been in a ſtable; I enquired after them and offered a reward; my drover gave me hints and ſuſpicions that they were killed at ſome butcher's, I thought I ſhould know the mutton, I ſearched ſeveral ſhops on the Saturday morning, that I thought did not ſell extraordinary good meat, and I ſearched one ſhop, and there I found two large hind quarters of mutton, at the ſhop of Edward Davis, one of the witneſſes: thoſe hind quarters anſwered in my own mind, for we can form ſome little judgment, but not enough to ſwear to the mutton; however, I thought they were mine; I aſked Davis, whether he killed in his own cellar, he ſaid, no, in Drury-lane; his wife ſhewed me backwards to the yard; I then went to a neighbouring butcher's ſhop and enquired the character of this Davis, and I applied for a ſearch warrant at Bow-ſtreet, I employed two men to watch the houſe while I was gone, that nothing came out; Sir Sampſon would not grant me a warrant till I ſwore I believed the mutton to be mine; we then ſearched the houſe, and found hid under the cellar ſtairs in dirt, I imagine concealed, four ſheep ſkins; I examined them and knew them to be mine, they had a private mark of my own, and one of the owners; the ſkins had laid ſo much in the dirt that I could not ſwear to them; the large ſheep had very broad oaker upon it, and I am ſure, in my own mind, that all four were mine; on ſearching the houſe farther, I found a pair of hind quarters of mutton concealed in a bedſtead; I alſo found a pair of fore quarters in a dirty place, which were very dirty, and which they ſaid had been gnawed by the pigs: Davis was not there when they were found; he went out, after he had told me where he killed, under pretence of going to a cuſtomer in Pall-mall: Davis abſconded.

Court. Do you know any thing of either of the priſoners?—No; one of the priſoners came near the place on the Saturday morning when we had the warrant, and Sir Sampſon's men thought it proper to apprehend him, but he was diſmiſſed.

When was Davis taken?——I do not know; It was by Sir Sampſon's order; the ſheep ſkins were certainly mine.

EDWARD BROZEY *ſworn.*

I am a drover; I put ten ſheep in Mr. French's houſe the 14th of January; I have ſeen the ſheep ſkins ſhewn me by Mr. French; I knew them again; they are Mr. French's ſkins.

Court to French. Were the ſkins you ſhewed that witneſs, the ſame you found in Davis's houſe?—They were the ſame ſkins.

Court. Do not permit the witneſs Davis to go out of Court, look to him.

JOHN TOWNSEND *ſworn.*

On Saturday, the 17th of January, French came up to the office for a ſearch warrant, to ſearch a butcher's ſhop in Exeter-ſtreet; it was granted, and I, in company with another officer, went down; we ſearched as narrowly as we well could ſearch; while French was ſearching up ſtairs, I and another officer was ſearching below, and underneath the ſtairs, I ſtepped my foot in a puddle of water, it was a very naſty place, and there were four ſheep ſkins underneath the ſtairs; I immediately called down French, he came and looked at them, and ſaid they were his property; I found nothing elſe in the houſe but what Mr. French found above; there was a vaſt quantity of mutton.

When was Davis apprehended?—That day, while French was getting the ſheep ſkins and beſt part of the mutton which he ſaid he believed to be his; one of the priſoners whom I knew before, and another man in company with him, came near the ſhop; ſays I, what is the reaſon of their lurking about the ſhop; I came up with them, and they whipped into a public houſe, and I brought them before Mr. Juſtice Gilbert, but there being not a tittle of evidence to affect the men, they were diſcharged; that night I was in ſearch of Davis but did not find him; one of the captains of the patrol knew Davis, and Davis ſent him a note that he would reſign himſelf up upon conditions of no harm coming to him, and he would tell of whom he got the five ſheep; and in conſequence of that the two priſoners were apprehended afterwards: it was the patrol that gave him the promiſe.

Court. I ſhall not examine Davis the witneſs, becauſe he is the man that ought to be proſecuted.

Townſend. I do not know whether the patrol promiſed him any ſort of favour if he would reſign himſelf; the patrol is not here.

Court. Davis was a man known by the patrol, was not he?——Very well, he had been abroad with him.

You could have taken him up in a few days?—Yes, my Lord, unleſs he had left the country.

Where is that patrol?——He is at the office, his name is Allen.

Proſecutor. The wife of Davis ſaid that he was going to Portſmouth, but would return if I would ſhew him favour, for he ſaid, death was preferable to exile, or ſomething to that effect.

Court to Townſend. How came any of your officers to preſume to do any ſuch thing without the advice of the magiſtrates?—I cannot ſay, I was not at the apprehending of either of the priſoners.

Do you know what anſwer was ſent to Davis's information, or how he was taken up?—I believe that he came to the office the very day that Allen ſent for him.

But how could Allen preſume to ſend for him without the authority of the magiſtrate?

Court. Gentlemen of the Jury, in this caſe it is certainly, at leaſt unneceſſary, if not improper, to examine Davis; there is full evidence againſt him from theſe witneſſes to prove him at leaſt an accomplice, if not a principal in this fact himſelf; therefore the evidence of him as an accomplice, ſtands in ſuch a light in point of law, that it cannot be received, as the law will not admit any perſon to be convicted on the ſingle teſtimony of an accomplice; there is not now one tittle of evidence againſt either of the priſoners, and you could not, in point of law, convict them on the evidence of Davis, there being no other circumſtance againſt them.

BOTH NOT GUILTY.

Court. Let Davis the witneſs be detained.

Mr. Juſtice Gould. I have known multitudes of theſe improper inſtances.

Mr. Recorder. Magiſtrates ſhould be very cautious who they admit as evidence, not to admit thoſe againſt whom there is clear evidence, unleſs they have reaſon to think important diſcoveries can be made.

Court to Davis. There is the moſt clear and ſatisfactory evidence to the Court, that you, whatever the other priſoners might be, are guilty of this offence, and if you had been in the ſituation of the priſoners you would have been convicted, therefore take warning; but having ſurrendered on the aſſurances of this man, however improper, the Court will not now proceed againſt you, but it will be remembered if you ſhould be found guilty of any thing again; for you are much more guilty than theſe men, as you are a ſhop-keeper yourſelf.—Let him be diſcharged, but let the officers keep an eye over his conduct.

Mr. Juſtice Gould. The officer ought to have gone to the magiſtrate and aſked his advice about it.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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238. **HUGH GRAHAM** was indicted for feloniouſly ſtealing, on the 16th day of January laſt, eighteen yards of painted floor cloth, value 5l. the property of John Barnes, privily in his ſhop.

JOHN BARNES *ſworn.*

I am a floor cloth manufacturer, the corner of Bow-ſtreet, Bloomſbury; on the 16th of January I loſt ſome floor cloth; I and another perſon, one Evans, were in the parlour, I heard a ruſtling in the ſhop at two different times; I got up twice, and the ſecond time I miſſed ſome cloth out of the window; I loſt about twenty yards; the value of the whole was near 5l. but the value of this piece now produced is 3l. I aſked a little boy, and he pointed which way the man went, and Mr. Evans went one way, and I another, into Dyot-ſtreet, and I ſaw the priſoner walking gently along with the floor cloth on his ſhoulder, and I ſecured him, and took him before Mr. Walker, the magiſtrate in Hyde-ſtreet, and Mr. Evans took care of the floor cloth.

Court. Did you know it to be your floor cloth?——Yes.

By what?——It is all my own work and the exciſeman's mark is on it.

What is there particular in the exciſeman's mark?——It is the admeaſurement of the cloth, the cloth was lying in my ſhop window, withinſide, I ſaw it about ten minutes before; I was in a back room with a glaſs partition, I could ſee all the ſhop.

Court. How long after you heard the ruſtling was it before you went out of your room into your ſhop?—I went out in leſs than a minute or two.

JOHN EVANS *ſworn.*

I was with Mr. Barnes, I heard the ruſtling of cloth, and thought ſomebody was taking away the cloth; I told Mr. Barnes ſo, and we both ran out, and a little boy told us which way to go, and I went down St. Giles's, and up Dyot-ſtreet, as faſt as I could; the proſecutor went up Bow-ſtreet, and I ſaw the priſoner coming down Dyot-ſtreet, with the cloth on his ſhoulder; the proſecutor ſecured the man, and I took care of the cloth; I know this cloth to be the proſecutor's; I ſometimes repair the blocks, the man was committed.

PRISONER's DEFENCE.

I was paſſing by the ſtreet, and I ſaw a man with it on his ſhoulder, he aſked me to earn ſixpence and carry it, I ſaid I ſhould be very glad of it, as I was in want, and theſe two gentlemen took me.

The remainder of this Trial will be concluded in the next Part, which will be Publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of FEBRUARY, 1784, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, *&c.*

Continuation of the Trial of Hugh Graham.

Court. Who was the man that you carried it for?——He was dreſſed like a painter, I do not know the man.

Have you him here?——No.

Have you any witneſſes to prove that?—No.

Have you any witneſſes to your character?——No, I am a ſtranger in London.

Court to Jury. This priſoner was found with ſtolen goods in a ſuſpicious manner, and the uſual courſe is, that he ſhould ſatisfy you that he came honeſtly by them. The queſtion is, whether this is within that act of parliament of King William, which takes away the benefit of clergy, and makes it a capital offence, where goods are ſtolen out of ſhops and warehouſes, that is, ſuch ſort of goods as are uſually kept there in their courſe of dealing, that ſort of commodity in which they deal, to the value of five ſhillings, privately and without the knowledge of the party, then it ſhall be a capital offence. Upon all theſe acts of parliament the conſtruction has been always exceedingly ſtrict; in the caſe of a private pick pocket, the act of parliament ſays pretty often in the ſame words, privately and without knowledge of the party; if they feel but the ſlighteſt ſenſation before the property is removed from the perſon, it has been the conſtant rule, that that takes it out of that act of parliament; ſo in my apprehenſion, in the preſent caſe, this was not abſolutely without the knowledge of the proſecutor, becauſe he heard a ruſtling in the ſhop, and if he had gone out the firſt time upon that alarm, he certainly would have detected the offender; therefore, I think that the ſame conſtruction ſhould be put on this evidence, and you ſhould acquit the priſoner of ſtealing privately.

GUILTY.

Of ſtealing but not privately.

Tranſported for ſeven years.

Tried by the Firſt Middleſex Jury before Mr. Juſtice GOULD.

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236. THOMAS CAPP was indicted for feloniouſly ſtealing, on the 4th day of February, one iron bar, value 5s. the property of Edward Meux, Eſq.

WILLIAM HICHIN *ſworn.*

The proſecutor loſt an iron bar on Wedneſday, the 4th of this month, from a houſe which I keep under him, in High-ſtreet, Bloomſbury, it was in the paſſage behind the bar window; it was to bar the outſide ſhutters when they were put up, the value of it is five ſhillings, the weight is thirty-three pounds: the priſoner ſold it for half a crown; he came into my houſe on the 4th at a quarter paſt ten o'clock, and called for a pint of beer, he ſtopped a quarter of an hour, went into the paſſage and took this iron bar and carried it off, he went away about a quarter of an hour, and returned, and had ſome purl, and went away at eleven o'clock, I ſuſpected him, and after he was gone I miſſed the bar, and the next evening about half paſt eight o'clock, the priſoner came in again, I was in the back room, the maid informed me, and I came into the tap-room, and charged the conſtable with him, he was taken to the watch-houſe, the next morning between nine and ten, he was brought paſt my door to be carried to Mr. Walker's, and the conſtable brought him into my houſe, and he ſat down, and I told him, I was in great diſtreſs about my irons, if he he would tell me where the irons were I would be favourable to him.

Court. Do you know any thing of his ſtealing them, otherwiſe than by his own confeſſion?—No, my Lord.

Court to Jury. Then Gentlemen, you will acquit the priſoner.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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237. JOHN JACOBS, SAMUEL SELSHIRE, and RICHARD M'DONALD, were indicted for feloniouſly aſſaulting Charles Chapman in the King's highway on the 27th day of January laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one watch, with the inſide caſe and outſide caſe made of ſilver, value 40s. one ſilver ſeal, value 1s. one ſteel chain, value 2d. one ſteel key, value 2d. one metal key, value 1d. and four ſhillings in monies numbered, the property of the ſaid Charles.

CHARLES CHAPMAN *ſworn.*

On the 27th of January, about ſix in the evening, I was robbed in the paſſage or road leading from Kenſington to Kenſington Gravel Pits, I was on foot, and was overtaken by three perſons, who immediately ſurrounded me, and one of them preſented a piſtol to my breaſt, they all demanded my money in a confuſed manner, I ſaid, I would immediately give them what I had about me; upon which they immediately dropped down the point of the piſtol, and one of them took my watch from my fob, it was a ſilver watch with a ſteel chain, a ſilver ſeal with my cypher and two keys, one ſteel and the other braſs, and four or five ſhillings in ſilver.

Court. Did you deliver it to them, or did they take it?—I delivered it to them by their demand; they immediately run towards the Gravel Pits.

Court. What ſort of a night was it?—It was near dark.

Court. Did you take any notice of their perſons?—I cannot ſwear to them.

Have you ſeen your watch ſince?—Yes, at Sir Sampſon Wright's.

How long after the robbery?—About three days after, there were three perſons brought up, but I did not know them, they bore the appearance of the men that robbed me, but I could not ſwear to any of them.

JOSEPH CREEDLAND *ſworn.*

I am one of the patrol belonging to Sir Sampſon Wright on Uxbridge and Kilburn roads; on the 27th of January about a quarter before ſeven, we came off the Kilburn road, and when we rode to Tyburn Turnpike, we heard that three footpads had committed a robbery on the Uxbridge road; we went down Park-lane into Hyde-park, there were ſix of us, and as ſoon as we came to the Baſon, I ſaw the three priſoners coming towards us, and towards Groſvenor-gate, I then made up towards the priſoner Jacobs, and he took to his heels and ran away, I purſued him, he then took a piſtol a piſtol out from withinſide his coat, and turned round to fire at me; he turned juſt half way round, he preſented the piſtol to me, and he found I was rather too much on the left ſide of him, and he threw his piſtol down, and as it fell it flaſhed in the pan; he was ſtill running, and I purſued him and laid hold of him; I tied his hands and ſearched him, and found on him this watch, which was in the fob of his breeches pocket, with one ſeal and two keys.

Court. What became of the other two priſoners?——My other partners took the other two, I held him faſt, and kept him in cuſtody till we came to Covent Garden watch-houſe; we all came into Oxford-road, and there we took two coaches and went to Sir Sampſon Wright's, and about two days after I ſaw the proſecutor there, the watch was then produced: I found on Jacobs one ſhilling and ſixpence, and one penny.

(The watch depoſed to.)

WILLIAM BOYER *ſworn.*

I conduct that party of the patrol; on the 27th of January I was firſt, the three priſoners came paſt me, Jacobs firſt, and M'Donald next; I alſo ſaw Selſhire, he was very near M'Donald; the ſignal for my men to lay hold of them was my laying hold of Selſhire; in conſequence of that Selſhire and M'Donald were immediately ſecured.

Court. Did you ſee the other priſoner taken?——No, he run off, I ſearched Selſhire, the man I had hold on, and found this piſtol loaded upon him, I have the balls in my pocket, and eight pence in halfpence. There was a loaded piſtol found on M'Donald.

Court. How long after this was it that you ſaw the priſoner Jacobs and Joſeph Creedland?——In about half a minute, as ſoon as I had hold of Selſhire, I turned round, we took them to Sir Sampſon Wright's, they were ſent to different priſons; I was preſent on the Thurſday following when Mr. Chapman came, he then ſaw his watch after the charge was laid to the priſoners; Sir Sampſon aſked them what they had to ſay, and they then all of them acknowledged the crime, and Selſhire in particular deſired to be admitted an evidence.

Did Sir Sampſon take down any thing in writing?—No.

Mr. Juſtice Gould. I have heard that a queſtion did ariſe which was pretty thoroughly debated, whether evidence ſhould be admitted of a confeſſion by a priſoner before a Juſtice of the Peace; the law is, that the Juſtice of the Peace is to take the informations of the witneſſes, and the examination of the priſoner, and ſhall reduce them into writing, and return them to the gaol delivery.

Court to Mr. Reynolds. Was not there ſome queſtion whether parole evidence might be given of confeſſion taken before a Juſtice.

Mr. Reynolds. It has always been underſtood that where no written examination had been taken, parole evidence may be admitted; but if the Juſtice takes the examination in writing, then they cannot give in evidence his parole examination.

Mr. Juſtice Gould. It is his duty to take it in writing: the rules of law are the things that you ſhould ſteer by, but I want to know whether ſomething of the kind has not been thought of, and conſidered here, and under that diſtinction the parole proof admitted.

Mr. Reynolds. My Lord, the parole proof has been admitted where no written examination was ſet up; a very little while ago a witneſs aſſerted in his evidence, that an examination had been taken in writing, and the examination was not returned, but that having been aſſerted by him, the Court would not admit the parole evidence.

Mr. Juſtice Gould. I underſtand by Sir Sampſon, who ſits by me, that he reall thought that this evidence had been take down in writing; indeed the Juſtices hav hardly time to take down the examinations, but yet the law is not to be departe from, and the Act of Parliament ſays, t Juſtice ſhall take the informations of t witneſſes, and the examination of the pr

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ſoner, and ſhall return them.——

Mr. Reynolds. In London, unleſs it is a very ſpecial caſe, examinations are never taken in writing, as only one gentleman ſits there, and they could not do the buſineſs.

Mr. Juſtice Gould. What is ſaid in other places may be received, but before the Juſtice of Peace, there it ſhould be reduced into writing, therefore I cannot admit this.

Bowyer. The priſoners were taken in about half an hour after the robbery.

JOHN CREEDLAND *ſworn.*

I am one of this patrol; about a quarter or twenty minutes before ſeven, we got into Hyde-park; I was preſent when the three priſoners were apprehended, and I took this piſtol from M‘Donald, loaded with three balls; I know nothing more than has been mentioned, only that he had fourteen balls in his pocket, ſome powder, and eight ſhillings in money, and the priſoners were taken to Sir Sampſon Wright's.

JOHN TOWNSEND *ſworn.*

I am one of the patrol; I can only ſay what the others have ſaid, except juſt as we came into Hyde-park and went down walnut tree walk, I thought I heard ſomebody ſay, damn my eyes, here is ſomebody a coming.

Court. Did you hear it, or did you not?—I did hear ſomebody ſay ſo, and I mentioned it to Captain Bowyer; we had ſcarce got a yard farther before up came the three priſoners, Jacobs was the firſt man I ſaw; I went to make up to him, and he immediately *advanced from me*, and attempted to run, he clapped his hand to his ſide inſtantly to draw out this piſtol; the moment I ſaw it I called to Creedland; ſays I, Creedland! Creedland! take care, he has pulled out a piſtol! the inſtant moment I ſaid ſo, it flaſhed in the pan, and he threw it away; I then called out, purſue him, and I will wait here and ſee whereabout he has hove that piſtol; I ſaw him throw it away; then we took him to Sir Sampſon's.

Court to Creedland. Was not the piſtol thrown to the ground before it flaſhed in the pan?—As it fell it flaſhed.

Mr. Juſtice Gould. It is a very different thing as to the conduct of the priſoner.

PRISONER JACOB's DEFENCE.

I had been out that afternoon, and as I was coming up to the Lock Hoſpital I found a red and white pocket handkerchief, with two piſtols in it and a watch; I found it almoſt facing Mr. Tatterſhall's; Selſhire was with me; he ſaid, ſays he, I will have half; I gave him the piſtol and the handkerchief, and I had the piſtol and the watch; coming to the turnpike we met M‘Donald, and as we were going through Hyde-park he came with us, and juſt coming through Walnut-tree Walk we met three gentlemen, ſo I threw the piſtol away; I thought, may be they would take me up or ſomething.

PRISONER SELSHIRE's DEFENCE.

I was along with this man coming from Batterſea, he picked up this handkerchief, and he gave me that piſtol.

PRISONER M‘DONALD's DEFENCE.

I had been with an acquaintance of mine, and coming by Kenſington turnpike I met theſe two young men; I had the piſtol about me, and the bullets, which I found in Hyde-park the day before; I carried them about me for my own defence.

The Priſoner Jacobs called three Witneſſes who all gave him a good character.

The Priſoner Selſhire called three Witneſſes who gave him a very good character, one of whom was Mr. Thomas Lane, clerk to Mr. Burton, one of his Majeſty's Council, with whom this Priſoner had lived ſervant, and by whoſe particular deſire Mr. Lane attended.

JOHN JACOBS,
SAMUEL SELSHIRE,
RICHARD M‘DONALD, } GUILTY, Death.

The Priſoners John Jacobs and Samuel Selſhire were both humbly recommended to mercy by the Jury.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

275. **RICHARD O'BRIEN** was indicted for feloniouſly ſtealing, on the 3d day of February, two cloth coats, value 15s. one pair of nankeen breeches, value 5s. one pair of velveret breeches, value 14s. one velveret waiſtcoat, value 5s. two linen ſhirts, value 7s. one muſlin neckloth, value 1s. the property of John Jones; one ſilk waiſtcoat, value 1s. four linen waiſtcoats, value 4s. four linen ſhirts, value 12s. one pair of velveret breeches, value 4s. one pair of ſilk and cotton breeches, value 4s. three pair of worſted ſtockings, value 6s. one pair of ſilk ſtockings, value 3s. one other pair of ſilk ſtockings, value 1s. nine linen ſtocks, value 3s. two cloth coats, value 3s. and two linen handkerchiefs, value 1s. the property of Thomas Parker, in the dwelling houſe of Charles Hatton.

(The Witneſſes examined apart at the requeſt of the Priſoner.)

JOHN JONES *ſworn.*

I lodge in a publick houſe, kept by Charles Hatton; on the 3d of this month I was called home at ſeven in the evening from the ſhop where I worked, I immediately went home; when I came into the tap-room, there was a man in the cuſtody of a conſtable, which was the priſoner; I left the door of my room locked when I went out, and the key in the bar, where it was always left; I know nothing of the robbery, only to prove the property.

THOMAS PARKER *ſworn.*

I only prove my property.

CHARLES HATTON *ſworn.*

I keep the Robin Hood, in Marybone-ſtreet, Golden-ſquare; about ſix o'clock in the evening, on the 3d of February, the priſoner came in for a penny-worth of purl, which he paid for; he then ſaid, landlord, or maſter, I will be much obliged to you to ſhew me the way to the vault or coffee-houſe, whatever it may be; I ſhewed him backwards, I went into the parlour and ſtaid a few minutes, and when I was coming out, he was going down the cellar ſteps; ſays he, maſter, I believe I am going the wrong way; I did not ſay much to him; he immediately came into the tap-room again and drank his purl; he ſtaid there about ten minutes; I went into the parlour again, and then I miſſed him; the priſoner was ſtanding at the door; I ſtaid in the tap-room about twenty minutes, and as I was ſtanding there, I ſaw a glimmering of his coat paſs our bar window which fronts the paſſage going into the tap-room, the hatch-way is very low; I heard ſomething catch on the door, and I ran to the tap-room door, I laid hold of it with my right hand and opened it half way, and I ſaw the priſoner in the paſſage, about three yards from me, with a box on his head; I cried out, Stop thief! he ſtepped about three ſteps farther off the ſteps, and threw the box into the ſtreet and all the clothes; I did not ſtand to pick up the clothes, but I purſued the priſoner down a little court about forty yards from our door; I juſt miſſed his coat laps; he ran through Caſtle-ſtreet; I never loſt ſight of him only where the turning was; I purſued him into Badman's-mews, below Jermyn-ſtreet, where he ran into a vault; I pulled him out, with aſſiſtance, and brought him to my houſe.

Court. Are you ſure he is the ſame man that was in your houſe?—I took a penny of his money; I am ſure of it; I have no doubt of it.

What became of the box that he had?—Richard Davis ſpeaks to that.

RICHARD DAVIS *ſworn.*

I was in the houſe of Mr. Hatton the evening the robbery was committed; I ſaw Hatton run out and the cry of ſtop thief was called, I then went to the door and ſaw a box with ſundry wearing apparel laying on the pavement.

Court. Did you ſee it thrown down?—No, I did not; I picked it up and brought it into the houſe and laid it on one of the benches.

Proſecutor. It has been in my poſſeſſion ever ſince.

Court to Davis. Did you ſtay till Hatton came?—Yes.

Was the box the ſame that you found on the ſtep of the door?—It was.

(The things depoſed to by Jones and Parker.)

THOMAS PARKER *ſworn.*

I am ſure theſe two cloth coats are mine, there is no particular mark; here are four linen waiſtcoats and four ſhirts, one pair of ſilk and cotton, and one pair of velveret breeches, ſix pair of thread ſtockings, three pair of worſted ſtockings, one ſilk waiſtcoat, and one ſilk pair of ſtockings; theſe things were in the room where I ſleep; it was broke open when I ſaw it, but I left it locked.

Court to Jones. Where were your things?—In a cheſt of drawers.

Were they locked?—No, they were not.

PRISONER's DEFENCE.

I was coming down from Berkley-ſquare, and I had been very bad with a pain in my bowels, and I aſked the way to the vault; I was very bad, and when I came in I warmed my feet, and I went out, and it took me again, and I leaned on the rails, and I intended to go to a ſhoemaker that lodged there for a pair of ſhoes; I was going up ſtairs and I heard the proſecutor crying out ſtop thief, then I ran as well as I could till I came to Eagle-ſtreet, then down into the Mews, and I ſaw no one there, and I aſked the way to the vault; by the time I had gone into the vault and had eaſed myſelf, a parcel of people were coming down, and one ſaid, there is a man in there, perhaps it is him; they went to take me, I deſired them not; they hauled me, and dragged me, and knocked me down, and as I was told after, I fainted; they got a bucket of water and threw down me, and they took my hat, and my ſhoes, and cravat about my neck; my friends are not here.

GUILTY

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

276. WILLIAM NEWLAND was indicted, for that he, on the 11th day of November laſt, feloniouſly did make, forge, and counterfeit, and cauſe and procure to be falſely made, forged and counterfeited, and willingly aid and aſſiſt in the falſe making, forging, and counterfeiting one bank note with the name William Lander thereunto ſubſcribed, dated 6th January, 1783, ſigned by the ſaid William Lander, for the Governor and Company of the Bank of England, for the ſum of 100l. to Mr. John Schutz, or bearer, on demand, with intent to defraud the Governor and Company of the Bank of England.

A ſecond Count charges the ſame offence as the firſt, only ſaying, a certain note in the form of a bank note, with intent to defraud the Governor and Company of the Bank of England.

A third and fourth Counts charge it to be with intent to defraud Thomas Wagſtaff.

A fifth and ſixth Counts charge it to be with intent to defraud Thomas Hayward.

A ſeventh Count charges that he having ſuch bank note of one hundred pounds in his cuſtody, feloniouſly did diſpoſe and put away the ſame, knowing the ſame to be forged and counterfeited, with intention to defraud the Bank.

An eighth Count charges that he having a note, purporting to be a bank note of one hundred pounds, in his cuſtody, feloniouſly did diſpoſe and put away the ſame, knowing the ſame to be forged and counterfeited, with intent to defraud the Bank.

A ninth and tenth Counts charging it to be with intent to defraud Thomas Wagſtaff.

An eleventh and twelfth Counts charging it to be with intent to defraud Thomas Hayward.

A thirteenth Count for feloniouſly forging a promiſſory note for the payment of money, laid to be the ſame as in the firſt count, with intention to defraud Thomas Wagſtaff.

A fourteenth Count for uttering the ſame with the like intention.

A fifteenth Count for forging the ſame promiſſory note, with intent to defraud the ſaid Thomas Hayward.

A ſixteenth Count for uttering the ſame with the like intention.

A ſeventeenth Count for forging the ſame promiſſory note with intention to defraud the Governor and Company of the Bank of England.

An eighteenth Count for uttering the ſame with the like intention.

Mr. Fielding, one of the Council for the proſecution, opened the indictment as follows:

“Gentlemen of the Jury, this is an indictment againſt the priſoner at the bar for a forgery on the bank of England; it has been neceſſary in order to meet this crime to vary the deſcriptions of the offence, and it has taken up no leſs than eighteen different counts in this indictment; it is charged to defraud the bank, and the different perſons therein mentioned, and the priſoner is likewiſe charged with the crime of publiſhing it, knowing it to be forged; you will hear the evidence, and then you will pronounce upon his guilt or innocence.

Mr. Bearcroft, of Council for the proſecution thus opened the caſe:

May it pleaſe your Lordſhip, and you Gentlemen of the Jury: I have the honor to attend you as Council for this proſecution, which is carried on by the Governor and Company of the Bank of England, as it is their manifeſt duty to do. Gentlemen of the Jury, the charge in plain Engliſh, ſtripped from form is, that the priſoner at the bar, William Newland, has been guilty of forging a bank note deſcribed in the indictment, which will be produced; it is likewiſe charged that he uttered this knowing it to be forged: if theſe facts are brought home by proof to your ſatisfaction againſt the defendant, you will convict him of a capital offence. I doubt not but you are well appriſed of the neceſſity of a law of this nature, and that you are diſpoſed to put it in force if the facts are proved to your ſatisfaction; I ſhall therefore ſtate to you without much obſervation, for I am afraid the grounds of bringing the guilt at leaſt of uttering this note by the priſoner at the bar, will be but too clear. Gentlemen, the priſoner has of late appeared in the character of a farmer at Chinkford in Eſſex; you will find that in November laſt he applied to Mr. Wagſtaff, a weaver by buſineſs, and with whom the priſoner had a ſlight acquaintance, and upon the ſtrength of that, hardly ſufficient for the purpoſe, he deſired that he would contrive to get him changed two bank notes of one hundred pounds each, one of which is the note in queſtion, the ſubject of the indictment, and that which will be produced; Wagſtaff undertook to do it, and for that purpoſe he went to Mr. Hayward, who is likewiſe deſcribed to me to be of the ſame buſineſs of a weaver, he told him he wiſhed to change for a friend of his theſe two bank notes of one hundred pounds each, and Mr. Hayward was prevailed upon to change them; Wagſtaff delivered them to Hayward, and afterwards went to the priſoner and delivered to him in part one hundred and twenty pounds in caſh. Gentlemen it is clear that they ſhould identify the bank note that is produced to you, and the witneſſes Hayward and Wagſtaff will ſpeak to it by particular marks which they obſerved on the face of it; by ſuch obliterations which were remarkable, but which I ſhall not attempt to point out to you, becauſe they come in the fitteſt way from the witneſſes themſelves; they will tell you what ſtruck their obſervation when it was firſt produced to them, and with what certainty they can prove it be to the ſame note: I underſtand that they will prove that the note was firſt delivered from the Priſoner to Wagſtaff, and afterwards from Wagſtaff to Hayward, and by him to another perſon who will be produced to you, and he found it was a forged bank note: I ſhall perfectly ſatisfy you of that by the uſual evidence, ſo as to leave no doubt on your minds; that perſon returned the note to him, and as ſoon as he found it was forged, he called upon Wagſtaff, as was perfectly natural in his ſituation, and upon conſideration together, they determined to go to Newland to make enquiries on this buſineſs; they ſettled to go on Sunday; they went to his place of reſidence in the country, and they found him at home; immediately they entered into converſation with him, and told him the notes, or rather I will confine myſelf to the note, which is the regular and proper way, was a forged note; the expreſſions he made uſe of, and I mean to ſtate correctly the expreſſions he made uſe of, in the ſeveral converſations he had, and to deſire you to attend to that and to his behaviour, when he was firſt appriſed that this was a forged note; you will attend to theſe circumſtances in order to ſettle in your minds whether his behaviour and conduct was that of an innocent man, or whether he did not manifeſtly ſhew a conſciouſneſs of guilt; for it is in that way that you are to ſatisfy yourſelves of the guilt of the priſoner at the bar. On his being told they were forged, his expreſſion immediately was, I am ſurpriſed at that, for I had them from a man of property; this was in converſation between Wagſtaff and the priſoner, he told him he had brought Mr. Hayward down with him, and he was waiting at ſome little diſtance, and he deſired him to go to Mr. Hayward; they went to Hayward, as ſoon as he appeared, Mr. Hayward addreſſed him in this manner: he ſaid, Newland, you had no right to expect me without a number of armed men to take you into cuſtody; I might have been dragged out of my bed to gaol: Where did you get theſe notes? the priſoner's anſwer was, as it had been to Wagſtaff before, I had them from a man of property: Hayward immediately aſked him, from whom: now what would have been the anſwer of an innocent man; if he had known of whom he had them, would not he have directly told the perſon's name for his own ſake, and for the ſake of public juſtice: that ought to have been his conduct, and for his own ſake it would have been natural; for if an innocent man, which certainly may happen by accident, becomes poſſeſſed of a forged bank note, and he is told it is a forged bank note, his own perſonal ſafety, and common prudence dictate, that if he knows of whom he received it, he ſhould inſtantly diſcloſe it: therefore as the priſoner, when firſt aſked, acknowledged that he knew the man of whom he had it, it remains for him to tell you, if he can, why he did not immediately diſcloſe that perſon's name; he was preſſed to tell, but he refuſed, and he was deſired to go to town with Wagſtaff and Hayward in order to find this man in particular, from whom he received theſe forged bank notes; his anſwer was, I cannot find him if we go now, and I promiſe I will come to you at ten o'clock tomorrow to your houſe, and ſtill expreſſed himſelf ſaying, I cannot ſuppoſe theſe are bad notes; Hayward had a ſtrong ſuſpicion of the priſoner, and he again made uſe of expreſſions importing that ſuſpicion, even ſo ſtrong as to ſay, Newland, I will certainly hang you; the anſwer the priſoner made, is little like the anſwer of an innocent man; his anſwer was, all you want is your money, you ſhall have your money, that is what you want; he promiſed to call on Hayward again, but before they parted they had other converſation, and it will appear, I am told, by the further converſation, that there was a great deal of reſervation, and much equivocation, utterly inconſiſtent with the behaviour of a man intirely innocent, and who by misfortune (for it is a very great one) had got hold of a forged bank note; there was further converſation between them before they parted that day, and Hayward charged him with the actual forgery; his anſwer was ſomewhat ſingular; no, I could not forge them, as I can neither read nor write; Hayward told him the law is the ſame for uttering them: upon this they quitted him, he promiſing and they believing that they ſhould have the money produced. On the 8th of December Wagſtaff met the priſoner in Biſhopſgate-ſtreet, he aſked him if he had been at Hayward's, no he ſaid, he had not been there, upon which Wagſtaff deſired him to go. They went to a publick-houſe, and he ſaid he had not been to Hayward, becauſe the gentleman he had them from was gone to Stratford, and would not be at home before the evening;

he ſaid he was then under a neceſſity of going home, but promiſed to meet the next day: Wagſtaff and Hayward were both together at this publick-houſe, and they both preſſed him extremely to name the perſon from whom he had the notes, but he declined that, and ſaid he was perfectly ſure that the gentleman from whom he had them did not know they were forged, and he begged in the moſt earneſt manner that they would not diſcloſe this matter, but keep it ſecret. Now you will conſider gentlemen, as I go along, whether this was the conduct of an innocent man: the priſoner did not come as he promiſed; he promiſed another day to come, and he did not: therefore Wagſtaff and Hayward both together went again to his houſe, he excuſed himſelf with ſome frivolous excuſe for not having kept his promiſe of coming, and then promiſed again to come the next day, and again intreated them not to mention it, for that he was juſt got into an extraordinary farm, and begged for God's ſake that it might not be buzzed abroad. On the Friday this priſoner met them both again, and then Mr. Hayward inſiſted upon it that he ſhould tell him where and from whom he had the notes; then his conduct appeared more ſuſpicious, (but however of that you will judge) for being preſſed to the wall by Hayward, he ſaid he would not tell in the preſence of any witneſs, but if Hayward would retire alone with him, he would diſcloſe to him the name of the perſon from whom he had them, then the priſoner and Hayward went into a room by themſelves, and he extorted from Hayward a ſolemn promiſe not to diſcloſe it, and then he aſſerted that he had this forged bank note, together with the other from Mr. Henry Davis, a potatoe merchant, as he is deſcribed, in Spitalfields, and he undertook to Hayward that he would either bring him or the money by times the next morning; for he told him that Davis, from whom he had received the note, was gone to ſeek after the money; and he again begged of him to keep it ſecret, and if Davis or the money was not brought him the next morning, he ſhould be welcome to diſcloſe it. Gentlemen, in ſhort not to take up more of your time, after many enquiries about Davis, and talking with Davis, (for what Davis ſaid will not be evidence againſt the priſoner at the bar) it was found that the priſoner and this Davis were gone off: a proper enquiry was made to get at them if poſſible, and you will find, that after a great deal of diligent ſearch, under many ſuſpicious circumſtances which I will not ſtate, at a great diſtance from London, the priſoner and Davis were found by the ſea coaſt going by different names from their own; if you attend to theſe circumſtances, you will ſee from the beginning the priſoner at the bar inſiſting that he had the note from a man of property, and though preſſed, declining to declare the man's name, in a way that an innocent man, I ſhould ſubmit to you, could not poſſibly do, but you will form your own judgement; at laſt, however, he conſents to tell Hayward alone (for he would not talk to Wagſtaff) that he had it from Davis, and he undertakes to produce Davis the next morning, but he never comes himſelf, nor does Davis come: ſearch is made after both, and both of them are found by the ſea coaſt of this country, for what purpoſe you will judge.

Gentlemen, this is the caſe we have to lay before you, we ſhall endeavour to prove before you, that the priſoner at the bar uttered this forged note; and the queſtion for you to determine therefore is, whether it was a forged note to the knowledge of the priſoner at the time of the uttering; and in order to determine that, you will conſider whether this conduct, and theſe expreſſions of his can at all be made agreeable to the conduct of an innocent perſon, and added to that, after this promiſe to produce the party to the perſon injured, from whom he had it; his failing of that promiſe and attempting to elude any ſearch, and coupled with that promiſe, and alſo to his being at a diſtant place by a feigned name; it ſeems therefore to me, that a clearer caſe cannot come before you to ſatisfy you of the guilt of this priſoner at the bar, in uttering this note knowing it to be forged. Gentlemen, it is a queſtion as to his knowledge, it is a queſtion of conſcience, it is a queſtion concerning what paſſes in a man's mind, and it cannot be proved by any thing but circumſtances; and I conceive the circumſtances we ſhall lay before you are incompatible with the conduct of an innocent man. Gentlemen, this is our caſe, and if you are ſatisfied by the teſtimony of the witneſſes, of the guilt of the priſoner at the bar, your duty to the publick requires that you ſhould find him guilty; if you are not ſatisfied, it is no leſs your duty to the individual to acquit him.

Mr. Garrow Council for the Priſoner. My Lord, on the part of the priſoner I am inſtructed that all the witneſſes, except thoſe that belong to the Bank of England, to whom your Lordſhip cannot eaſily believe my inſtructions were to extend, may be examined apart.

THOMAS WAGSTAFF *ſworn.*

Examined by Mr. Sylveſter.

What are you?——A weaver.

Where do you live?——In Nova Scotia Gardens, Bethnall-green.

Do you know the priſoner?——Yes.

How long have you known him?——Between four and five years.

Did he apply to you in November laſt?——Some time in November he applied to me.

Where?——At the Sun in Biſhopſgate-ſtreet.

At what time?——In the afternoon.

What paſſed?——He aſked me if I knew any body that had got any money, he wanted two notes changed for one hundred pounds each.

Did he give you any reaſon for applying to you?——The Bank was ſhut up, I think that was the reaſon; I told him I would go and aſk an acquaintance of mine if he had ſo much money in the houſe; I went to my acquaintance, his name is Thomas Hayward; he ſaid he had but one hundred and twenty pounds in the houſe, I went back and told the priſoner, he told me that would do, and he would leave the notes with him till he came out of the country.

Look at that note?——This is one of them.

You are ſure of it?——Yes.

Look at that?——That is the other.

Theſe two notes he put into your hand?——Yes.

What money was paid to him?——One hundred and twenty pounds in caſh and ſmall notes.

Did any thing elſe paſs at that time?—Nothing particular, only we drank together.

What happened afterwards?—In about a fortnight, or ſomething more, I believe it was, Mr. Hayward came to me and told me the notes were forged, and we agreed to go down to Mr. Newland; he lived at Chinkford-hall, in Eſſex; I called him out of his parlour, and told him there was a ſad piece of work had happened, for thoſe notes were forged that I had of him.

What did Mr. Newland ſay?—He ſaid he was ſurprized at that, he had them from a man of property.

Did he ſay who that man of property was?——No he did not.

What then paſſed?—Then we came to the chaiſe to Mr. Hayward; I told him he was in the chaiſe; Mr. Hayward got out of the chaiſe as ſoon as he ſaw him, and told him he might have expected that he ſhould have brought ſome perſons down to have taken him into cuſtody; he ſaid he knew nothing of their being forged; I then told him the man muſt have his money back again; he ſaid, yes, certainly he muſt, and he would come the next day and go to the man whom he had them of, and get the money returned back for them, he did come the next morning at ten o'clock and ſaid he could not find the man, he was gone out of town ſomewhere.

Did you aſk who the gentleman was?—Mr. Hayward did, but he omitted telling him, he ſaid he would come the next day, but did not, and the next day, or the next day but one we went down to Chinkford again; when we came to Chinkford, we were very angry with him, both Mr. Hayward and me, for not coming according to his promiſe; he ſaid he was vexed that he did not come, but he had been buſy, he had been to ſome market at Waltham; on Friday he came to town, and we met at a publick houſe in Camomile-ſtreet; he then told Mr. Hayward who it was he had them of, but he would not let me hear him.

How came you not to hear him?——He deſired me to go out of the room while he told Mr. Hayward, for he ſaid he would tell him, but he would not tell any body elſe.

Did he ſay any thing elſe?—No, I had no diſcourſe with him that day.

Had you any diſcourſe with him any time afterwards?——No, I aſked Mr. Hayward whether he ſaid any thing ſatisfactory.

Mr. Garrow. You muſt not tell us what Mr. Hayward ſaid.

Mr. Sylveſter. Had you any diſcourſe with the priſoner after?——I do not recollect I ſaw him till I ſaw him at Bow-ſtreet.

Could you find him at all after that?—No.

Mr. Garrow. You never went to the place where you was likely to find him?—No.

This man was but a ſlight acquaintance of yours?——I have known him four or five years.

You knew Davis, the potatoe merchant, in Spital-fields-market.

I knew him about the ſame time I knew Mr. Newland, but I have not ſeen him above ten months.

The priſoner applied to you at a publick houſe, and aſked you if you knew any body who could give change for two one hundred pounds bank notes?—Yes.

Then he depoſited with you as a pledge, two notes of one hundred pounds each, receiving from you one hundred and twenty pounds?——Yes.

It was a fortnight before you had occaſion to apply to the priſoner again?—Yes.

The priſoner then for all that you know on that ſubject, was, during that fortnight, reſiding at Chinkford, in the uſual way of his trade as a farmer?—For ought I know he was.

He had met with no obſtruction from you or the governors of the Bank?—Not that I know of.

Did he tell you it was for a friend of his?——No.

But on your telling him they were forged and there had been ſad work, he ſaid directly, I ſhall apply to the gentleman from whom I had them, and I will endeavour to get the money returned?——Yes.

Your object and the object of Mr. Hayward was, in truth to have got the money for theſe bad notes?—He wanted his money again.

And if the priſoner at the bar had had the diſcretion to deliver the money, you would have given him the notes?—I did not hold the notes.

The priſoner did not avail himſelf of this opportunity to eſcape, but put you off from day to day, with always telling you he would get the money?——Yes.

You ſay he did in fact come to town and meet you more days than one?—Two days.

And he returned of courſe to his own houſe for any thing you know?——Yes.

Mr. Sylveſter. When he offered you theſe notes, it was for you to give him caſh for them, was not it?——Yes, it was.

Did he ſay the reaſon why he wanted caſh?——He ſaid he was going into the country to buy ſome goods.

Mr. Garrow. How long was it after the time that you found theſe notes were forged, that he was apprehended?—It was ſome time more than three weeks, but he was in the country.

What diſtance from town?——At Yarmouth I heard.

That you know nothing about to your own knowledge?

Court. But from the time that you firſt gave intimation that theſe notes were forged, what ſpace of time intervened?—From the time I had the laſt interview with him at the Coach-maker's Arms, I did not ſee him afterwards; he did not go out of town directly after, I know.

He might have gone any where ?—Yes.

Jury. How do you know theſe to be the two notes which the priſoner gave you ?——There is a particular mark, there is a word blotted in the word *Schutz*, in both of them, and one more than the other; when they were opened by Mr. Hayward he ſaid, how they have blotted them.

Jury. Is it your cuſtom to write the name of the perſon from whom you received the bank notes upon it ?——I am not much accuſtomed to bank notes.

Then there is no other mark whatever that you know them by, ſave that of the blot ?——No.

Mr. Garrow. Are you a maſter weaver ?——What goods I make is my own.

You are not extremely converſant in bank notes ?—No, Sir.

Therefore, whether they are frequently blotted or not you cannot tell ?——No, I thought it was no harm to them.

THOMAS HAYWARD *ſworn.*

Examined by Mr. Fielding.

Where do you live ?—In Primroſe-ſtreet, I am a weaver.

In the month of November laſt, did Wagſtaff make any application to you ?—Yes, on the 11th of laſt November, Thomas Wagſtaff called on me, and he aſked me if I could give change for two ſingle hundred pounds bank notes; I told him I had no more than one hundred and twenty pounds in the houſe; I aſked him who it was for, he ſaid it was for farmer Newland.

What paſſed between you after that ?—Wagſtaff went away, I did not ſee the notes the firſt time, he returned again in a very ſhort time with the notes, and ſaid that would do, that Mr. Newland was going into the country, and I might have the uſe of the other eighty pounds for about two months.

What paſſed then between you ?—Nothing more, than that I advanced him the money, and I had the notes, and I obſerved a blot.

Should you know theſe notes again ?——Yes, Sir, I believe from a thouſand. (*The notes ſhewn him.*) Theſe are the notes, I am very poſitive, on the 13th of November, which was the Thurſday, I paid one of theſe notes away to John Ellis, in Holywell Lane, No. 75.

When was it, and to whom that you paid the other note, No. 76 ?——No. 76, the other note, I paid ſometime in November, but cannot tell the day, I called upon Mr. Buxton, a haberdaſher, and aſked him to change me that note.

Where does he live ?—In Biſhopſgate-ſtreet, he ſaid, he had but about thirty pounds, he gave me that, he was buſy in the ſhop, he took the note and put it by, ſeemingly careleſs, I called again the next day, as I call in generally moſt days in the week, ſays he, you may take back your note, for I do not know when I ſhall have enough give you change for it, and you may give me the thirty pounds in a day or two.

Had you indorſed it at that time ?—No, Sir, there was no mark at all.

When did you indorſe it firſt ?—At Bow-ſtreet.

What negotiation did you put the note in ?—None at all, I kept it from that time, the other note I paſſed away to Mr. Ellis.

When was it that any notice of a ſuſpicion came to you, that theſe notes were forged notes ?—The latter end of November, I cannot be poſitive, as ſoon as Mr. Ellis told me it was a bad note, I applied to Mr. Wagſtaff.

When was that, as near as you can recollect ?—The Saturday, but I cannot tell the day of the month, I found him at home, and ſaid to him, Wagſtaff, theſe two notes that you have brought are forged, and we concluded to go to him the Sunday; this was the Saturday evening, we thought it more likely to find him the Sunday; the Sunday morning we took a chaiſe and went down to Chinkford Hall, in Eſſex, there I ſat in the chaiſe while Wagſtaff went into Newland's houſe, I cannot poſitively ſay the day of the month, but it was of a Sunday, Wagſtaff and Newland came out of the houſe together, I got out of the chaiſe and met them both; the firſt word that I ſaid to Newland, was this, ſays I, Newland, you had no right to expect me by myſelf, without five or ſix armed men to take you into cuſtody, I added, I might have been taken and dragged out of my bed, and dragged to a gaol; then I told him the notes were forged, he ſaid, if they were forged, he could not forge them, for he could neither read nor write, I told him he was as liable to be hanged for putting them off, as the man that made them, I aſked him who he had them from, he ſaid, he had them from a man of property, I aſked him, who that man of property was, he did not chuſe to tell me.

Court. He did not tell you?—He did not.

Mr. Fielding. How do you mean that he did not chuſe to tell you?——I aſked him ſeveral times and he did not tell me.

He was ſilent upon it?—Yes, I aſked him to go with me to town, then I told him it was a matter of a very ſerious concern, and that certainly his life was in danger, if he did not produce the man in a proper manner; he begged I would not mention it any where thereabout, he would not have it mentioned for five hundred pounds; that he had juſt got into a farm of two hundred a year, and it might be the ruin of him; I ſtill preſſed him to let me know from whom he had them, he told me the money was all I wanted, and I might depend upon having it; he aſked me what was to be done in caſe the money could not immediately be had, I told him, I would hang all that was concerned, he ſaid, he hoped, I would not talk about hanging any body, and appointed to meet me at my own houſe the next day at ten o'clock; I then left him, and he came according to his promiſe, I told Wagſtaff to watch in the ſtreet, and he came at eleven to the Coach-maker's Arms; as ſoon as we had got into the back parlour, I aſked him if he had brought the money, he ſaid, no, he had not, I aſked him who the man was again, this man that he had got them of, and he then refuſed to tell me, he ſaid, the gentleman was gone to Stratford, and would not be at home before the evening, and that he wanted to go home, but would meet me the next morning, and would bring me the money; I let him go away; he did not come the next day, on the Thurſday, Wagſtaff and I took a chaiſe, and went down to Chinkford Hall again.

Did you find him there?—Yes.

Jury. Can you ſpeak to the day of the month?——I have not got the day of the month down.

Mr. Fielding. Then you went to Chinkford Hall?—Yes, I told him, I thought he was run away, he pretended he had been to ſome market juſt by, and had not had an opportunity of ſeeing the gentleman whom he had the bills from.

Did he make uſe of the word gentleman?—Yes, Sir, he always treated him as a man of property.

Jury. Did he ſay the gentlemen or gentleman?—He did not call it more than one, I did not ſtay but a very little while, but I told him, that if the matter was not ſettled, that he muſt expect to be taken into cuſtody, this was on the Thurſday, he appointed to meet me the next day at the Coach-maker's Arms, Camomile-ſtreet; accordingly he came at the hour he appointed, but I cannot tell the hour, I believe he was there rather before me, Wagſtaff came much about the ſame time, he rather refuſed then to tell me or give me any ſatisfaction, then I told him, I would not part from him till he did tell me who he had them from, he ſaid, he would not tell me before any witneſs, meaning before Wagſtaff, and we went up ſtairs into the club-room, Newland and I, and nobody elſe preſent, and there he made me promiſe in a very ſolemn manner, that I would not mention the man's name, and he would tell me, I told him that if he did not bring me the money that night or the next day, he could not expect me to keep my word, but that he muſt expect that I would divulge it, he then told me that he had them from Henry Davis, a potatoe merchant, in Spitalfields-market, he ſeemed not deſirous that I ſhould call on Henry Davis, becauſe he told me I ſhould have the money, I might depend upon it, as much as a man could ſay, he was to meet me the next morning or that night; I believe very little paſſed but aſſurances, that I ſhould have the money.

Did you join company with Wagſtaff again?—No, I believe we went out.

When was it that you made an appointment to meet again?—The next day he was to call at my houſe, I always appointed my houſe, but he rather wiſhed to go to other places, I went to Davis the next day, the priſoner not coming on the afternoon of the Saturday, I enquired for Davis, and I found him at home, he was ſtanding at the door, I ſaid is your name Henry Davis, he ſaid, yes.

Mr. Fielding. We muſt not have any converſation between you and Mr. Davis; where did you ſee the priſoner after the Friday?—On the Monday morning following, he called at my houſe pretty early, then he brought me ten pounds, in delivering me the ten pounds, he ſaid, as I underſtood him then, it was all he had got *by him*, but when he was at Bow-ſtreet, he ſaid to Sir Sampſon Wright, there is Mr. Hayward, he cannot deny that I told him at the time, there was ten pounds, and that was all the money I got *by them*.

What did you underſtand this to be when he delivered it to you on the Monday morning?—I did not pay any credit to what he ſaid, I am hard of hearing of one ear, and I might miſunderſtand him, but when we were in Bow-ſtreet, he inſiſted upon it, that he ſaid, and he dared me to contradict him, that it was all he got *by them*.

What paſſed between you when he brought you the ten pounds?—I told him ten pounds was nothing, ſays I do not trifle with me any longer, but ſet your time and keep it, for I will be ſhuffled with no longer; he appointed that day three weeks, it was a great deal of money, but I did expect to get it as I could; though I may be blamed, before that day three weeks he was gone away; I could not find him at all, I never ſaw him after that Monday till he was apprehended, I then went to one of the gentlemen belonging to Sir Sampſon Wright's, and aſked him whoſe hands it was proper I ſhould deliver the notes to.

At what time was it that you applied to the Gentlemen of the Bank, and informed them of this matter?—I cannot tell how long, they were gone a long while, but when I heard that he was apprehended, I was determined to deliver the notes up, I delivered them to Mr. Acton's hands at Sir Sampſon Wright's office.

What time was that?——I do not know.

What day did you firſt go to Chinkford?—The day that Wagſtaff firſt applied to me was on the 11th of November, the Tueſday.

How long was it before you firſt went in ſearch of him at Chinkford?—I cannot be exact.

How long was it between the time you received the notes from him, and the time he appointed to meet you?—It might be a fortnight, it was either the 30th of November, or the 7th of December.

How long was it after you delivered this note to Mr. Ellis, and the other to Mr. Buxton, before you received notice that theſe notes were fabricated?——About a fortnight.

Court. From the time that you firſt had a ſuſpicion that theſe notes were forged to the time that the priſoner abſconded, what was the portion of time that elapſed?—He abſconded before the time he fixed to come to me, but I cannot tell, for he living eight miles off, I was tired.

Court. Then from the Sunday you firſt went with Mr. Wagſtaff, to the Monday when he paid you ten pounds, that was but a week?—Yes.

Did you know any thing of Newland?——I did formerly know him, when he was a hay broker at Whitechapel, I underſtood he had borrowed three or four hundred pounds to ſtock his farm with, and I underſtood this was part of the money.

Mr. Garrow, Priſoner's Council. You have told the Court very candidly, and I dare ſay, very truly, that this being a conſiderable ſum of money, one hundred and twenty pounds, and a great deal too much to loſe, you was very anxious to get it?——I was.

In conſequence of that you had four or five interviews with the priſoner?——Yes.

You had ſeen him in the courſe of a week four times, ſometimes he kept his promiſe, ſometimes he did not, but you however had ſeveral interviews with him on the ſubject, and the firſt time you applied to him, you informed him of his ſituation, told him how his life would be affected, that he would be hanged, and that any body that had a hand in uttering forged notes were as guilty as the forgers?——Yes.

But his anxiety however did not ſeem to keep pace with your advice, for he only ſays, for God's ſake, do not mention it hereabouts, for I am juſt got into a farm of very conſiderable extent?——Yes.

That was the ſort of anxiety that ſeemed to preſs on the mind of the priſoner, neglecting all that you told him: he appeared to you to be a man of ſome property, renting a conſiderable farm?——He did.

It would not have been very difficult, one would have thought, for ſuch a man to have raiſed ſuch a ſum as one hundred and twenty pounds?—I believe he could have raiſed it.

Aye! if he had been anxious ſo to do, I dare ſay you would have been very glad to have got good ſecurity for your money, you would not have inſiſted on hard caſh?——I wanted hard caſh, I gave him my hard caſh.

Now the laſt time, after he paid you ten pounds, you gave him perfect latitude for the payment of remainder, that was your converſation, and he took three weeks; now did you hear that the priſoner living in Eſſex, had been in a ſituation which I muſt mention, had not you heard that he was a ſmugler?——I cannot ſay I did.

That note is No. 76, that you lodged at Mr. Buxton's?——Yes.

He gave you thirty pounds, and the next day he returned you a note for one hundred pounds?——Yes.

Can you, or can you not, in a caſe of life, venture to ſwear that that note, whilſt it was in the hand of Mr. Buxton, might not have been changed?——I took ſuch particular notice of the notes, I remarked them to be blotted in ſuch a manner, that I could have known them again from a thouſand.

If you had ſeen a bank note, No. 876, payable to Mr. John Schutz, for one hundred pounds, dated the ſame day, could you have diſtinguiſhed it from this?——I do in my conſcience believe that to be the note, and as ſuch I do declare it.

So I underſtand you, you are of opinion that you had the ſame note back again?—I am pretty ſure of it.

You have told us that even when he made the laſt appointment with you, he was endeavouring to gain time?——I think he never meant to give the money at all.

You told him the ſecond time you would hang all that were concerned?——Yes.

Do you happen to know Davis?——I ſhould not know him if I was to ſee him now.

Did you know him by reputation?——I know nothing at all of him.

You told us that the priſoner ſeemed not deſirous that you ſhould call on Davis?—When he enjoined me to ſecrecy, he ſaid, he would bring me the money himſelf, and ſaid, he would not wiſh me to call on Davis, he did not wiſh I ſhould call on him.

Now during the whole of this month you ſay you did not diſcloſe to the Governors of the Bank of England or any other perſon, that you had theſe notes in your poſſeſſion?——I did not.

You felt that your ſituation was an aukward one, if he had run away, and you had been found with theſe notes?——Yes.

And then for a whole month you did not apply to the Governors of the Bank?——There is one word I remember now, he told me it was put in ſuch a train, that th money I ſhould be ſure of having.

My queſtion is whether you did not kee theſe bills, and did not diſcloſe to any bod that you had them in your poſſeſſion during that month, that is ſo, is not it?——I believ

I believe I did mention it to a friend or two, I did want to get my money.

Do you know any thing of the priſoner's abſconding, you found him at Chinkford?——Yes.

Did you go at any other time?——I went after he was gone, and I was very well informed that he was gone to Norfolk.

Do you know that the priſoner was taken at his own houſe?——I have heard that he was.

You ſaid it was your wiſh to meet at your own houſe, but the priſoner choſe a public houſe?——We was in a private room.

Mr. Fielding. Do you know whether he had a farm or not at Chinkford, or whether it was his brother's, was he a tenant to farmer Lott?——I have heard ſo, his appearance looked very wretched when I went down firſt.

Mr. Fielding. This note had remained in your poſſeſſion till you gave it in to the magiſtrate?——Yes.

Then this is the note you received from Wagſtaff?——Yes.

Jury. When did you go down to the priſoner's houſe, after that Monday that he had paid you the ten pounds, and was to pay you the remainder in three weeks?——I was informed that he was at Norfolk, therefore, I did not go down, but I was there on the Thurſday that he was apprehended; on the Saturday or Sunday, I went to Chinkford, a few days before he was apprehended, after the three weeks had elapſed, his wife told me he was at Norfolk or ſomewhere there, and as I underſtood he was gone upon a ſmuggling party.

WILLIAM BUXTON *ſworn.*

Examined by Mr. Bearcroft.

I know Mr. Hayward, he brought me a bank note of one hundred pound to change, ſix weeks ago I told him I had thirty pounds, he ſaid, he had his people to pay, I gave him the thirty pounds, he threw the note on the counter, he called upon me the next day, ſays I, you may take your note again, and when you have got change for it, you may bring me the thirty pounds.

Take this note in your hand, and tell me whether you believe that is the ſame note?—I cannot ſay poſitively to it, but I believe it is.

I do not aſk you to be poſitive, but according to the beſt of your belief and recollection?—I do not know rightly, it looks like it, I fancy it is.

Did you change away the note you received from Mr. Hayward, or did you return the not you had from Mr. Hayward to him again?——I returned the ſame piece of paper, it was only out of the counter into the drawer, and out of the drawer into his pocket.

Locked up I ſuppoſe?—No, Sir, it was not; nobody ſtands behind the counter but my wife and me.

Mr. Garrow. Whether your wife had changed it for another you cannot tell?—No.

So that while it was in that drawer it might have been changed you know?—I do not know that it was.

No! nor that it was not?—No.

JOHN ACTON, Eſq; *ſworn.*

I am ſolicitor to the bank, I received this note from the hands of Thomas Hayward the witneſs, who wrote his name upon it in my preſence, and I likewiſe: that is the ſame note.

JAMES WILLIAM LANDER *ſworn.*

Mr. Garrow. Will your Lordſhip indulge me with a queſtion or two to Mr. Lander.

What are you, Sir?——One of the caſhiers of the Bank.

You are authoriſed to ſubſcribe notes?—Yes.

Do you give ſecurity to the Bank of England for your fidelity?—Yes.

Mr. Garrow. My Lord, I take the liberty of ſubmitting an objection to the competency of Mr. Lander, I take it for granted the gentleman is called to prove that the note produced is not his hand writing, I truſt, my Lord, that the ſituation in which I ſtand, and the ſituation in which that unfortunate man at the bar ſtands, will apologize for me to your Lordſhip, for taking the liberty of troubling your Lordſhip; and if, ultimately, it ſhall be the fate of my objection to be overruled, yet I truſt I ſhall be forgiven for having made it, when it is conſidered that the defence of the priſoner at the bar is to be conducted by my inexperience and inability, againſt the firſt abilities and moſt confirmed experience that this country affords. I intreat your Lordſhip to believe that in this, and every objection I may take, I ſhall endeavour ſo to conduct myſelf, as to convince the Court that it is not my purpoſe to ſport with their time, to trouble them with frivolous objections, or to impede the courſe of juſtice: the objection which I take the liberty of ſubmitting to your Lordſhip is, that Mr. Lander is intereſted in the event of this trial, and I beg leave to premiſe that this objection does not go one ſingle tittle perſonally againſt the character of Mr. Lander; I mean to argue it in the general, without ſuggeſting an imputation on him or any of the gentlemen of the bank; and I ſay this, that not one individual here ſhould entertain an idea, that criminality is imputable to thoſe gentlemen, whoſe conduct and integrity raiſe them above ſuſpicion; but it is my duty to ſubmit to the Court, that an intereſt the ſmalleſt that can poſſibly be conceived in nature, is objection enough to the examination of a witneſs, this is the law in civil caſes, and therefore, I ſubmit it is an objection, which applies *a fortiori* in a criminal proſecution: the caſe of a commoner, who comes to ſay that a common is not commonable but to ſuch a number, or by ſuch a deſcription of perſons, is extremely minute: yet ſuch a man's evidence is uniformly rejected; the evidence of a corporator, who would confine the exerciſe of a franchiſe, is liable to the ſame objection; and even in queſtions about the ſettlement of a pauper, it is every day's experience that the pariſhioners can not be examined; I have heard it from the firſt authority in this country, recognized in this Court by great authorities on the trial of Mrs. Rudd, that Courts of juſtice do not ſit to weigh what degree of temptations the minds of men may reſiſt, but to take care that they ſhall not be expoſed to any temptations whatever. My Lords, if a gentleman is going along the ſtreet, and his ſervant is aſſaulted, and an action is brought by the ſervant, the maſter is not bound to pay the coſts, ſo ſays the law; but if the maſter is tendered as a witneſs, he is aſked, do you pay the coſts? the maſter will anſwer as a man of honour and generoſity, I think I ought not to let my ſervant pay them; if I were ſtating ſuch a caſe to the common underſtandings of men; of ſuch a man as this, I ſhould ſtate, that he was actuated by principles of the firſt ſtandard in morality, principles of juſtice to his ſervant, and acting under the influence of thoſe principles, it is impoſſible that he ſhould be biaſſed, to the commiſſion of perjury, yet a witneſs ſtanding in in this ſituation, is rejected in a Court of law. In the caſe of Mrs. Rudd, Mrs. Perreau was called as a witneſs, and it was aſked of her, whether ſhe had a hope that if Mrs. Rudd ſhould be convicted, that conviction might have ſome effect to procure the pardon and diſcharge of her huſband, who was already convicted: on her anſwering ſhe did hope ſo, the Court refuſed to receive her evidence; what was the ſuppoſed bias on this woman's mind, viewed in the light of a legal objection. It amounts only to a hope, which might be fallacious, that if Mrs. Rudd ſhould be convicted, that event might tend to induce a belief, that Mr. Perreau had been improperly convicted, and that mercy might be extended to him as the reſult of that belief; in the caſe of a common forgery the objection would be certainly unanſwerable, we all know that a man who has ſubſcribed a note, and is therefore *prima facie* liable to pay it, cannot be examined as a witneſs; but it will be ſaid that Mr. Lander is not perſonally liable to pay this note; but my Lords, I conceive his intereſt in this queſtion may be no leſs conſiderable, for he has told your Lordſhips, that he gives ſecurity for his fidelity, and I am entitled to ſuppoſe his bonds are to the amount of twenty thouſand pounds: if Mr. Lander, or any officer belonging to the bank ſhould receive ten pounds, or any other ſum, and iſſue a note without carrying the amount to the account of the Bank of England; if the Bank of England ſhould have no value for that note, ſo iſſued by the officer, but if the officer ſo intruſted ſhould ſubſcribe his name, putting the money into his pocket, he would come here under this bias, if this is proved to be my hand writing, as it is not carried to the account of the Governors of the Bank of England, I am liable to a civil proſecution, on my ſecurity bonds for a breach of duty, and to a criminal proſecution, for a fraud on the bank. My Lords, when I ſtand here as council for a priſoner, and addreſs myſelf to your Lordſhips, I am intitled in this ſtate of the proſecution, to ſay, that the priſoner is as innocent as the witneſs tendered to be examined; then my objection is that this witneſs comes under the bias which I have taken the liberty to ſtate, and I aſſure myſelf that if this objection ſhould not meet with an inſuperable anſwer, from thoſe gentlemen whoſe anſwers I dread extremely, and the weight of whoſe abilities have almoſt deterred me from troubling your Lordſhip; I aſſure myſelf your Lordſhips will not receive the evidence of Mr. Lander, but will leave the fact to be proved by other and better, and leſs exceptionable means.

Mr. Bearcroft, Council for the Proſecution. My Lord, it is certainly very proper for a Council concerned for the priſoner to make any objection that may occur to him; and I am the laſt man in the world, as Council for a proſecution, that will even complain of the exertion of the ingenuity of an advocate in ſuch ſituation: it is only my duty to ſubmit to your Lordſhip the anſwer, which is, firſt, and it is a very ſtrong anſwer, that the conſtant current of practice has been to admit ſuch a witneſs as is now objected to, and I am only to appeal to your Lordſhip's experience, and that of the other learned Judges upon the bench for the truth of this aſſertion; that of itſelf my Lord is a ſtrong anſwer to this objection: but however, there is another circumſtance I am ready to admit, that it is the clear law of the land in civil caſes, as well as in criminal, that whenſoever a witneſs is called to prove a propoſition in which he ſtands directly intereſted, to ſay yes, rather than no, he ſhall not be admitted as a witneſs to ſay yes; and I alſo admit that the queſtion is not on the quantity of the intereſt, for if the intereſt amounts only to five ſhillings, it is as complete an objection, as if it amounted to twenty thouſand pounds; the difficulty is to ſee how the learned gentleman applies the reaſoning to the preſent caſe: Mr. Lander is a clerk of the Bank, but his ſignature does not bind himſelf, his ſignature profeſſes to be for the Governor and Company of the Bank of England; if he were to offer himſelf here, upon an indictment for a forgery of Mr. Lander's note, beyond doubt he would not be competent a witneſs; but here he can never be ſued civilly, becauſe he profeſſes to ſign for the Governor and Company of the Bank of England; and whoever therefore receives that paper, muſt call on them and them only. The learned gentleman then raiſes another objection, in which he is forced to make a preſumption, and a violent one it is, and contrary to the very firſt principles of law; he aſſerts that this Mr. Lander has given ſecurity to exerciſe his office faithfully, and then ſays, he, now I will preſume he has not exerciſed it faithfully, but that this is his handwriting; that is, I will preſume he is guilty of a capital forgery, in order to make him an intereſted witneſs, and to repel his evidence. My Lord, the law never preſumes guilt, the law preſumes innocence, and the learned gentleman cannot ſtate his objection but in that form; by poſſibility, ſays he, it looks likely, or you are to take it for granted, that Mr. Lander has put his name to bank paper iſſued by the Bank, for certain purpoſes, and that he is guilty of the forgery: ſtate the caſe, that here is a genuine bank note, that Lander puts his name falſely without authority, and add ſome other circumſtances that do not exiſt, and that is the foundation of the objection. Take it for granted that he is guilty of the forgery himſelf, and moſt undoubtedly he is guilty of the forgery; but your Lordſhip ſees the objection ſtands on the illegal aſſumption, contrary to the firſt principles of law: nevertheleſs, it is no reflection on the learned gentleman who has taken the objection.

Court. This objection is taken by the Council for the priſoner to the teſtimony of the witneſs Mr. Lander, as an intereſted witneſs; I remember in the caſe of Doctor Dodd, my Lord Cheſterfield, whoſe bond it was ſuppoſed to be, and whoſe name was ſubſcribed to it, before he was examined as a witneſs, he executed a releaſe which made him a competent witneſs; now I take it, that to repel the evidence of a witneſs, it muſt appear that they would be liable to be ſued or proſecuted: you are not to preſume that a man is guilty of a capital crime in order to repel his teſtimony, and Mr. Lander has by no means engaged himſelf, and I think his teſtimony ought to be received.

Mr. Recorder. I am of the ſame opinion; the anſwer ſeems to be this, that in order to allow this objection, it is neceſſary to preſume the criminality of the witneſs; the intereſt muſt therefore be either apparent on the nature of the tranſaction, or come out from his own examination: if the witneſs is intereſted, or if he admits himſelf to have an intereſt that operates in his own mind, in either of thoſe caſes, to be ſure it would be an objection.

Mr. Sylveſter to Mr. Lander. Look at that note?—It is a plain forgery.

Is it?—Yes undoubtedly.

Court. Is it your hand-writing?—No, my Lord.

Is it on bank paper?—No.

GEORGE VINCENT *ſworn.*

I am entering clerk at the Bank.

Look at that bank note?—It is a forgery, it is not my hand-writing, it is not bank paper.

(The note read.)

"1783. No. 876. I promiſe to pay
"Mr. John Schutz, or bearer, on demand,
"the ſum of one hundred pounds, for the
"Governor and Company of the Bank of
"England. William Lander, £100. En-
"tered Geo. Vincent."

(The note ſhewn to the Jury.)

Court. There is no variance between the note and the record.

Mr. Fielding to Mr. Vincent. You have ſeen that note?—Yes.

In the firſt place you ſay it is not your hand-writing?—It is not.

Wherein does it differ?—There is a very material difference in the one hundred pounds, which extends further than ours, the paper is more flimſy than ours.

Has that note any water mark in it?—I never obſerved it.

Be ſo good as to look at it now?—It is a very faint water mark if there is one, but I cannot diſtinguiſh it.

To Mr. Lander. Tell us the difference?—I ſee no water mark, here is ſomething, but it is not clear, here is the word *pounds* printed in it, which is not in real bank notes, here is the hundred in the black, is joined with the letter *F.* it is jumbled together.

Mr. Sylveſter. Is it either the plate or the paper of the Bank?—Neither.

Mr. Garrow. I do not doubt but theſe are perfectly diſtinguiſhable to you, but to men of common obſervation are they ſo very bad, as that a man taking notes in the common way of trade, might not have have taken them?—They might take them.

EDMUND

The Remainder of this Trial will appear in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of FEBRUARY, 1784, and the following Days;
Being the THIRD SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of William Newland.

EDMUND PATMAN *ſworn.*

Examined by Mr. Sylveſter.

Do you know the priſoner ?—Yes.

Did you at any time go to Norwich, or the ſea coaſt ?—Yes, I believe it was about ſix weeks ago.

Where was you ?—I went from London, a young man and I, to Swolen in Norfolk, there we met Newland and Davis ; it was about ſix weeks ago.

Was it before or after Chriſtmas ?——After ; we ſtaid there that night, it is about thirty miles from the ſea coaſt, we went from there to Southwold, which is cloſe joining to the ſea, I believe we ſtaid there ſeven or eight days.

Who ſtaid with you ?—Davis and Newland, and one Handby that went down with me, and Newland's man.

What name did Newland go by ?——By the name of Brown.

What name did Davis go by ?——By the name of Pitt ; we continued there ſix or ſeven days, then we went to a place called Cuthie, it is about three quarters of a mile from the ſea, we ſtaid there I believe much about the ſame time, eight or nine days.

Where did you go from thence ?——From there we came home to London.

Court. What was your buſineſs in going there ?——We went there to aſſiſt him to get the goods away from the water ſide.

Mr. Garrow. Maſter Patmar, there is ſome good moon-ſhine at Southwold, is not there ?——I do not know what that is.

Lord bleſs me ! I thought you had learned that in the Exchequer long ſince ; do not you know what white brandy is ?——I never ſold any.

Oh ! you only carried it, you was a ſort of huckſter then ; pray Maſter Patman, what might your travelling name be in this expedition ?——My name was Smith.

Pray Mr. Smith, alias Patman, what was your reaſon for exchanging your name ?——That the Cuſtom Houſe officers ſhould not lay hold of us.

It is very common you know, for gentlemen and nobleman to go incog. ſo the cutter did not come in ſight, and you came away to town, is that it ?——Yes.

Mr. Sylveſter. Who deſired you to take the name of Smith ?——I do not know whether it was Newland or Pitt, or who it was.

Mr. Garrow. It was ſome of the gang?——We expected ſome ſmuggled goods that Woodin and Thurſton went over to buy.

Mr. Sylveſter. What were they to pay for the goods?——I underſtood it was paper.

Who was to pay for them in paper?——Woodin.

Mr. Garrow. My Lord, is it proper for us to hear the whole journey of this gang to Bruges. What did Newland ſay to you about theſe tranſactions of this journey?——Very little.

How came you and Newland to leave the coaſt?——I went down to Yarmouth, and I heard they were taken up for a forgery on the Bank, I told Newland, that I heard a man on the other ſide of the water was taken up for forgery, he ſeemed to be ſurpriſed, and ſaid, he knew nothing about it; we came about fifteen miles the next day to the place were Davis took coach, and Newland and I came up in his little cart.

What name was there on the cart?——I do not know, I believe Newland, I am not ſure whether it was upon it or not, I cannot read.

Mr. Bearcroft. Why did the party break up? tell the whole, upon your oath?——I do not know.

What was ſaid about parting company?——Nothing particular.

How came you to leave the coaſt and part company?—Upon the account of the other man being taken up on the other ſide of the water, for a forgery on the bank, that was what I underſtood at Yarmouth.

Mr. Garrow. Somebody told you theſe men were taken up for forgery?——Yes.

And you told Newland ſo?——Yes.

And he afterwards came up to his own houſe?——He came to Rumford near to it.

You cannot read?——No.

Nor Newland neither?——I believe not, I believe he can neither read or write.

CHARLES JEALOUS *ſworn.*

I went to Chinkford to apprehend the priſoner, it was on a Sunday morning, and very ſnowy; we ſaw a woman come from Chinkford Hall, to light a candle at that man's houſe, as ſoon as the door was open we went in immediately, I went up ſtairs, there were two people in bed, a man and woman, he ſaid, his name was George Newland, ſays I, where is your brother Will; ſays he, I do not think I have ſeen him for this ten days; I went into another room, I ſaw a woman, and I aſked her when ſhe ſaw William, ſhe ſaid, not for a great while, I then ſaw I believe his nephew.

Mr. Garrow. Will your Lordſhip take the account of what all theſe people ſaid to the witneſs.

Court. Where was he found?—I came into the waſh-houſe, and I ſaw a man come out, and I aſked him where he came from, he ſaid, down that ſtair-caſe, I immediately went and clapped a piſtol to his head, and ſaid, if you ſtir, I will blow your brains out! ſays he, I ſhall make no reſiſtance, he ſaid, he ſuppoſed we wanted him; we brought him down from there, and he aſked what was the matter.

Did he know you before?—Not to my knowledge.

Did any thing paſs after that?——He aſked what it was for, I told him it was for making bank notes, and he ſaid he could neither read nor write.

Mr. Bearcroft. My Lord, there is a piece of evidence behind which I did not open, I have a witneſs to prove, that previous to the time of delivering theſe bank notes that have been produced; the priſoner at the bar offered to ſell eight hundred pounds in bank notes for four hundred pounds.

Court. I do not think I ſhould receive that.

Mr. Garrow. I wiſh Mr. Bearcroft had contrived any way that the Jury ſhould not have heard it.

Priſoner. My Lord I never offered any bank notes under the value in my life, here I ſtand, my life is at ſtake.

Court to Priſoner. There is no evidence on that ſubject, theſe bank notes you were to have received the full conſideration for, though part of them only were to be received at the time.

PRISONER's DEFENCE.

These notes my Lord I had of Henry Davis, I told them I had them of him, for he was a man of property; I am as innocent of the forgery as a child unborn, I ſaid that Davis had lent me ten pounds of the money, and I put my hand in my pocket and gave it him; he ſaid he was very glad of it, that is all I know of the matter.

Mr. Garrow. My Lord I am ready to call ſeveral witneſſes to prove the purpoſe of going to Norfolk; but I take it to be proved that this man went into Norfolk on a ſmuggling party, and that he came back again to his own houſe.

NOT GUILTY.

Tried by the London Jury before Mr. Baron PERRYN.

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277. The ſaid WILLIAM NEWLAND was again indicted for forging and uttering the other bank note, laid the ſame as the former; and there being no further evidence, he was of courſe

ACQUITTED.

Mr. Garrow moved the Court that the priſoner might be immediately diſcharged; but he was ordered to be detained till the Gaol Delivery.

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278. WILLIAM PROSSER was indicted for feloniouſly aſſaulting Iſaac Poland, on the 17th of February laſt, on the King's highway, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one linen handkerchief, value 1s. one man's hat, value 5s. and one half guinea, value 10s. 6d. and 1s. in money, the property of the ſaid Iſaac.

ISAAC POLAND *ſworn.*

On Tueſday laſt was a week, the 17th of February, I was coming out of Drury-lane play-houſe, coming up Bridges-ſtreet, two men came running with great force, one of them and the priſoner took me between them, directly off the pavement, I ſaid where will you puſh me to, and a coachman from a gentleman's carriage called out, Sir, one of the men has his hand in your pocket; when I looked about, this priſoner at the bar had my handkerchief in his left hand, and threw it away to another man, and when I looked up there were four more of them, I went to run after the other man who had the handkerchief of this man, he directly took hold of me, and four of them came againſt me, and dragged me between two hackney coaches, I ſaid, what do you mean by all this? one of the men laid himſelf on the ground, and gave me a punch, and I fell under a coach, and this man put his hand in my breeches pocket, I cried out murder directly, then he took my buckles, then I cried out murder again, when he took the money he cried out, *Will hated* and he came and took the money from him, and took my hat and run away, then I called out murder again, and he held up his elbow, and gave me a knock here, and I have the mark yet.

Did you feel him take your money? —— Yes, he put his hand into my pocket and took out the money, and gave it to another perſon.

Did all this happen in the publick ſtreet, when all the people were coming out of the play-houſe? —— Yes, there was ſuch a noiſe with coaches and link-boys; this ſoldier came and took the priſoner.

Now upon your oath did he take the money from you, or did it drop out of your pocket in the ſcuffle? —— No, he took it out of my pocket.

Are you ſure it did not fall out in the ſcuffle? —— I ſaw him take the money out and give it to the other perſon.

And did they attempt to take your buckles out of your ſhoes in the ſtreet? —— One time and unbuckled one buckle, and the priſoner came and laid over me; I held the man that laid over me, while this ſoldier came and releaſed me.

Priſoner. Before the Juſtice the proſe-

cuto

cutor aſked me if there was any body with me; now he ſays there were.

Court to Proſecutor. Did you aſk him that queſtion?—No, I told the ſame ſtory I tell you.

Priſoner. It is quite a different one, upon my honor, my Lord.

Proſecutor. I knew him directly.

THOMAS HAYES *ſworn.*

I know no further than taking the priſoner from the proſecutor's body in the ſtreet; when I went to them among the coaches, there was one in a blue jacket and trowſers with his face towards the ground, and the ſaid Iſaac Polland was with his face upon that man's back, I laid hold of him, and ſaid, Sir let him go, and I took him to my poſt and kept him till a conſtable came, I did not ſee him take any thing, there was ſomebody running away.

PRISONER's DEFENCE.

I was coming up Bridges-ſtreet, and coming by Drury-lane play-houſe this genman caught hold of me by the arm, and told me I had picked his pocket, I immediately denied it, he ſaid I had his handkerchief about me, and he gave me into the charge of one of the ſoldiers, when I came to the watch-houſe I was charged with picking a pocket of a handkerchief, then afterwards he ſaid eleven ſhillings and ſixpence, I was paid off two months ago, I have no friends in London.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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279. **SAMUEL CHAMPNESS** was indicted for feloniouſly aſſaulting Dorothy Jennings, ſpinſter, on the King's highway, on the 21ſt of December laſt, and putting her in fear and danger of her life, and taking from her perſon and againſt her will, one black ſattin cloak, value 20s. and one pair of women's pattens, value 6d. the property of the ſaid Dorothy.

DOROTHY JENNINGS *ſworn.*

On the 21ſt of December I loſt my cloak, a little after ſix in the evening, I was going up Conſtitution-hill, I met two men, they ſtopped me.

In what manner did they ſtop you?—The firſt man juſt paſſed me, and the other immediately ſpread out his arms and ſtopped me, the priſoner at the bar turned about, and put his hand on my mouth, and ſaid if I ſpoke a word, he would kill me immediately; I puſhed him off me, and begged he would let me alone, and let me go about my buſineſs.

What did they do or ſay about that?—They ſaid if I ſpoke a word they would kill me immediately.

Did they take any thing from you?—Yes, my Lord, they took a black ſattin cloak from me.

Did they take any thing elſe?—The priſoner took my pattens out of my hand.

Did they go away when they had taken them?—They went away, and then I was going after them, and they turned about and ſaw me going after them, and they came up to me again and threatened me if I ſtirred; the priſoner put ſomething to my face, and ſaid, did I ſee that, I ſaid yes, and they deſired me not to ſtir, and I ſaid I would not.

What was that he put before your face?—I do not know, I was ſo frightened I cannot tell.

They did not attempt to take any thing elſe from you, did they?—No.

Did they aſk you for any money?—No.

How ſoon afterwards was the priſoner taken?—They both of them ſet a running again, and I run after them, and as ſoon as I *ſaw* ſomebody coming, I called ſtop thief; the other was taken and tried laſt ſeſſions, the other man was ſtopped juſt by the Queen's Palace; the priſoner was taken the 26th of January.

How came he to be taken up?—I do not know.

Was your cloak and pattens ever found?—No.

Was any body with you when you was robbed

robbed ?——No, Sir, nobody but myſelf.

What light had you by which you ſaw theſe two men ?—It was juſt under a lamp where they robbed me, juſt by the Queen's Palace, that ſide next to the Queen's Palace, not in the Green Park.

Had you any light but that lamp ?—No.

You was very much frightened at his ſtopping you ?—I was not ſo much frightened then.

The priſoner paſſed you and turned back? —Yes.

Then at firſt your back was to the priſoner ?—He was not above a yard or two from me.

Was not you very much frightened when the priſoner put his hand over your mouth ? —I thought it was ſome man that had a little liquor, and ſo I did not mind it.

Will you take upon you to ſay that you had opportunity enough to obſerve the priſoner by the light of that lamp to know him again, at above a month's diſtance ?—Yes, they ſtopped ſo long with me, they were with me ſix or ſeven minutes, the Juſtice ſent for me, there was a cloak found in his pocket, and I went to ſee if it was mine, but it was not, and then Mr. Bond told the man to take me over to the publick-houſe, and there I ſaw the priſoner, there were a matter of thirteen or fourteen priſoners with him, I knew him as ſoon as ever I ſaw him.

Are you ſure that he is the man ?—Yes, I am very ſure of it.

Priſoner. When that woman came to Bow-ſtreet when I was as a priſoner, ſhe came into the office backward, and was aſked if ſhe knew any perſons that were preſent, ſhe looked at me and ſeveral other perſons, and ſaid ſhe knew nobody, Mr. Wright ſaid, what, do not you know any body ? ſhe then came and looked at me, and when ſhe looked at me, ſhe ſaid I was not the man; ſhe was preſent when I was examined, the man was brought to ſwear to me, he declared I was not the man, he ſhould have known me.

To Proſecutrix. Is this ſo ?—No, he was in the middle, and I knew him directly.

Did you ſay at firſt that you knew nobody there ?——No, I did not.

SAMUEL MAYNARD *ſworn.*

I went by Sir Sampſon's orders, on Monday the 26th of January, with Mr. Macmanus and ſeveral more down into Eſſex to ſearch for them, and we found the priſoner and five other old offenders, in ſearching this man a cloak was found, and notice was ſent to the girl, and ſhe was ordered to attend; I was not at the office when ſhe came.

PRISONER's DEFENCE.

I did not think my trial would have come on, therefore I have nobody preſent, the other perſon that was robbed in the Park before did not know me; nobody knew me; but by the perſuaſions of Mr. Wright, that woman ſaid ſhe knew me; there were two men and a boy were called upon, and none of them knew me, only this gentlewoman by the perſuaſions of a man, ſwore to me for the lucre of gain. I had called in at a houſe to receive ſome money, for ſome coals for my father.

NOT GUILTY.

Tried by the Firſt Middleſex Jury before Mr. RECORDER.

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280. **JAMES BURNE** was indicted for feloniouſly aſſaulting Elizabeth the wife of Richard Luke Farmer, on the King's highway, on the 27th of January laſt, and putting her in fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one black ſilk bonnet, value 4s. and one ſilver hat pin, value 4d. the property of the ſaid Richard Luke Farmer.

ELIZABETH FARMER *ſworn.*

I am wife of Richard Luke Farmer, I was robbed on the 27th of January laſt, it was exactly five minutes after ſix o'clock by my watch, when I went from my own houſe, which is oppoſite the London Infirmary, and I was robbed at the laſt lamp fore I came to the end of the workhouſe wall.

Was you walking?——Yes, with my nephew, a little boy, I was ſtopped by the priſoner, nobody elſe was with him, I was walking on towards the wall, and my nephew by the ſide of me, and I felt a ſmall blow on the back part of my head, I turned ſhort and thought it was Mr. Farmer that had run after me, to ſpeak to me; I went to ſay my dear, and I ſaw the priſoner look me full in the face, I had a large riding cloak on, as I had juſt come out of the chaiſe, he pulled the cloak ſo tight that it ſtopped my ſpeaking, my arms were through the holes, he then attempted to pull my bonnet, he gave me another blow, but whether I fell down with the fright as he was pulling my bonnet, or whether he knocked me down I, cannot ſay, but he took off my bonnet, and a ſilver pin; he paſſed me and run down Mr. Haydon's yard.

Did you cry out afterwards?——Not till I got up, I got as far as Mr. Lake's the tinman's, I then cried ſtop thief! Mr. Lake's man came out and aſked me what was the matter, and I went into Mr. Lake's to compoſe myſelf a little, and as I was coming home Mr. Lake's clerk run after me, and ſaid, Madam, we have got the man, I believe it might be about a quarter of an hour, I ſaid to my nephew run home to your uncle, when I had got to the end of the ſtreet, the priſoner was behind me with Mr. Lake's clerk, and he ſaid, here take your bonnet, why do not you let me alone as I go along the ſtreet; and I ſaid, my friend, I never ſpoke to you, and I took the bonnet I believe from him; there was a tall man that had taken the priſoner, but whether it was him or the priſoner that I took the bonnet from I do not know, he was brought home to my houſe, and a conſtable ſent for, and the priſoner was taken into cuſtody.

Do you know the priſoner at the time of the robbery?——I ſaw his face as plain as I ſee yours now.

But if he had not afterwards come with the bonnet would you have known him?——Yes, he had a pair of trowſers, and a coat on; he was taken before Juſtice Staples that evening.

THOMAS DALMAN *ſworn*.

On Tueſday the 27th, of January, as I was going through Mr. Haydon's yard, between ſix and ſeven o'clock, I heard the cry of ſtop thief, in the road two or three times; I ſet myſelf againſt the wall in the narrow part of the paſſage, and I heard a man come running up full ſpeed towards me, when he came up to me, I caught hold of him, and there was this bonnet in his hand, and this pin on the left ſide, I ſecured him till I delivered him to the conſtable, when I took him into the road I ſaw Mrs. Farmer, and ſhe owned the bonnet.

How came you to ſpeak to her?——I did not ſpeak to her till I brought the priſoner back, I followed after her by the people at the tin ſhop, telling me ſhe was gone on; the priſoner told me it was a bonnet he had made his whore a preſent of, but had taken it away from her, I ſaid, then return it to your whore again.

What did he ſay when he came up to Mrs. Farmer?——I cannot recollect.

Did he ſay any thing to her about the bonnet?——I cannot recollect, I think the priſoner delivered the bonnet to Mrs. Farmer.

JOHN VAUGHAN *ſworn*.

I know nothing reſpecting the robbery, I took the priſoner into cuſtody, after he was taken, he ſaid, it was the firſt offence he had committed, and he did it intirely through neceſſity and want, and he told me as I was taking him to Newgate in the coach.

Priſoner. I have nothing to ſay, I leave it to the mercy of the Court, I am quite a ſtranger, I have no witneſſes.

GUILTY, Death.

He was was humbly recommended to mercy by the Proſecutrix.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

281. **JOHN RAYBOLL** was indicted for feloniouſly aſſaulting Richard Jennings, on the King's highway, on the 9th of Feb. and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one piece of gold coin of this realm called half-a-guinea, value 10s. 6d. and eight ſhillings and ſixpence in monies numbered, his monies.

RICHARD JENNINGS *ſworn.*

I was robbed on Monday the 9th of February, about half after ſeven o'clock, by the wall which incloſes the French Hoſpital, near the City Road, leading from Old-ſtreet Road, I went from my own houſe in Old-ſtreet Square, to the New workhouſe, and juſt as I got to the corner of this wall, there is a lamp, and before I came up to the firſt lamp, I ſaw two young fellows, one of them went to the wall as if to make water, I paſſed them ſome paces; after I had paſſed them, one of them comes running after me, and laid hold of me by the collar, and deſired me to ſtop, I did ſo; they held ſomething to my head, which appeared to me a thick wooden ſtick, a truncheon, I do not think it was a piſtol; after that the man that ſtopped me, pinned me up againſt the wall, there was a lamp juſt above my head, which was the ſecond lamp on that wall, the other inſtantly came up that was along with him, and took my money out of my right-hand breeches pocket, there was half-a-guinea and about eight ſhillings and ſixpence in ſilver, as near as I can tell; previous to their taking it, one of them tried ſeveral times to pull my hat down over my face, but it being very ſtiff over my head, it went up again, I could diſcover both their perſons exceeding well, it was on high ground juſt under a lamp, and they were below me, then after they had taken my money, I aſked them which way I ſhould go, whether I muſt go on, or which way; they ſaid, I might go on, they run down Old-ſtreet Road and I went the City Road.

How long might they be with you?——Not above a minute and a half at moſt, I made no reſiſtance, I had not ſo much as a ſtick; in the City Road I ſaw the watchman in his watch box, and I gave him information, and a deſcription; ſoon after that, ſome of Sir Sampſon's Officers from Bow-ſtreet came after me, I was then going with the patrol in the City-road, they aſked me if I was the perſon that had been robbed, I told them yes, and what I loſt, I gave a deſcription of the perſons of the robbers, the officers ſaid they would let me know; the next evening I was informed that a perſon was taken into cuſtody, near the ſame ſpot where I was robbed; I went to Bow-ſtreet on the Monday after, when I came to the office there were five people at the bar, and Sir Sampſon aſked me to look at the five, and ſee if I knew any of them, I ſaw the priſoner who was one of the five.

Did you pitch upon him immediately?——I did, I knew him very well before this tranſaction, I have known him from a child, I am ſorry to ſay it, he is one of our own pariſhioners.

Did you know him by ſight only?——I knew him by ſight, I knew the whole family; I was not confident at the time I was robbed that it was this perſon, but when I ſaw him at the office, it ſtruck into my mind directly that he was the perſon that ſtopped me, I was clearly convinced he was the perſon that ſtopped me.

Was not you flurried at the time?——I was very much flurried at the time, one run after me very hard, and laid hold of my collar, but I had opportunity enough to obſerve them afterwards; and it came into my recollection before I went to Bow-ſtreet, that it was this lad which I knew.

Are you clear now that that was the man?——I have not a doubt in my own min about it, I believe he is not the perſon tha took the money from me.

What was this lad?——I do not kno what buſineſs they were, but the famil had lived in a ſtreet near me for years.

What did the priſoner ſay at the offic when you firſt pitched on him?——He did n ſay thing then.

JAME

JAMES MACMANUS *ſworn.*

I am one of the patrol, I took up the priſoner on the 10th of this month, the Tueſday evening a little before ſeven o'clock; we took along this dead wall, it is a place called Ratcliffe Row, we had ſeen the proſecutor the night before, and he gave us a deſcription of the men; he ſaid he was ſure he ſhould know them, he had ſeen them in and about Old-ſtreet; the night following about twenty minutes before ſeven o'clock, we were walking along this wall, and we ſtopped the priſoner at the bar, and my partner caught hold of him and ſearched him, and found a cutlaſs on him in his coat, he had a large coat on, he ſaid, he was going to Noble-ſtreet, and he was going at the ſame time into the City Road.

JOHN SHARROW *ſworn.*

I can ſay no more than what Macmanus has ſaid.

PRISONER's DEFENCE.

When the proſecutor went home, he ſaid, he had been robbed, and that he knew the party that had robbed him, which was a capital tradeſman's ſon, when I was taken up to Bow-ſtreet, and when Mr. Jennings came and learnt my name, he went home again and told his man, ſays he, it is one Raybold's ſon that was examined, but it was not him that robbed me; the man told my father.

Court. What is the man's name?——John Shepherd.

Court to Proſecutor. Is that ſo?——So far from that, I have never had any converſation with that perſon that he ſpeaks of on the matter, and that night that the robbery was, did not go home to my houſe in Old-ſtreet Square, for part of my family is at Iſlington, and I went up to them, I never had any converſation with the man at all, on no ſuch ſubject in my life.

The Priſoner called three witneſſes who gave him a good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

282. **MARY TALBOT and SARAH DAVIS** were indicted for feloniouſly ſtealing, on the 9th day of February, twenty yards of white thread lace, value 20s. the property of Henry Pearſon, privily in his ſhop.

HENRY PEARSON *ſworn.*

I am a haberdaſher in Oxford-ſtreet, I only ſwear to the property, which I had before.

JOHN BARNES *ſworn.*

I am ſhopman to the laſt witneſs, we loſt part of the lace that was in the box, and two cards of lace, between four and five on Monday the 9th in the afternoon; I know the priſoners; Davis and the other priſoner came about four or five o'clock in the afternoon, and ſaid they wanted to look at ſome lace, for they ſold it again, and ought to have an allowance; they were at our ſhop in the morning before, and I ſhewed them ſome lace, and I miſſed a length of lace then, but could not be ſure they had taken it then, therefore we concluded if they came again to be very cautious in ſerving them; Davis bought three yards at ninepence; ſhe paid me a part and Talbot paid the reſt, they ſaid, they would buy ſome more if I would ſhew them any thing of bargains, I ſhewed them ſeveral afterwards; and they made a heſitation about the price. Davis took one card in her hand, ſhe undid it till ſhe came to the joining where it was pinned: ſhe unpinned, and took the lace.

Court. All this in your view?——Yes, but ſhe did not know I took any notice; ſhe took the lace and put it between her body and the other, and dropped it on the ground, ſhe then took another card up.

Court. Did you make any objection to this?——No, I ſaw her put the card into the box, and I was convinced ſhe had dropped the reſt on the ground; but ſhe had done the lace up ſo as if there was the whole on the card; I did not ſee them take the other two cards, nor I did not miſs them at all; at laſt they went out of the ſhop, and ſaid no more would ſuit them; I went out about a minute after, and went into Mr. Agar the confectioner's two doors off, who was conſtable, and gave him charge of the priſoners, they were taken into Mr. Roberts's, an ironmonger.

Court. Are you ſure of the priſoners? ——Yes; their hands were tied together, and we took them to the watch-houſe, juſt as we were going to take them out, Mr. Roberts's young man ſaid, here is a card of lace, that was about two feet from Talbot, and immediately after, he ſaid, here is another card, that was about four feet from Talbot, the priſoners were ſtill in the ſhop.

Court. Had the priſoners been in that part of the ſhop where the cards were found, or were their hands ſo much at liberty, that they could have thrown the cards there? ——They had been moving about, and I ſuppoſe they dropped them there; I then ſaw the two looſe lengths on the ground, underneath where Davis ſtood; I know the lace, it was the ſame pattern and quality, and every thing with that which remained.

Court. Are you ſure thoſe two lengths of lace were on that card when theſe two women came into your ſhop?——Yes, I ſaw them do the fact, and I ſtrongly thought, I was ſure Davis had the property about her, I did not ſee the other two cards in the box, and I cannot ſwear either of them had theſe two cards in their poſſeſſion, but theſe two cards were my maſter's property, there is my own private mark on them.

Court. Had Mr. Roberts's family purchaſed any lace of you that day?——No.

Where were thoſe two cards of lace, when they came into your ſhop?——If they ſtole them at that time, it muſt be out of that box, but I will not ſwear they were in that box; the priſoners were taken to the watch-houſe, I had the lace in my poſſeſſion till the conſtable came, he ſearched them and found nothing on them, but a bit of lace in Talbot's bonnet, which was not ours.

Court. You found the three yards of lace that you ſold them?——Yes, Sarah Davis took that lace in her hand, and ſaid, this is my lace; Samuel Agar is the conſtable, he has been here two days, he gave me the property, and hoped he ſhould be excuſed attending.

Court. That lace has been in the cuſtody of the conſtable who delivered it over to you?—Yes.

Court. It may have received ſome alteration, he may have ſubſtituted other lace, I cannot take your evidence on that ſubject.

SARAH DAVIS's DEFENCE.

I am innocent, I know nothing of the lace, he tells a falſity, I went in to buy three yards of lace, I deal in lace; I had nobody to ſend for any witneſſes.

MARY TALBOT's DEFENCE.

I know no more about it than ſhe does, I have friends and relations, but they are not here, they were here the day before yeſterday.

Jury. I received a letter from Mr. Agar, and ſent to him, to tell him, the neceſſity of his attending.

Court. I have mentioned it to my brother Gould, and he thinks it would be too much to eſtreat his recognizance, therefore let it be diſcharged.

(The lace opened and depoſed to by Barnes)

Court. Gentlemen of the Jury, it appears the ſhopman obſerved every thing that was going forwards, therefore this is certainly not the caſe, that the act of Parliament provides againſt, which is privately taking from the ſhop, for it was an open taking in the view of the perſon: I have mentioned it to my learned brother here, and he concurs with me in opinion, that notwithſtanding the two cards were not obſerved to be taken, yet he obſerved the firſt taken, that was the firſt act, and the other will not vary the caſe at all: your verdict will therefore in my apprehenſion be, that they are guilty of ſtealing, but not privily out of the ſhop.

MARY TALBOT, }
SARAH DAVIS, } GUILTY.

Of ſtealing, but not privily.

To be each confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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282. **MATTHEW COSTILLO** otherwiſe **COSTELLA** was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 15th day of January laſt, with force and arms, in and upon one Elizabeth Tarrier, ſpinſter, in the peace of God and our Lord the King then being, did make an aſſault, and her, the ſaid Elizabeth, againſt her will and conſent, feloniouſly did raviſh, and carnally know, againſt the form of the ſtatute.

The Witneſſes examined apart by the requeſt of the Priſoner.

Mr. Williams of Council for the Proſecution, opened the caſe as follows.

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, it is a painful circumſtance to any perſon of feeling, who has attended this Court on this ſeſſions, to think of the number of culprits, that are brought here for ſuch a variety of crimes; in the morning we heard of burglaries, of highway robberies, of pocket picking; we are now about to prove a crime, which you have juſt heard named in the indictment, a crime of very different, and of a moſt enormous nature: a crime which has been held by the laws of all civilized countries, juſtly deſerving to be puniſhed with the moſt extreme rigour. But it would ill become me, Gentlemen of the Jury, who am of Council on the part of a criminal proſecution, and would alſo be utterly inconſiſtent with my feelings as a man, to attempt any appeal to yours; I ſhall therefore barely mention the facts, I am inſtructed to ſay, will be proved in evidence before you, for it is from them alone you muſt decide.

The proſecutrix is ſtated to me to be a girl of about fifteen years of age, a poor, country, fatherleſs child, who was left with nine more to be maintained by a poor widow in Hertfordſhire, and one Skelton a coachmaker, who married an aunt of this woman's, merely out of charity, ſent for this girl, and recommended her as a ſervant maid to the Hoſpital for Inoculation for the Small Pox, at Pancras, where ſhe lived for about ſix months, and bore a very extraordinary character, as you will hear from the Matron of that hoſpital: after ſhe came away from there, ſhe was recommended as a ſervant to Mr. Owen Connolly, who keeps a publick-houſe, the Fountain in Monmouth-ſtreet. The priſoner is a ſaleman in Monmouth-ſtreet, one of thoſe that hang out clothes for ſale, as you ſee in that ſtreet; he lives nearly oppoſite the Fountain: whether this girl might have been a prattling girl or what I do not know, but it ſeems very ſoon after ſhe came to live at this houſe, he formed a deſign to commit a crime of the ſort which he afterwards executed, and on the 15th of January laſt, the priſoner at the bar went to the Fountain where this poor girl lived ſervant, to order a pot of beer; it happened that the man who generally went about to carry the beer, a ſoldier of the name of Barnet, was not in the way, and this poor girl was deſired to carry the beer over to the ſhop of the priſoner at the bar; it was then after nine o'clock at night, as ſoon as ſhe went with this beer, and entered the ſhop where the priſoner lived, the priſoner immediately locked the ſtreet door upon her, took the beer out of her hand, and took her by the arm; the girl aſked the priſoner what he was going about, he gave her no anſwer, but put her neck and her heels together, and put her petticoats over her head, and notwithſtanding all the reſiſtance this poor girl could poſſibly make, committed this crime for which he is now to be tried by you. The girl as ſoon as ſhe could get away, came directly to her miſtreſs, Mrs Connolly, who, one would ſuppoſe, would have been irritated at the thoughts of ſuch a thing being committed on a poor fatherleſs child, but inſtead of that ſhe ſays to her, “ Well Betty, “ if Mr. Longlegs (meaning the priſoner) “ has got you withchild, he will be a rare

“ father to it, for he is worth a good deal “ of money, and you need not be afraid.” The girl then fell a crying and wanted to go home, but her miſtreſs ſent her to bed: in the morning the girl wanted to go home, but however ſoon after Mrs. Skelton came to the houſe, and the girl told him the whole ſtory, and he upon hearing it thought it his duty to bring this proſecution forward. Gentlemen, it is proper for me to inform you that you will find one material piece of evidence wanting on the part of the proſecution, and of which we are deprived by an accident; it is the evidence of a Mr. Hall, a ſurgeon, who examined the girl; he had the misfortune on Friday laſt to fall down in Chancery-lane, and hurt his leg; upon this event I meant to have moved the Court to have put off the trial, but Mr. Skelton, who proſecutes only for the ſake of publick juſtice, ſaid he could not afford to put it off. Gentlemen, theſe are the facts which I am inſtructed to lay before you, and which will be proved in evidence. I am well aware that proſecutions of this nature are, with great propriety, very cautiouſly attended to by Courts of criminal juriſdiction, as they are proſecutions which may be very eaſily made, and which are very hard to be defended: but however, gentlemen, when you ſee this poor girl, and hear her give her evidence, you will be able to judge whether a rape has or has not been actually committed by the priſoner: if it has been committed, the offence is certainly, as a great man has ſaid, a very deteſtable one; if the crime has not been committed, if this is a mere trick, a mere conſpiracy, to bring an innocent man to this bar, you will then acquit the priſoner, and I am ſure he is extremely fortunate, in having ſuch reſpectable gentlemen as you, to decide on his life.

ELIZABETH TARRIER *ſworn.*

(*Examined by Mr. Williams.*)

How old are you?—Sixteen, I am ſervant to Mr. Conolly, at the Fountain in Monmouth-ſtreet, I lived there nine days.

When did you come away?——On the tenth day, on the Friday.

Court. How long after this affair?——The next day.

Relate to the Court what happened to you?——On Thurſday the 15th of January laſt my maſter ordered me to take a pot of beer to Mr. Coſtello.

Do you mean the priſoner at the bar?—Yes, I took it to his ſhop, and he bid me ſet it down on the compter.

Court. Where does the priſoner live?—In Monmouth-ſtreet.

What is his buſineſs?——A ſaleman; I ſet the beer on the compter, and coming out again, he caught hold of my arm, and doubled me neck and heels together.

Court. I do not underſtand that doubling neck and heels together?——He put my head to my legs, and took and carried me neck and heels together.

Court. Did he tie you neck and heels?—No, he did not tie me, but he held my head and my heels together, that I ſhould not proceed to call out.

Was there any body in the houſe at that time?—There was nobody in the parlour, nor yet in the ſhop.

You ſaw no perſon in the houſe?—No, then he took me into the parlour, and locked the parlour door; he then *downed* me on the bed, which was in the parlour, and I got up again; then he forced my legs open with violence, and entered my body with violence; after he had his will of me, he wanted me to lay hold of his private parts, and he would not let me go till ſome time after? then our man came to the door and aſked whether Betty was there, he aſked what Betty, and the man ſaid Betty that lives at Mr. Connolly's, and he ſaid ſhe has been gone half an hour, and he ſtood doubling his fiſt at me, and ſwearing in ſuch a manner that I durſt not halloo out.

How long did you ſtay there afterwards?—Then he ſwore God damn me for a bitch, he would raviſh me, he would raviſh me.

Where did you go afterwards?—I went home to my miſtreſs.

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Did you ſay any thing to her?——No, ſhe began to *ball jeers* at me, ſo I did not think it was fit to tell her.

How ſoon did he let you out?——In about half an hour; I did not ſay any thing to my miſtreſs, becauſe ſhe ſaid, Betty, never mind it, never look down, if *long legs* has got you with child; but *caſt yourſelf up*, and make yourſelf as briſk as you can, I will be bound he will be a good father to it; this was as ſoon as ever I got into the houſe.

How long afterwards was it before you ſaw your aunt?——On the Friday night the day after.

Did you complain to her of this outrage?——Yes, my miſtreſs took my aunt into the bar, and ſaid, Mrs. Skelton, here is a very bad accident happened to Betty.

Court. Then your miſtreſs firſt told your aunt of it?——Yes.

Say what you ſaid yourſelf to your aunt?——I told my aunt the firſt beginning of it, and every thing; ſhe came to me and inſiſted on my telling her, and I told her how Mr Caſtello uſed me, and every thing about it; ſhe went home directly to my uncle, and I ſaw my uncle, and I told him the ſame.

Did you ſee the priſoner at the bar afterwards?——Yes.

Did you accuſe him before any perſon?——My miſtreſs fetched him and I face to face, and I told him it was ſo, and he denied it.

What did he ſay?——He ſaid he never meddled with me.

Court. You ſay this happened on the Thurſday night?——Yes, between nine and ten.

You ſay you came home in a quarter of an hour after, and you never mentioned it till the Friday, at what hour on the Friday did you mention it?——About ſix in the evening.

From the night preceding, when you returned home, till ſix o'clock the next evening, was you confined in the houſe of Mr. Connolly?——My miſtreſs made me go to bed.

But when you got up in the morning, had you not free liberty to go to your uncle and aunt?——I got my hat and cloak on, and my miſtreſs would not let me go, but ſaid ſhe would ſend for my aunt.

At what time did you make an attempt to go?——About twelve.

Court. You might have gone before that, and it was natural that you ſhould have given the earlieſt intelligence to thoſe perſons that you thought your relations and friends, you ſhould have gone immediately; how came you to debate on this matter for ſuch a length of time, was you ballancing in your mind whether you ſhould make any complaint or no?——My miſtreſs would not let me go.

That was at twelve o'clock, but previous to that you was at liberty to go, and eſpecially when your miſtreſs treated you in the manner you have repreſented, and laughed at you; I ſhould have gone to my friends, to my uncle and my aunt; but the manner in which you have deſcribed this thing is not ſufficiently explained to the Jury; you muſt be more explicit; you have ſaid that he forced open your legs with violence, and entered your body with violence, but you ſhould deſcribe the manner of it, becauſe if there was not compleat carnal knowledge, the priſoner cannot be convicted of this offence; he might enter your body with violence, and yet not have carnal knowledge of you?—He had knowledge of me.

You muſt ſpeak particularly.

Mr. Sylveſter Council for Priſoner. What o'clock was it when you carried the pot of beer on Thurſday night?——At firſt and laſt I had been with him half an hour.

What o'clock was it when you returned home?——I do not know, I returned back about half after nine.

Your miſtreſs threw jeers at you you ſay, and bid you be in good ſpirits?——Yes.

You took her advice, I believe, and was in pretty good ſpirits that night, was not you; what o'clock did your maſter ſhut up that night?——Always ſhuts up at eleven.

Then during that time from half after nine till eleven the doors were open?—Yes.

You never attempted that night to go to your aunt's?——My miſtreſs would not let me.

I believe you was fool enough to take your miſtreſs's advice, you was in good ſpirits that night?——No.

You ſupped with your maſter and miſtreſs?——Yes.

Tolerably chearful, I believe?——No, Sir, not very chearful.

Did you tell your miſtreſs of it?—We were all at ſupper in the parlour, and my miſtreſs and my maſter *halled ſuch jeers at me*.

What did they jeer you about?——She ſays, Betty, do not look down, if he has got you with child, his long legs is able enough to keep it.

Why; why ſpeak about being with child, you had not told them any thing about it?——No.

Who got up firſt the next morning?—The man.

What is his name?—William Barnett.

He came to the houſe for you?—Yes.

You heard his voice?—Yes.

Did you call out to him?—No, I was afraid to ſpeak to my fellow ſervant.

Then you never at all called out to Barnett?——No, I ſcreamed once as loud as ever I could, and nobody came to my aſſiſtance.

Recollect yourſelf, you hallooed out as loud as you could?—Yes.

How often?—Once.

Only once during the whole tranſaction?—No.

During the nine days you had been in this ſervice, do not you know Mr. Caſtello lets lodgings, do not you ſerve the perſon that lodges in the firſt floor with beer?—I do not know.

Do you know who lives below ſtairs in the cellar?——No, it is let to ſomebody, but I do not know who lives there.

Did you ſtamp upon the floor at all?—Yes, and when the man came to the door he heard me *ſcuffling* about as much as I could.

How do you know that?——He ſaid ſo, and the priſoner ſaid, damn you for a bitch, hold your tongue.

Court. Muſt not thoſe words have been heard by Barnett, who was at the door?—I do not know.

Mr. Sylveſter. Why, they were loud, were not they?——Yes, all the time Barnett was at the door and after he was gone the priſoner ſtood ſwearing and doubling his fiſt at me, ſo that I was afraid.

Now when you got home you went to bed I ſuppoſe firſt?—Yes.

Barnett got up firſt?—Yes.

Who got up ſecond?—Me.

What o'clock?—Six.

At what o'clock does your maſter get up?—Eight.

At what o'clock does your miſtreſs get up?——Nine.

From ſix to nine, why did not you go to your aunt's?——Becauſe I did not like to leave the houſe before my miſtreſs got up.

Oh, that was the reaſon! then you was in the houſe from ſix to eight and nobody to controul you?——Yes.

Then at that time you had never told either your miſtreſs or your maſter any thing of this tranſaction?——No.

How came your miſtreſs then to prevent your going out?——She ſaid I ſhould not go for ſhe would ſend for my aunt.

For what?——To tell her.

Tell her what?——What had happened to me.

Why you had not told her?——No.

Had Mr. Caſtello been there?——No.

You had not told either your maſter or your miſtreſs, then how could ſhe ſend for your aunt to tell her?——She did.

She did not know of it you know my dear?——No, Sir.

Nobody elſe could tell her?—No.

Then ſhe did not know of it?——No.

Then you never told any body of it till ſix o'clock on the Friday evening?—No, then I told my miſtreſs and my aunt together.

Did you do your work and go about houſe as uſual ?—Yes.

You have told this gentleman that he threw you down with violence, and forced your legs open with violence ; do you remember, when you was aſked that queſtion before the Juſtice, your ſaying no ; when the Juſtice aſked you whether he threw you down with violence, and you made any reſiſtance, you ſaid, no, no ?—I made as much reſiſtance as ever I could.

Court. It is a plain queſtion that the gentleman puts to you ; while you was before the magiſtrate, did not he aſk you whether the man, charged by you with this offence, had thrown you down with violence, and whether you had made all the reſiſtance you could, and you anſwered no ; recollect now, did you ſay *no*, to the Juſtice, or *yes* ?—I did not know what reſiſtance was.

Mr. Silveſter. You know what reſiſtance is now ?—Yes.

Who told you that you muſt ſay now it was done with violence?—Nobody told me.

How did you hear it ?—I heard ſomebody ſay ſo.

Now pray who was that ſomebody ?—A woman going by.

What did that good woman ſay to you ?—She was talking about reſiſtance.

What did ſhe ſay ?—As I was going by ſome woman was telling another woman what reſiſtance meant.

So two women were talking together about reſiſtance, and there you learned what reſiſtance meant ?—Yes.

Then you did ſay, before the Juſtice, that you did not reſiſt ; you anſwered no, when the queſtion was put to you there ?—Yes.

The priſoner, I underſtand, is a man of ſome property, is not he ?——Yes.

Some of your friends have made enquiries about that ?—No, none of my friends that I know of.

Did you underſtand likewiſe, that this houſe of his he lets out in lodgings ?—Yes.

Now when you ſaid there was nobody in the ſhop and in the parlour, do you mean to tell my Lord that there was nobody elſe in that houſe, either above ſtairs or below ?——I did not know there was any body.

Then you only meant to ſay that there was nobody in the front ſhop, and in the back ſhop, which he occupied ?——No, Sir.

What did you mean by being doubled together neck and heels ?——He put my head and my heels together.

What ſo ? *(doubling up his brief.)*—Yes.

Then he laid you on the bed, there he left you, and you ſtaid, I hope, till he ſhut the door ?——No, I got up again.

Did you call out ?——No, I called once, and nobody came to my aſſiſtance.

Did not this hurt you, being doubled ?——Yes.

Very much ?——Yes.

And yet you did not ſcream out then ?—I could not ſcream out, he laid his hands ſo upon me.

Why you know he doubled you like this ſheet of paper, and carried you in, and you never cried out ?——I could not.

Why did not you tell Barnet your fellow ſervant of this ?——No, Sir, I did not, I want to ſee ſome of my friends to tell them firſt.

Do you know a man of the name of Grant my young woman ?—He is a lodger of my maſter's.

Who is he, he is a good likely young man, is not he ?——He is a ſailor.

You and he are acquainted I underſtand ?——No.

Do you know him ?——No other than giving him a candle to go to bed by ; I know nothing of him no otherwiſe.

How otherwiſe do you mean that you you might know him?—I never had nothing to ſay to him, nor he to me.

Never ?——No, Sir, never.

No converſation ?——No.

No acquaintance, no connections at all ?——No.

Upon your oath ?——Yes.

And even to him you did not tell this ?——No.

Why, I thought he was a bit of a ſweetheart of yours ?——No, Sir, he is not, nor ever was.

What did they ſay to you, when you returned home, after you had carried the beer ?—They aſked me why Mr. Caſtello kept me there; I did not tell them any thing farther.

Mr. Williams. When you was examined before the Juſtice, what did you ſay ?—I told the Juſtice the ſame as I told you now.

Did you ſay to the Juſtice, that he forcibly, and againſt your will lay with you ? ——Yes.

Court. It will appear by the depoſition what ſhe ſaid there.

Court. Your maſter's houſe was a publick houſe ?——Yes.

When you returned, about half an hour after nine o'clock, were there no perſons drinking in the houſe ?—Yes, there were five or ſix.

Did you ſee Mr. Grant that evening after you received the injury ?——He was in the tap-room when I came in.

Did you make any complaint to him ?—No.

Did you make any complaint to the five or ſix perſons that were drinking there ?—No.

Mr. Williams. My Lord, here is the examination in writing.

Court. It is no evidence, only to aſcertain that fact.

ANN SKELTON *ſworn.*

Mr. Williams. I believe you are the aunt of this unfortunate girl ?——Yes.

When did this girl go to Mr. Connolly's ſervice ?——I cannot ſay, but the raſh act was committed the 15th of January.

She was there about ten days before that ? —Yes.

When did you ſee her after the 15th ?—I ſaw her on the Friday about ſix o'clock, as that happened on the Thurſday ; I went to carry her ſome things, and when I came to the bar her miſtreſs deſired me to walk in, and her miſtreſs ſaid, here is a terrible thing happened, ſays ſhe, to Betty ; ſays I, what ; ſays ſhe, it is a man has raviſhed her, one of our cuſtomers ; I ſaid, can I ſee her ; and ſhe ſaid, if you will ſtop a little I will go into the kitchen along with you ; I went to her, and ſhe was crying bitterly at the ſink, waſhing the diſhes, and I deſired her to tell me the truth, whether the man had laid with her, or whether he had not, and ſhe ſaid, yes, he had ; and I made her anſwer, then you ſtay here, I will go and ſend your uncle, and her miſtreſs deſired me not to go home and tell my huſband ; for the man had money and he would maintain the child and her too, if in caſe ſhe had one, and it was pity to take a man up to loſe his life ; I went home and my huſband was not come home, I ſent for him, and told him, and he went to her maſter's ; I did not go with him.

Court. What way of life are you in ?—My huſband is a coachmaker.

Mr. Silveſter. How far do you live from the fountain ?——I live at No. 20, Plumbtree-ſtreet, one part of which comes into St. Giles's.

It is not many minutes walk, I believe ? ——No.

Did the girl complain that ſhe could not come before to you ?—Yes, ſhe ſaid her miſtreſs would not let her come, but ſaid ſhe would ſend for me, but ſhe did not.

She ſaid, he was a man worth money, able to pay for this or any thing elſe ?——Yes, and that it was a pity to hang him.

How came you not to take your niece home with you ?—I thought it was better to ſend my huſband for her.

You thought your niece full as ſafe Mr. Connolly's as with you ?—I thought could ſoon run home for my huſband.

You might walk it in a couple of minutes I believe ?—Yes, in three minutes.

JAMES SKELTON *ſworn.*

I am a coachmaker ; I went to Mr. Connolly's houſe, and I aſked Mrs. Connolly what ſtrange thing has happened here concerning the girl, a very bad one, ſhe ſaid indeed ; I aſked her where the girl was, ſaid ſhe was in the kitchen ; ſhe let me in the waſh-houſe, and I ſaw her there; ſhe was waſhing her diſhes and crying; I ſaid, Bet, what has happened, I inſiſt on your telling me the rights of it; ſhe ſaid, I will; after the girl had told me what he had done to her, and the rights of it, I ſaid, I will take him up; as I was coming through the parlour to the waſh-houſe, there now, Mrs. Connolly ſays, now you ſee what you have done Betty; aye, ſays Mr. Connolly, now the man will be taken up and hanged; I ſaid, I am determined to follow the law of him; and juſt as I was going away in came the priſoner at the bar, and I heard Mrs. Connolly ſay, Mr. Caſtello, you will be taken up to-morrow; he made a laugh at it; I went to Bow-ſtreet; I had no converſation with the priſoner at all.

Mr. Silveſter. They had not told you then that this was a man of property?—Not then, the next morning.

Did you ſay any thing to the priſoner?—No, I thought he would have made his eſcape if I did.

But he did not make an eſcape?—No.

What time the next day was he taken up?—Two o'clock the next day.

ISABELLA JONES *ſworn.*

Mr. Williams. I believe, Madam, you are Matron to the hoſpital at Pancras?—Yes, Sir.

During the time this poor girl lived under your care what was her general character?—She behaved very well during the time.

Mr. Silveſter. What year was this?—Laſt year.

What ſervant was ſhe?—Kitchen maid.

Did you hire her Madam?—Yes.

Did you give her a character?—No.

Court. What age did you look upon her to be when ſhe was in your ſervice?—I believe about ſixteen.

PRISONER's DEFENCE.

My Lord, I have nothing to ſay; I am innocent of the charge; I leave my defence to the honour of the Court and to my Council.

FOR THE PRISONER.

MARY COX *ſworn.*

Examined by Mr. Silveſter.

You are the wife of Darby Cox?—Yes.

He is a Taylor?—Yes, I lodge in the houſe of the priſoner at the bar, up one pair of ſtairs in the fore room.

Was you at home the 15th of January?—I was at home the 15th of January and all the week.

Can you hear from your apartment if there is any noiſe or any diſturbance in the apartment of the priſoner?——I can.

Was there any noiſe, any crying out, any ſcuffling or any thing ſingular that evening?——None at all, had there been any noiſe whatever I muſt have heard it.

Who lives in the cellar?—One Mr. and Mrs. Soper.

What is the priſoner's character?—A very honeſt induſtrious man.

Croſs-examined by Mr. Williams.

Where was your huſband?——He was gone to a club; he gave a leg of mutton that night.

Is your huſband a maſter taylor?—He is a journeyman.

You did not hear any noiſe, I think you ſay that night?—I did not hear any noiſe any night at all.

I dare ſay you are a very induſtrious woman; you do not ſit with your hands before you; therefore it is poſſible, I ſhould ſuppoſe, that any noiſe might happen below, and you being buſy above, might not hear it?——I was very ill of a cold.

Where did it affect you?—I was bad all over.

Was it a cold in your head?—Yes.

Perhaps you was a little deaf?——No.

Was you in bed?——I was waiting for my huſband.

Was you at ſupper?—No, I was ſitting by the fire at that time.

Do your know what hour this was?——No farther than I heard, I went to bed at twelve o'clock; my huſband did not come home before twelve, and I was too ill to do any thing.

How did you amuſe yourſelf?——I generally have a book, I might be reading, I generally do read when I have nothing elſe to do.

You are a very good woman, I am ſure, but it is poſſible this might happen and you not hear it?——He could not even laugh loud but I muſt hear him, the ſtairs are ſo low, and it is a thin partition, and if ſhe had made any noiſe I could have heard it.

You live in the fore room, one pair of ſtairs, and this is the back parlour, how high is this room?——No higher than the common rooms, they are but new built houſes.

But you was reading you ſay?——I was certainly the ſtiller for that.

Upon your oath, might not ſhe have cried out or made a noiſe without your hearing?——No, Sir, I do ſwear, that nobody could ſcream out, or if they had even knocked againſt the wainſcot, but I could have heard them, and I muſt have heard her, being ſo ſtill as I was by myſelf.

Court. Suppoſing a woman had ſcreamed out violently once only?——If any body was to make any noiſe at all, or to call Mr. Caſtello, I muſt hear it.

Was you in your room from nine till half after that evening?——I was.

And if any ſcream had happened of this kind, you muſt have known it?——I muſt.

Does your huſband work for the priſoner?——No, he does not.

SARAH SOPER *ſworn.*

Examined by Mr. Sylveſter.

Your huſband I underſtand is a ſhoemaker?——Yes.

He rents of the priſoner the cellar?——Yes.

You live there?——Yes.

Was you at home on the 15th of January?——Gentlemen, I am never out of my place from months end to months end, I was there; my huſband was not well, and he went to bed.

Is your apartment directly under the ſhop and parlour of Caſtello's?——Directly under the ſhop, there is juſt a little wainſcot between us.

Can you hear what paſſes in Caſtello's room above you?——If they ſpeak loud, I can hear every thing, or even if he moves a chair, or the leaſt thing in the world in compariſon.

Do you recollect a young woman coming there with beer that night?——I recollect ſomebody coming, but whether it was a woman or a man I do not know.

What did you hear paſs?—I heard a perſon ſay beer, then the door was ſhut, and I heard no more.

Could you have heard if there had been any noiſe?—Oh! Gentlemen, if any child had cried the leaſt in the world I muſt have heard it, for our apartment is ſo low that a man can ſcarce ſtand upright in it; I heard ſomebody ſay beer, and I heard no more that night; I heard Mr. Connolly's man come and ſay is Betty here, and I heard Mr. Caſtello make anſwer and ſay what Betty; and he ſaid did not ſhe bring a pot of beer; and Caſtello ſaid ſhe had been gone half an hour; that was a good while afterwards.

Mr. Williams. How did you know it was Mr. Connolly's man?—By his voice, becauſe he comes ſo often into the houſe.

How long have you lived at Mr. Caſtello's?——Three years.

Do you owe him any rent?—A quarter.

Is the place you live in juſt under his?—Juſt under the ſhop.

Then you know the houſe very well?—Yes.

There is a bed in the parlour, is not there?——Yes.

There he lays?—Yes.

You live under the ſhop and not under the parlour?—One apartment is ſo near the other, that we can hear.

You ſaid there was but juſt a little wainſcot between you?—Our place is ſo low.

Court. What time do the ſaleſmen in Monmouth-ſtreet ſhut up their ſhops?—About eight.

OWEN CONNOLLY *ſworn.*

Examined by Mr. Sylveſter.

I am landlord of the Fountain in Monmouth-ſtreet; this young woman was a ſervant of mine; I remember her going with a pot of beer the 15th of January; when ſhe came back I was in the cellar, and ſhe came down ſtairs to me, and had a pint pot to the beſt of my memory in her hand, and I aſked her, Betty, ſays I, where have you been; ſhe ſaid, at Mr. Caſtello's; ſays I, why do you ſtay ſo at Mr. Caſtello's when it is the hurry of our buſineſs; Sir, ſays ſhe, you will not blame me when I tell you; ſays I, then tell me directly; then ſhe told me that Mr. Caſtello had her by the hand and would not let her go; then I aſked her, had he any thing further to do with you; and ſhe ſaid, no, indeed, Sir, nothing elſe.

You ſupped together that night?—Yes, Sir, all four of us.

How was ſhe at ſupper?——She ſat at ſupper, and was as merry that night as ever ſhe had been ſince ſhe was at my houſe, and my wife in a joking way ſaid, Betty, ſays ſhe, ſuppoſe we drink a good health to young Caſtello, if you have got one to night; no, indeed, Madam, ſays ſhe, there was nothing of that kind; and the next morning ſhe ſaid never a word, nor until her aunt came at night; ſhe had her breakfaſt along with us all the ſame, took no notice, nor no complaint of any kind *howſomever.*

How did ſhe beheve herſelf during the few days ſhe was in your ſervice?—Her aunt knows very well, the Sunday before I ſent her out with a pint of beer and a pipe to a neighbour, and ſhe ſtaid away half an hour; ſome of it was ſpilt, and ſhe was very much in liquor when ſhe took up the pot; and on the Monday following ſhe could not ſee one thing, nor we could not get her to do any thing.

Had you giving her warning?—Yes, I told the aunt ſhe would not do for me, and her aunt ſaid let her ſtay till ſhe gets a ſervice.

Mr. Williams. How came it into your head to aſk her that other queſtion, "Had he any thing further to do with you?"—Becauſe ſhe ſtaid a time, and I ſhould not have wiſhed that any thing ſhould have happened.

Why did you think of that particularly?—It happened to come into my head.

Firſt of all hear my queſtion, and then give me an anſwer; what induced you particularly to aſk her that queſtion, "Had he any thing further to do with you?"—Becauſe ſhe ſtaid ſo long out of my ſight, I did not know what might happen.

You may think it a very jocoſe thing to hurt a young girl, did you ſay, let us drink to young Caſtello?—I did it to find whether any thing had been done.

Is that the way of behaving to a young girl that you are afraid is injured?—That is the way I ſpoke.

Court. I thought it was your wife that ſpoke it?—My wife ſpoke it too.

Who is Caſtello?—The priſoner *in the bar.*

How far does he live off?—Not a great way.

How long has he been your cuſtomer?—As long as I have had the houſe, like another cuſtomer.

In what capacity was this girl?——A ſervant.

She was not hired to go out with porter?—To take out beer if required.

You take your oath of that?—Yes.

Who is William Barnet?—He is a ſervant and ſoldier, he takes out beer or any thing elſe; we all take out beer.

What was the reaſon that this girl went this night particularly to Caſtello's?—Becauſe we were all buſy; Barnet was drawing beer at the ſame time.

Did you ever ſend her to Caſtello's houſe before?—I ſuppoſe ſhe had been there, I hired her to do my buſineſs, and that is my buſineſs to ſerve my beer, or any thing elſe that is wanted.

Mr. Sylveſter. What is the character of Mr. Caſtello?—He is a very honeſt young fellow, as ever was in the world, and that there is plenty in Court will ſay.

WILLIAM

WILLIAM BARNET *ſworn.*

(Examined by Mr. Sylveſter.)

I am a ſervant to Mr. Connolly, I was examined before the Grand Jury for the proſecution.

You know that young woman?—Yes.

Do you know Grant?—Very well.

He is a ſeaman, is not he?—Yes.

Lodges in your maſter's houſe?—Yes.

Is he and Betty acquainted at all?—Yes, Sir, they were acquainted.

In what manner?—Why they were acquainted ſo far, that I uſed to go up ſtairs to fetch the candleſticks, and I went up ſtairs one night, and I catched him and ſhe on the bed, and he atop of her.

Mr. Sylveſter. I believe my Lord I need not call any more witneſſes.

Court to Jury. It ſeems to me that this caſe, if it ſtood on the evidence of the proſecutrix herſelf, is not ſufficiently proved; but I am not at all averſe to ſumming up the evidence, if the Jury deſire it.

Jury. We need not trouble your Lordſhip.

Court. Indeed Gentlemen, there is not the leaſt foundation for this proſecution, for it is not ſupported by the evidence even of the woman herſelf: I have ſeen her depoſition, which could not be given as evidence here, becauſe nobody was here to prove it, but ſhe gives a very different account of the tranſaction now to what ſhe did then. This is a cooked up ſtory, calculated to extort money from the priſoner, who is repreſented to be a man in circumſtances of ability; for it is impoſſible that a woman, who as ſhe now repreſents it herſelf, had opportunities of informing numbers of people of a tranſaction of this kind, ſhould make no complaint either to her maſter or her miſtreſs, or Barnet, or any of the cuſtomers, any of whom would have taken the part of an innocent woman; ſhe was entirely a free agent in croſſing the ſtreets, and all that evening, and the next morning; and ſhe had only three minutes walk to communicate the whole to her uncle and aunt; therefore in my apprehenſion there is not the leaſt foundation for the proſecution; and when you conſider the evidence of the lodgers in the houſe, in ſuch a ſituation that they muſt have heard that cry, which ſhe only mentions to have made once, although ſhe might have made cries perpetually; ſhe might have alarmed people that paſſed in the ſtreet, and certainly the people over head would have heard, but yet theſe people underneath and above heard no cry, but one of them heard her cry beer, and heard Barnet come after her, and when ſhe heard the voice of her fellow ſervant, would not it have been natural to have called to him; if ſhe had not conſented, ſhe certainly might have made it known: I think there is not the leaſt foundation for this proſecution, nor could it be ſupported in point of law, for ſhe has not given that teſtimony that I ſhould think would be ſufficient to make it appear that he had carnal knowledge of her body.

Not Guilty.

Tried by the ſecond Middleſex Jury before Mr. Baron Perryn.

The next Part will contain the remarkable Trial of William Wade for the Murder of his Apprentice Girl, by ſtarving her to Death, with ſeveral others, and will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of FEBRUARY, 1784, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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283. **JOHN HARRIS** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Lewis, about the hour of ſeven in the night, on the 23d of January laſt, and feloniouſly ſtealing therein, three metal girdle buckles, gilt with gold, value 10s. one iron girdle buckle japanned, value 1s. and one ſilver nutmeg grater, value 7s. the property of the ſaid Thomas Lewis.

THOMAS LEWIS *ſworn.*

On the 23d of January I ſat in my parlour, and I obſerved the priſoner at my ſhop window.

Court. What time?—Between ſix and ſeven, near ſeven I ſaw the priſoner go from the window, and return again in the ſpace of a minute, I had a gentleman with me in the parlour, and I told him I muſt go to my trap, I had contrived a trap at my window, I had been robbed ſo frequently, and if he had introduced a hand, or a finger, or thumb, I ſhould have caught them, and held them faſt; I went into the ſhop behind ſome ſhutters that I had put to ſecrete myſelf, where I could obſerve every tranſaction at the window. I ſaw the priſoner extend his finger againſt the glaſs of his right hand, and with his left hand he was working his hand, and I heard the glaſs crack; as well as ſeeing his hand in this manner, I ſaw ſome of my goods go out of the window, without his hand being introduced, I then conſidered it was by an inſtrument; a gentleman at this inſtant knocked at the door, and informed me of him, I ſaid I was obliged to him, but I ſhould know the man if I ſaw him, I would go out and look for him.

Court. Had he drawn any thing out?—Three girdle buckles, a black girdle buckle, and a ſilver nutmeg grater.

Are you ſure theſe things were in the window before?—Yes, I advertiſed in two papers for this gentleman to come forward, but he never appeared, I had my window mended on the Saturday morning, and on the Saturday evening I went out, and when I returned I found two or three of my neighbours and the priſoner in my parlour, I addreſſed him with, O you are an old acquaintance of mine, I ſaw ſaw you here laſt night, for he had on a double breaſted coat, it was not a lappelled coat, and the button holes were ſo cloſe to the buttons, that when they were buttoned, the buttons touched within a quarter of an inch, which is remarkable, and I deſcribed him ſo to my wife, and he went away and came again ſix or eight times before he had compleated his purpoſe; therefore I had an opportunity of ſeeing him, for I had at a high window four lights, which gave me a full view of him, ſo that it is impoſſible I ſhould be miſtaken.

Mr. Sylveſter, Council for the Proſecution. Are you ſure the priſoner is the man?—I am.

Court. Then the lights were in the window between you and him?—They were.

Mr. Scott Council for the Priſoner. What time of the evening might this be?—Between ſix and ſeven.

What part of the ſhop was you in?—At the end of the counter, facing that window he was at.

I ſhould have ſuppoſed if the lights had been behind you, you could have ſeen into the ſtreet?—The lights were cloſe to the window; they gave light that I could ſee him.

Had he a hat on at that time?——He had a ſlouched hat.

And a great coat?—Yes.

You never ſaw any thing more of that man on the Friday evening?—No, there is an inſtrument that he threw away.

JOHN COWARD *ſworn*.

You live in Fleet-ſtreet?—Yes, I know Mr. Lewis's ſhop; on Saturday the 24th of January, as I was coming down Ludgate-ſtreet between the hour of ſix and ſeven in the evening; juſt before I came to Mr. Lewis's door, I perceived the priſoner at the bar at the bulk on the left-hand ſide, juſt by the door; and juſt as I came almoſt on a line with him, I both ſaw him break and heard the crack, which was made with ſomething he had in his hand; he directly left the window, rather in haſte, as though conſcious ſomebody had ſeen him; he went down Stationers-alley, and then wheeled round; by this time Mr. Lewis's boy run out of the ſhop, and ſaid that is the man that broke the window; I immediately went up to him, he made a ſlip as if he had fell, I laid hold of him, and the people began to gather round him; I ſaw him hurl ſomething into the highway; I ſaid he has thrown ſomething into the highway, I wiſh you would try to find it; I took out a candle, and a boy picked up a knife, which I have in my pocket; Mrs. Lewis immediately ſent away for Mr. Lewis; when Mr. Lewis came and ſaw him, he ſaid you are the man that I ſaw here laſt night.

Mr. Sylveſter. That knife you ſaw him hurl away?——I ſaw him hurl away ſomething, there was no goods upon him.

Mr. Scott. You ſaw this man break a window as he went through the ſtreet.

Court. When you firſt obſerved him, was he ſtanding or walking?—Standing, with his hand cloſe againſt the glaſs; I perceived ſome motion againſt the glaſs and heard it crack.

Priſoner. Sir, I do not know what to ſay, there is my Council; I have people to call that I am innocent of what I am charged with.

Mr. Sylveſter to Priſoner. You may call your witneſſes if you like, but I caution you.

Mr. Scott to Priſoner. Would you have me call Mary Anderſon.

Priſoner. Yes, and all of them.

The Priſoner's witneſſes ordered to be examined apart.

MARY ANDERSON *ſworn*.

I am a married woman; my huſband is a copper-plate maker; I live at No. 7, Little Shire-lane, Temple-bar.

Mr. Scott. How long have you known John Harris?—If you aſk me that I muſt tell you the plain truth, that he is a relation, and I have known him from his childhood, he is my firſt couſin.

Do you recollect his being at your houſe on Friday the 23d of January?—Yes, and the reaſon I remember it is, that I ſent a few lines to Mary Cam, who is one of the witneſſes, on the Thurſday evening at half paſt ſix, to come to my houſe the next day; ſhe came there and met her huſband at my houſe at twenty minutes paſt four; there had been a little diſpute.

Court. And how do you remember the time that you wrote that letter?——It was half paſt ſix in the evening, before I wrote the letter the 22d, the day before.

Court. How do you know what day it was?——It was the 22d, I well know the day of the month, I dated my letter, Thurſday, half paſt ſix in the evening, that is in the letter, which I believe ſhe has in her pocket.

Do you recollect ſeeing the priſoner come to your houſe?——Yes, I ſat down to tea exactly as St. Clement's chimes played five, and he came in as I was drinking my third diſh of tea, it could not exceed half paſt five, and he never departed till five minutes before nine; I would ſpeak the truth between God and the world.

Croſs-examined by Mr. Sylveſter.

You are very exact as to times and circumſtances?——I am only poſitive to the clock, becauſe St. Clement's always plays at nine and five; I ſent this letter by the penny poſt, and ſhould have dated it.

What penny poſt was it put in at?—At Blackmore-ſtreet.

That was put in then of the Thurſday night?——Yes, at half paſt ſix.

You knew your Couſin Harris very well before?—Yes; he ſaid he would not have any tea; he ſaid he would have ſomething better; they had half a pint of the beſt double diſtilled aniſeed; I have a little child of ten years old that fetched it.

Did he eat a bit of toaſt with it?—No.

What had you with your tea?—Toaſt.

Who had the muffin?—Nobody.

Who had the bread and butter?—There was none cut.

Who was your company?——The company was Joſeph Cam and Mary Cam; Mr. Cam was to come at three, but he came at twenty minutes paſt four.

What o'clock did Mrs. Cam come?—As near as poſſible at ten in the morning.

Then ſhe had been in your houſe all that time?—Yes; ſhe is a mantua-maker, in St. James's-market, her huſband is a Captain's cook.

Where does the priſoner live?—He did live at Walworth till this affair happened.

Where did he live on the day he drank tea with you?——He lived at Walworth, he rented a houſe there.

Did you uſe to viſit him there?—I was there on the Sunday before.

Do you know any of his neighbours there?——No, I have ſeen his next door neighbour there.

Mr. Cam came at four?——Twenty minutes paſt four; he and his wife went away, and I went part of the way with them.

What did they quarrel about?—That is not a thing that concerns me between a man and his wife; you will excuſe me, but I do not know, I went home with Mrs. Cam, that night to her mother's; ſhe and her huſband parted at the door.

What after they had made it up?—Yes.

What became of Mr. Cam after that, you do not know?—No.

MARY CAM *ſworn.*

I am wife of Joſeph Cam; on the 23d of January, on a Friday, I went to the houſe of Mrs. Anderſon to meet my huſband, by his appointment and her's; I received the appointment by a penny poſt letter; I was informed I was to meet him; there had been ſome difference between me and my huſband, and we had not been together ſince July laſt; I met my huſband there; I ſaw John Harris there; I went there in the morning.

Mr. Scott. What time?—I cannot recollect.

Who was with Mrs. Anderſon when you firſt went?—I do not recollect any body; my huſband was the firſt perſon that came as near as I can remember, it was near upon four; the priſoner came, as near as I can remember, about half paſt five, but I am ſure it was not more; he ſtaid till about a quarter or twenty minutes of nine; I am poſitive to the time of his coming being very near half after five, becauſe we went to tea at five, as St. Clement's chimes were going.

Did your huſband drink tea?—Yes, but Harris did not.

Had they any other liquor?—Yes, anniſeed.

This Gentleman will aſk you preſently whether you had muffin or bread and butter.—I believe we had toaſt, becauſe Mrs. Anderſon generally has.

Croſs-examined by Mr. Silveſter.

What makes you recollect the day?—The Sunday following was my own child's birth day that I buried.

How came you to meet there?——Mrs. Anderſon and me are very old acquaintance.

Who fixed on the ſpot?—I believe my huſband or her; I received a penny poſt letter.

Have you that letter?—I have not.

That is a pity; have you looked for it?——No, I do not think I have the pockets on; the letter is of very little conſequence; I have not it about me; but ſuch a letter I really did receive; I live in St. James's Market.

Mr. Silveſter. Mr. Harris did not drink any tea at all?—I do not recollect; when he came in I told him we were but drinking the third diſh.

How many diſhes do you generally drink?——That is juſt as it happens; ſome times I drink ſix or ſeven; I am fond of tea.

How came you to fix juſt on the number of three?——I am ſure we had drank no more.

You had toaſt and bread and butter I underſtand?——I do not know that Harris eat any thing; Harris went away at a quar- before nine; I did not go away till after ſupper; I believe it might be turned of ten, but I cannot tell as to the time of my going away, what time it was.

Which way did you go home?—I went as I generally do, through Chandois-ſtreet and Taviſtock-ſtreet, the way to St. James's-ſtreet; my huſband ſaw me as far as the linen draper's in St. James's Market; I lodge at the corner of St. Alban's-ſtreet: he parted from me at the linen draper's.

Nobody elſe went with you?——Nobody elſe at all; I never ſaw Mr. Harris afterwards.

Then you are ſure that nobody went with you?——Nobody but my huſband.

You two went together arm in arm after making this quarrel up?—We went home together.

What became of your huſband after that?——He went to his lodgings.

But it was made up?——No, I have ſeen him, but it is not made up, nor may be never may.

Who elſe was in company?—Nobody elſe was in company the whole evening that I remember.

Did not Mrs. Anderſon walk home with you?——I do not remember that ſhe did.

JOSEPH CAM, *ſworn.*

Mr. Scott. What are you by trade?—A cook.

Are you a married man?——Yes.

Do you live with your wife?——No.

There has been ſome difference?——There has.

Do you recollect being ſent for at any time to the houſe of Mrs. Mary Anderſon?——I do.

For what purpoſe?——To ſee my wife.

Did you meet your wife?——I did.

When was that?——It was the 23d of January to the beſt of my knowledge.

Be ſo good as explain to the Court your reaſon for ſuppoſing it on the 23d of January?—Yes, Sir; on the 22d I went to the Bank and received ſome money, for which reaſon I appointed on the 23d to be at Mrs. Anderſon's.

Court. What day of the week was it?——To the beſt of my knowledge it was Friday.

Why do you ſuppoſe it was Friday?—Becauſe on the Thurſday I went to the Bank.

Did you ſee your wife there?——I did; when I was at St. Margaret's Church, it was paſt four; I cannot ſay to the minute; I then went from thence to the Strand; I found I was beyond the time; I was to have been there at three; I called in the Strand; I did not ſtop as long as I have been here; I went immediately to Mrs. Anderſon's, where I met my wife; I look upon it, it might be about a quarter after five; my wife was there firſt; I ſuppoſe I ſtaid there four or five hours; I ſtaid there till I do not know whether it was ten or eleven; there was Mrs. Anderſon and a child, and there was the priſoner, he came in afterwards.

Who went away firſt, you or the priſoner?——The priſoner.

Did you drink any thing there?—Yes.

What?—Anniſeed.

Who went home with your wife?—I did.

Any body elſe?—Mrs. Anderſon.

Did you and your wife walk together and Mrs. Anderſon follow you, or did you all walk in one bunch?—I cannot ſay; I parted with my wife in Market-lane, cloſe to the Market, and then my wife went home and Mrs. Anderſon with her, and I ſaw Mrs. Anderſon home after.

Mr. Silveſter. You went with her and parted in Market-ſtreet; what became of you?—I ſtaid there till Mrs. Anderſon returned.

What! in the ſtreet; where did ſhe go; how came you to part there?—Becauſe it was not my deſire to go any farther; my wife lived about a ſtone's throw off.

You did not choſe to go that ſtone's throw then?——No.

Why the quarrel was made up?——I do not know that.

Did not you make up the quarrel between you and your wife?—I do not know that I did, I appointed to ſee my wife there upon ſome buſineſs.

Then it was not to make up the quarrel at all?——I did not come here upon that quarrel, nor upon the affairs of my wife.

What was the buſineſs you met there about?——To ſee my wife.

That was all?——Yes.

And that you call buſineſs?—I do call that buſineſs.

What did you go there for beſides?——I do not chooſe to tell you what I went there for, nor neither ſhall I.

Then it was not to make up the quarrel at all; now, Mr. Cam, this going home, you do not know what time it was, whether ten or eleven, or half after eleven?——I have told you I did not know exactly the time I went away; I did not mention any time to my knowledge; I told you I did not know the time; I cannot recollect.

How long did you ſtay there?—I cannot ſay rightly.

Then you ſay you went home?—Yes, Mrs. Anderſon walked as far as Market-lane with me and my wife, and ſhe and my wife went away together.

Your wife ſaid nobody went with you?——I cannot ſay that, I am ſpeaking for myſelf.

What is Mrs. Anderſon?—I cannot ſay rightly, ſomething in the feather way.

Mr. Silveſter. My Lord, I beg leave to call a perſon that lives next door to the priſoner at Walworth.

Mr. Scott. My Lord, they have kept their witneſſes in Court and now they are going to call them, while our witneſſes have been all out of Court.

ANN WELCH *ſworn.*

Examined by Mr. Silveſter on the part of the proſecution.

What are you?——I do not know what you mean.

Where do you live?—At Walworth.

Do you know the priſoner?—Yes, he lived the next houſe to me.

What buſineſs is he?—I do not know indeed.

Did you ſee him or hear him at any time in January laſt?—Several times.

When did you hear he was taken up?—On the Saturday, I heard him on the Friday night.

Do you know the hour?—I had been to Camberwell, and within five minutes walk of my own houſe, I heard ſome church clock ſtrike five; I came home and pulled off my hat and cloak, and I went to tea; and while I was at tea I heard him go down ſtairs as I thought.

What paſſed?—I heard nothing that paſſed, I heard him go down ſtairs.

Court. What down his own ſtairs?—Yes.

Jury. You did not ſee him?—No.

Court. How do you know it was him if you did not ſee him?—I thought it was him.

JANE INNWOOD *ſworn.*

I am ſervant to the laſt witneſs Mrs. Welch, who lives at Walworth; I know nothing of the priſoner; only I heard him go out one evening.

What evening?—I cannot recollect the day of the month, it was the Friday before the ſearch warrant was on the Sunday.

What Sunday was that, do you recollect?—I cannot recollect the day of the month; it was in January ſometime.

What did you hear or ſee?——I ſaw nothing, any farther than I thought I heard him come down ſtairs to the beſt of my knowledge.

Why do you ſuppoſe it was this man?——Only by the quickneſs of his ſteps, I have often heard him.

What time was it?——To the beſt of my knowledge it was a quarter after five o'clock, I cannot tell for a quarter of an hour, I heard nothing paſs.

Court to Mrs. Welch. How came you here to day?——In a coach.

What did you come for?—I was ſubpœned here.

By whom?——By Mr. Lewis.

How came Mr. Lewis to know that you knew any thing of this man?——I cannot tell.

Court to Mr. Lewis. How came you to ſubpœna this woman?——I had a ſearch warrant, on the Sunday in the morning, to ſearch his houſe; Mrs. Welch came to me at the door, and aſked me what was the matter, I told her; after that I called at Mrs. Welch's but did not ſee her, and I called again after the examination at Guildhall, on the Monday afternoon.

Court. At that examination at Guildhall, were theſe witneſſes, Mary Cam and Mary Anderſon called?——No; Harris gave an account of them at Guildhall, that they were to appear.

Court to Jury. Gentlemen, with reſpect to the crime of burglary, the Judges in conſtruing the law reſpecting it, have extended the conſtruction of it certainly very far, for they have held that it isnot neceſſary for a perſon actually to go into the houſe, but that the putting into a houſe any part of their body, or even any thing which they hold in their hands by which the felony is committed, is ſufficient to conſtitute an entering; that is certainly a very extenſive conſtruction, but it has been ſo decided for many years.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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284. **JOHN SMITH** was indicted for feloniouſly aſſaulting Francis Franco, Eſq. on the King's highway, on the 12th day of February, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one watch, with the inſide and outſide caſes made of gold, value 20l. two cornelian ſeals ſet in gold, value 4l. one ſilk purſe, value 6d. and forty-one guineas, value 43l. 1s. and two half guineas, value 1l. 1s. his property.

FRANCIS FRANCO *ſworn.*

I was robbed on the 12th of February, at two in the morning, in Harley-ſtreet, in a hackney coach, I was alone, the carriage ſtopped, the door was opened, and a piſtol preſented to me, and I was told to give my money.

Court. What words?—Deliver: I rather heſitated, upon which the priſoner ſwore he would ſhoot me, if I was not quick. I gave him my purſe, containing forty one guineas and two half guineas; he then demanded my watch, which I gave him, it was gold, juſt on delivering the watch, I ſaw a watchman come round the corner of the ſtreet, and at the ſame time I heard him rattle, and in the mean time the priſoner ran off; I then jumped out of the coach, and the coachman getting off the box with the watchman, we purſued him, and he was taken by another watchman.

Did you ſee the man run?—Yes.

Did he turn out of your ſight?—Yes.

What diſtance was he from you when he turned out of your ſight?—I ſhould ſuppoſe as far as from here to the door.

No further than that?—It might be two or three yards further.

How long was it before he was taken?—I ſuppoſe in about two minutes there was a cry that he was taken; as ſoon as I came up I did not know at the inſtant whether he was the man or no, but I ſaid you had better feel whether he has got any thing about him; the watchman put his hands in this way to his great coat, and found a watch in his great coat pocket.

Court. Was that your watch?—It was, on my ſaying it was mine, the priſoner then ſaid, as you have got your watch you may as well have your purſe, and took my purſe out of his pocket himſelf and gave it me, it was my purſe.

FRANCIS BULGER *ſworn.*

I am a watchman; between one and two in the morning that this gentleman was robbed, I heard a coach ſtop in Harley-ſtreet, I immediately went out of the box, and in going up towards the coach I ſaw the coach door open; going up further, I ſaw a man come from the coach.

Should you know him?—I will know him when I ſee him; I called out murder at the firſt, and ſtop thief; then I ſprung at him and purſued him; between the time of my following him and his being taken might be about five minutes.

Was the man that ſtopped the coach the priſoner?—He was, he was taken in about five minutes after; I hearing that he had got a piſtol, I went and ſearched the round that he went, and found a piſtol; he got a fall in his running, and it was about a couple of yards from where he fell.

——— FRASER *ſworn.*

I took the priſoner a few yards from Harley-ſtreet.

Did you ſee Mr. Franco?—Yes, he was ſtanding by the coach.

Did you ſee any watch found in the man's coat pocket?—Yes, I was the perſon that found the watch in his body coat.

Was it a wide coat or a cloſe coat pocket?—His cloſe coat pocket the gentleman took it out, I felt it; the purſe he had in his left-hand ſide pocket; he ſaid it was ſome halfpence; I believe he took it out himſelf and gave it Mr. Franco; I did not ſee it.

JOHN LANGFORD *ſworn.*

I am another watchman, I had the firſt ſight of him before Fraſer met him, I was the next man to Fraſer, I aſſiſted in taking him; I ſaw the watch taken out of his pocket by Mr. Franco, and Mr. Franco ſaid you have got my purſe then, I ſuppoſe; the man made no other anſwer, but put his hand into his left-hand pocket, and gave it him directly; he made no anſwer at all.

Priſoner. I ſhould have ſpoke before if I knew I might; I am guilty of the robbery; great diſtreſs and neceſſity forced me to do it; I leave myſelf to the mercy of the Court and the proſecutor; I have no friends in town.

GUILTY Death.

He was humbly recommended to mercy by the Proſecutor and Jury.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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285. JAMES BIXBY and JOHN EDWARDS were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of James Bradbury, at the hour of two in the night, on the 13th of February, and feloniouſly ſtealing therein, thirty pounds weight of beef, value 10s. the property of the ſaid James Bradbury.

The witneſſes examined apart at the requeſt of the priſoners.

JAMES BRADBURY *ſworn.*

I am a butcher in Sharp-alley, Cow-croſs; I am a houſekeeper; on the 13th of this month, when I had done work, we left the ſlaughter-houſe, and every thing was ſafe.

Court. Does your ſlaughter-houſe adjoin to your houſe?—Yes.

Is it under the ſame roof?—Yes.

On the fourteenth, in the morning about

five; I found three flanks of beef cut away and carried off.

Court. Have you another door that communicates from the ſlaughter-houſe to your houſe?——There is a back door opens to the kitchen door.

Where theſe three ſides in the ſlaughter-houſe the night proceding?——Yes.

What time did you ſhut up your ſlaughter-houſe?—Between eight and nine, then they were all whole; they took out three flanks, value ten ſhillings; the next morning I received information that the priſoners had taken the beef to one Slokum's houſe, who is here; his mother-in-law and he had a quarrel, and ſhe diſcovered it: the bolt of the ſlaughter-houſe was wrenched and the padlock haſp, and all the doors were open; when we left them the bolt was' faſt on, and the haſp in good repair, but the next morning the haſp was ſtrained all to pieces almoſt; we took Slokum directly, and he confeſſed who brought the beef to him, and we took up the priſoners, and Slokum fetched the beef. I ſaw the beef at Juſtice Blackborough's, it was delivered to me; the beef was particular, a piece of what we call the cod was cut to it.

Court. Do you know any thing of the priſoners taking the beef?——No, only by Slokum's confeſſion.

CHRISTOPHER NEWCOME *ſworn.*

I know nothing of the priſoners, only I was at this ſlaughter-houſe the night before, and I ſaw the place ſafe.

Court. Gentlemen, there is nothing to affect theſe priſoners but from the teſtimony of Slokum, and unleſs there had been ſome foundation laid, I cannot examine an accomplice.

JAMES BIXBY,
JOHN EDWARDS, } NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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286. JONAS ABRAHAMS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Hill, about the hour of four in the night, on the 8th of February, and feloniouſly ſtealing ſix pewter diſhes, value 6s. twenty-four pewter plates, value 12s. a copper porridge pot, value 2s. a large copper tea kettle, value 8s. two coffee pots, value 2s. a drinking pot, value 2s. a boiling copper, value 2s. a linen ſhift, value 2s. an apron, value 12d. a linen jack towel, value 12d. a knife cloth, value 3d. and ſeven yards of black velveret, value 30s. the property of the ſaid John.

The Witneſſes examined apart at the requeſt of the Priſoner.

JOHN HILL *ſworn.*

I keep the Green-man, Bethnal-green, my houſe was broke open on Sunday the 8th of February, the padlock of a coal hole was picked, but they could not get forward there, and they untiled the roof, and cut the pantile lath, and ſo got into the waſh-houſe, they then forced a bar of the door into the kitchen; I found the houſe in this condition about ſeven the next morning; every thing was perfectly ſafe when I went to bed; I always ſee every thing ſafe before I go bed; I loſt the things mentioned in the indictment; I undervalued them; the velveret and jack towel were in the little parlour, and all the other things were in the kitchen; I had ſeen the velveret in a glaſs caſe three or four days before, but the caſe was not locked; on the Thurſday I went with a carpenter whoſe name is William Carter, to buy another copper, I ſaw one, and a woman aſked me ten-pence a pound, I ſaid I would give her half a crown earneſt, it came to twelve ſhillings and ſixpence, I paid for it, and afterwards found it to be my own copper, I told the woman I thought it was my copper, we got a ſearch warrant to ſearch the woman's houſe.

Court. Who did the woman ſay ſhe had the copper of?——Of the priſoner; Mr. Daniels, the woman's huſband, went with me and Wade the officer to the priſoner's houſe, who lived in Old Gravel-lane, and kept a houſe there; the priſoner ſaid he had the copper of his brother, and he would give an account how he got it; his brother lodges in Red Lion-ſtreet, Whitechapel, and the priſoner walked with us, his brother was at home at ſupper; we found two coppers there, and the officer took the brother into cuſtody, and in the morning the priſoner was committed.

Court. You found nothing of your property at the brother's?——Nothing.

What was the reaſon the juſtice committed this priſoner?——I do not know.

Mr. Garrow, Priſoner's Council. Henry Abrahams is diſcharged now?——Yes.

You went and found a copper at Mrs. Daniel's, who is ſhe?—She keeps an iron ſhop.

That copper you had put into the brick-work?——Yes.

Did you ever take the dimenſions of the copper before you loſt it?——No.

Nor the weight of it?——No.

So that any further than what ſomebody elſe has told you, you know nothing of it?——No.

You never took either the gauge of it, the diameter of it, or any other admeaſurement?——Never.

As to this copper, whether it is your's or not, of your own knowledge you cannot tell?——I cannot, I will not ſwear to it.

That copper, however, ſuch as it is, you found at Mr. Daniel's, and not at the priſoner's?——Yes.

JOHN DANIELS *ſworn.*

I know no further than I bought a copper of the priſoner weighing fifteen pounds, which my wife ſold to the proſecutor.

Mr. Garrow. Was you by when ſhe ſold it?—No, the priſoner ſaid when he ſold it it was not his property but his brother's, and he owned before the juſtice———

Mr. Garrow. Do not tell us that, Sir.

Court. Did you hear the priſoner ſay any thing?—No, his brother owned he delivered this copper to the priſoner.

Mr. Garrow. You bought a copper that weighed fifteen pounds of the priſoner, and what became of it, you do not know of your own knowledge?—No.

Court. Do you or do you not know that the proſecutor had that copper again?

Mr. Garrow. No, my Lord, he was not at home.

Court. Was you at home, Sir, when it was ſold?—No, I was attending a Jury at Whitechapel.

MARY CLASSALL *ſworn.*

I was ſervant to Mr. Hill at the time the houſe was broke open, I knew it was broke open, and I know that is our copper, that is all I know about it; I have ſeen it ſince it was brought back; I know nothing about the priſoner.

WILLIAM CARTER *ſworn.*

I was at the buying of this copper of Mr. Daniels with the proſecutor.

EDMUND WADE *ſworn.*

I apprehended the priſoner.

Court to Mary Claſſall. How can you be poſitive that this was your maſter's copper?——The very laſt time I uſed it, which was the Saturday night before it was ſtolen, I thought there had been a hole it, and that mark was in it when it came back, and by that I ſwear to it.

Mr. Garrow. Does your Lordſhip take the copper mentioned in this converſation to be ſufficiently identified?

Court. This woman ſwears it is the ſame copper.

Court to Mary Claſſall. You ſaw the copper after it was brought back?—Yes.

Mr. Garrow. Daniels ſays he bought a copper of the priſoner, and his wife ſold a copper to Mr. Hill, that copper which is ſo found in the poſſeſſion of Mr. Daniels is proved to be the copper that was loſt, but *non conſtat*, if it was the copper that Daniels bought of the priſoner at the bar, that is not ſo traced.

Court to Hill. Did you carry the copper from Daniels to the priſoner's houſe?—No, to my own houſe.

Did the priſoner ſee that copper?——At Mr. Wilmot's Office.

That ſame copper you bought of Mrs. Daniels?—Yes.

Was Mary Claſſal at the juſtice's?—Yes, and the priſoner was there.

Did the priſoner ſay that was the copper he ſold to Mr. Daniels?—I cannot ſay.

Court. Mrs. Daniels ſhould have been here.

Court to John Daniels. Did you take any notice of the copper that you bought?—No, Sir.

Then you cannot ſwear that this was the copper you bought of the priſoner?—No, Sir, I cannot.

Jury. Had you any other copper?—No, Sir.

Did you buy one of Abrahams?—Yes.

Then of courſe that muſt be the copper.

Mr. Garrow. You keep an iron-ſhop?—Yes.

And a broker's ſhop?—Yes.

You was on a Jury in Whitechapel?—Yes.

Your wife conducts your buſineſs in your abſence?—Yes.

Whether ſhe in your abſence bought a copper and ſold it again, you cannot know?—No.

Court to Hill. When did you buy the copper of Mr. Daniels?—On Thurſday as it was ſtolen on the Sunday Morning.

Court to Daniels. Had you any other copper?——We had coppers of different kinds but not of that kind, not a boiling copper; we had different kinds of coppers; I ſaw the copper there that evening.

Did you ſee it on Wedneſday?—No.

Did you ſee it on Thurſday?—No.

Have you any the leaſt reaſon in the world to conceive or imagine that there was any other copper in the houſe between the time you bought it and Thurſday morning?—I cannot ſay.

Court. Gentlemen of the Jury, we muſt not go on an uncertainty, they have left the material witneſs at home, the man's wife, who generally manages the buſineſs, and we muſt go by the rules of law and evidence.

NOT GUILTY.

Tried by the Firſt Middleſex Jury before Mr. Juſtice GOULD.

287. **ALEXANDER CULLUM** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Pearce, about the hour of nine in the night, on the 13th of February, and feloniouſly ſtealing therein two large Cheſhire cheeſes, weight ſixty-five pounds, value 20s. the property of the ſaid John Pearce.

JOHN PEARCE *ſworn.*

I live at No. 17, Old Compton-ſtreet, St. Ann's, on the 13th of February, I was ſitting in the parlour writing, I ſhut the ſhop door myſelf, I had juſt before ſeen the priſoner lurking about my window, I noticed him, I watched him till he left my window; I then began writing again, I wrote about two lines, and I then took my head off from my writing to look towards the ſhop, and I ſaw the priſoner at the bar in my ſhop, and his face was turned towards the ſhop door, facing the ſtreet; he then went to my ſhelf and took a Cheſhire cheeſe, I purſued him, and followed him till he was taken; I ſaw him take one cheeſe out of the ſhop, he was taken in the ſpace of half a minute, or leſs than a minute; the cheeſe he threw down about twenty yards from my door, and it was picked up by one of my neighbours; I did not ſee him immediately throw it down, I ſaw him take it out of my ſhop; I did not look after that, I purſued the priſoner, he ran down Dean-ſtreet, and he turned round a coach, and I loſt him the value of half a moment; I am clear he is the man, I had made a particular obſervation of him before he came into the ſhop.

Court. In what manner had you ſhut the door of the ſhop?—I went and ſhut the door faſt, it was faſt by a ſpring lock.

Are you ſure you ſhut it?—Yes.

Is your ſhop part of your dwelling-houſe?—Yes.

PRISONER's DEFENCE.

I was coming along, and I heard a noiſe of ſtop thief! I run, and two people before me were running, I turned down, the people gathered together, and I was taken and brought to this bar; as for taking or ſtealing this cheeſe, or any thing elſe from man, woman, or child, I never did, ſo help me God; I have no witneſſes.

THOMAS PERRY *ſworn.*

I was juſt going from my own houſe, about twenty minutes before nine, and I heard the cry of ſtop thief as I turned out of the paſſage, the priſoner was running, and another little man after him, the other man caught him, and I came and collared him; coming back I met Mr. Pearce; damn him, ſays he, this is he, this is he, bring him along, I ſearched him, we found nothing upon him.

Court. Had he the cheeſe at all when you ſaw him?——No.

JAMES BLAND *ſworn.*

I am a heel and patten maker, I live in Compton-ſtreet, No. 19, I was coming by at the ſame time, and I picked up this cheeſe about twenty yards from the door where I imagine it was taken from; ſomebody ſpoke to him, and he ſaid, I think, it was the firſt time he had ever been guilty of ſuch a thing.

Court. Did they tell him he had better own this?——Yes, and he did not deny it.

Court. And upon that he ſaid that was his firſt offence?——Yes.

Court. Gentlemen of the Jury, firſt, as to the hour of the night, it was long after it was dark; then, as to the fact of breaking the houſe, the door, Mr. Pearce ſays, was ſhut, and that he was looking particularly to it; if he had latched it, and the priſoner had opened it for the purpoſe of committing a felony, it is a burglary.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

He was was humbly recommended to mercy by the Proſecutor.

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288. WILIAM HUBBARD was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Beresford, between the hour of five and ſix in the night of the 20th of January laſt, and feloniouſly ſtealing therein 14 yards and a quarter of printed velveret, value 3l. the property of the ſaid William.

The Witneſſes examined apart at the requeſt of the priſoner.

WILLIAM BERESFORD *ſworn.*

I am a woollen-draper and man's-mercer, the corner of White-hart-yard, Drury-lane, No. 82, on the 20th of January laſt, very near ſix o'clock, it being then dark, the candles were lighted, I was in the parlour ſhaving myſelf, I heard a report againſt the ſhop window as if ſomething had ſtruck the glaſs, that alarmed me, and in about five minutes I heard the ſame report, the parlour door was open that fronts the ſhop, I went into the ſhop, I thought the ſhop was beſet, and I took another candle and placed it in the ſhop, to deter any perſon from making an attempt; my ſervant returned ſoon after, in about five minutes, and I deſired him to ſhut in the ſhop or elſe I ſhould be robbed; there was no perſon in the ſhop, I found nothing amiſs then; he began ſhutting the ſhop, and I went into the parlour to finiſh my ſhaving, I had not been there above a minute, before I heard a pane of glaſs break, and fall into the ſtreet, I immediately ran into the ſtreet, I ſaw a pane of glaſs was broke, and a piece of ſpotted velveret taken out, I immediately cried out Stop thief! and my ſervant took the priſoner, and put him into a houſe about four doors above mine, I went up and identified the velveret, and charged the conſtable with him.

JOHN BERESFORD *ſworn.*

On the evening of the 20th of January, I was ſent out, when I returned, my maſter deſired me to ſhut the ſhop, in putting the laſt ſhutter but one, on the White-hart-yard ſide, I obſerved the priſoner and another man at the corner, he inſtantly left his companion and went to the place, I looked after him, and ſaw him break the window, and put in his hand, and take a piece of velveret, I purſued him, and took him with the piece of velveret under his arm, he had the velveret when I took him.

Priſoner. In what manner did I break the window ?——By a ſtroke of his hand.

Proſecutor. It appeared by the breaking of the glaſs as if there was ſome inſtrument made uſe of.

PRISONER's DEFENCE.

I was walking through White-hart-yard, and going round the corner, ſomebody was ſhutting up the ſhop, I kicked againſt ſomething, and picked up much ſuch a thing as that, I took it up, and put it under my arm, that gentleman came and laid hold of me, and gave me a pull and threw the property from under my arm into the gutter; I ſaid, I was willing to go with him, ſays I, I found this property juſt now, he took me, I never offered to make any reſiſtance at all; I have no witneſſes.

GUILTY, Death.

He was humbly recommended to mercy by the Jury.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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289. CHARLES MANNING was indicted for feloniouſly aſſaulting Frances Knight, ſpinſter, on the king's highway, on the 13th of January laſt, and putting her in fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one woollen cloak, value 3s. one linen apron, value 2s. one cotton bed-gown, value 1s. one flannel bedgown, value 1s. one cotton handkerchief, value 1s. two linen clouts, value 1s. and one linen night-cap, value 2d. the property of Godfrey Haſleton.

The witneſſes examined apart at the requeſt of the Priſoner.

Court to Frances Knight. How old are you ?——Turned of ten.

Do you know the nature of an oath ?—I know this, that I ought to ſpeak nothing but the truth.

Do you know what will happen to you if you ſhould tell a lie ?——If I tell a ſtory I ſhall *go to the naughty man*, and if I tell the truth I ſhall go to Heaven.

And do you know that you will be liable to be puniſhed here ?——Yes.

FRANCES KNIGHT *ſworn*.

Court. Now tell me the whole ſtory and the truth ?——I was going from Whitechapel to Poplar, on the 13th of January, about noon.

Were you carrying any thing ?——A bundle.

Whoſe was it ?——My mother's.

Do you know who the things in the bundle belonged to ?—They were my daddy's property.

What was in the bundle, my little girl ?——A Bath cloak, and two clouts, and a child's bed-gown, and a flannel bed-gown, and a night-cap, and a white lawn apron; they belonged to my father, the reſt were my mother's.

Court. What is your father's name ?—Godfrey Haſleton.

What happened to you ?—Charles Manning ſaid he would blow my brains out, my mother was with me, and ſtood a little diſtance from me, it was in Stepney Fields, going from Whitechapel to Poplar.

What had your mother ſtopped about ?—I was with my mother when he ſtopped us, and then he came up and threatened to blow my brains out, and I went a little way off.

Who came up to you ?—Charles Manning.

Do you know him ?——Yes.

See if you ſee him ?——There he is.

Had you ſeen him before ?——No, I ſaw him at the juſtice's.

Was any body elſe with him ?——Yes, three more men.

What did he threaten to blow out your brains for ?—Becauſe I ſcreamed out.

What did you ſcream out for ?—One of them ſnatched my bundle, and another of them went to pick my mother's pocket, upon which I ſcreamed out twice, and then it was that the priſoner threatened to blow my brains out.

Did any body take your bundle from you?——Yes, a tall man, not the priſoner.

Was it before or after the priſoner threatened you?——Before.

In what manner did the man ſnatch your bundle from you?—— He went a little way before, and then turned back and ſnatched it out of my hand.

Court. Did he ſnatch it away in a violent manner?——Yes.

When this man threatened to blow your brains out, what happened after that?——I clapped my hands together, and ſaid, pray, Sir, I will be a good girl, and not ſcream any more.

What became of him and the reſt after that?—They then left me and my mother, and all four of them then went away to ſome other man, and took my bundle away with them.

Now are you quite ſure that the priſoner was one of them?——Yes.

How long was it after you ſaw him at the juſtice's?—I believe a fortnight.

Now when you ſaw him at the juſtice's, who pointed him out to you, who ſhewed him to you?——I pointed at him myſelf.

What as ſoon as you ſaw him?——Yes.

Were there more people with him at the juſtices?—A great many more, but I believe nobody belonging to him.

And you picked him out from amongſt them all?—Yes.

Do you think you ſhould have known any of the other three men if you had ſeen them?——No, I cannot juſtly ſay that I ſhould.

How came you to obſerve him particularly beyond the reſt?——I looked at him more than I did at the reſt, for the reſt did not look at me.

Was not you very much frightened at the time of the robbery?—Yes.

Then could you in that ſtate of affright obſerve the face of the man, ſo as to be ſure that you could know him again?——Yes.

You think you could?——Yes.

Have you any doubt whether that is the man?——No, I am quite ſure.

Priſoner. Was not you perſuaded by the runners to pick out a man in a brown jacket?——No, Sir, the man had a brown jacket, with double breaſted buttons on, when he ſtopped me.

Court. Did any body perſuade you to pitch upon the priſoner as the man?—The juſtice deſired me to look round and ſee if I could find the man that ſtopped me, and I looked round and ſaw the priſoner.

Did any body tell you to point at a man in a brown jacket?——No.

Had he the ſame clothes on that he had when he robbed you?—Yes.

Was it by his face or his clothes that you knew him?—By his face and his clothes too, but particularly by the brown jacket.

Priſoner. I do not diſpute but ſhe will ſay what ſhe has, becauſe it is an old grudge.

FRANCES HASELTON *ſworn.*

I am mother to the little girl, I was with her, going from Whitechapel to Poplar, I had a young baby ſucking at my breaſt, and four men paſſed in the road, they croſſed juſt by the Infirmary, they outwalked me, and went acroſs the field, and by the courſe of time, I imagined they went as far as Stepney, and in the laſt field they turned back and met me; I ſtepped acroſs a muddy place, and turned round to ſee for my little girl, who was behind, and ſhe ſcreamed out, and ſaid, mamma, that tall man has taken my bundle, I ſaid, my dear, I cannot help it.

What happened after that?——The tall man ſaid ſomething to the other, and immediately the priſoner at the bar came to my left arm, and another ſhort man came to my right arm; I turned and ſaid, what do you want with me; the priſoner ſaid, your money to be ſure.

Did you ſee him do any thing more to the little girl?——My little girl ſcreamed out, and the priſoner ſaid, you little bitch, if you ſcream I will ſettle you, I will blow your little bitch's brains out; I ſays to the priſoner I have but little money.

What became of them?——They bid us go about our buſineſs.

Are you ſure the priſoner is one of the men?——I am punctual ſure; I had ſome little knowledge of him before.

Where had you ſeen him before?——I had ſeen him about Tower-hill, by Iron Gate, and when he threatened my little girl I looked him ſteadfaſtly in the face.

Had you any acquaintance with him?——No, only knew him by ſight.

You had ſeen him ſo as to know and obſerve him, from another man?——Yes.

You have no doubt but he is the man?——I am ſure he is the man.

Were the things that were in the bundle ever found?——No.

What things were in the bundle?——A child's Bath cloak, one white apron of mine, one ſtriped linen bedgown, one flannel bedgown, two clouts, a child's night-cap, and a yard-wide handkerchief; they were tied in the handkerchief.

Priſoner. Did you not ſay when I was brought in, you believed it was me by the jacket?——No.

Court. How long after was the priſoner taken?——That day fortnight.

Was he taken up for this robbery, or on ſuſpicion of ſomething elſe?——I believe on ſuſpicion of ſomething elſe.

WILLIAM WHITEHEAD *ſworn.*

I am an officer; I took the priſoner, I found nothing upon him, I know nothing of the robbery, nor does Mayne my brother officer.

PRISONER's DEFENCE.

I have witneſſes at the door to ſhew where I was at that time, but I had affronted the people, and they would not attend at the juſtice's.

Court to Proſecutrix. What day of the month was it?—On Tueſday the 13th of January.

You are ſure of that?—Yes, it was the ſecond Tueſday in the month.

About what time of day, as nearly as you can fix?——Between eleven and twelve; the clock ſtruck eleven when I went out.

Are you ſure it was before twelve?——Before twelve.

Priſoner. She ſaid it was twenty minutes after one before the juſtice.

Court. Call in the priſoner's witneſſes ſingly.

ANN PEARCE *ſworn.*

Court. What are you?—What am I?

Yes.—Why my huſband is a waterman, and he maintains me.

Where do you live?—In St. Catherine's Lane.

What number?——No. 16, Chequer Court.

Are you a houſekeeper, or do you lodge there?——A houſekeeper.

Do you know the priſoner at the bar?——Yes.

What do you come here particularly to ſay with reſpect to him?——To ſpeak in his behalf ſo far as this, that he was at my houſe the beginning of January, and was there every day for a good bit.

Did he lodge there then?——No.

What did he come there about?——He came to his wife.

Does his wife lodge at your houſe?——Yes, now ſhe does, ſhe did not at that time.

How came he to come there to his wife?—Becauſe ſhe uſed to come in the morning.

What did ſhe come for?—To ſee me.

Priſoner. It is my wife's mother.

Court to Ann Pearce. Did your daughter uſe to come every morning?—Every morning, and ſtay all day long, and ſo ſhe does now, without ſhe goes out to work, but the weather was ſo cold then ſhe could not go to work.

Down to what time did ſhe come every morning?——She keeps there now.

But ſhe goes out to work now?——Now and then a day ſhe goes out crying old clothes; ſhe came every day, he uſed to come generally between nine and ten, or ſometimes at nine.

Did ſhe come with her?——No, ſhe uſed to come firſt.

Where did they live?——In a ready-furniſhed lodging in Catherine-wheel Alley, Whitechapel.

Did he follow any employment at that time?——No, his employment ſhould be a waterman, but at that time he was out of employment by the froſt; he applied to his pariſh, St. John's, the other ſide of the water.

St. Catherine's Lane is in Wapping, is not it?—No, it is a precinct by itſelf.

It is between Wapping and Poplar, is not it?——No, between Wapping and Whitechapel.

Now how long did he uſe to come every day to your houſe?—He came till he was taken up.

And how long did he uſually ſtay?—He uſed to ſtay from ten or eleven till ſeven or eight at night.

Do you mean to ſay that he uſed to ſtay ſo every day?—Every day, excepting ſometimes he uſed to go over to the overſeer to get his two ſhillings.

Did he never go out all that time?——Never went out all that time.

How came he to confine himſelf?—I do not know, he did not chooſe to go out.

Did he never go out during that time?—He went generally at one o'clock to find Mr. Fogg at home, and then ſometimes at ſix in the evening.

Did he ever go at any other time?——Never.

Do you mean to ſay poſitively that he never was out of your houſe all that time, but at one o'clock in the forenoon?——Never.

Did your daughter ſtay as cloſe at home as he did?——Yes.

Both of them uſed to ſtay at home?——Yes.

How did he employ himſelf at home?—One time he wanted a pair of ſhoes, and he ſat himſelf down to work, and made himſelf a pair of canvas ſhoes, he was three days in making them.

How did he uſe to employ himſelf?—Sit by the fire, and ſometimes read a book.

Priſoner. I have the ſhoes on now.

ANN TRUTON *ſworn.*

Court. Where do you live?—In Chequer Court, St. Catherine's Lane.

Is that near Mrs. Pearce's?—In Mrs. Pearce's houſe.

What do you know about this man?—I know that on the 13th day of January, I went to Mrs. Pearce's houſe between eleven and twelve, and I ſaw the priſoner at her houſe.

What time did you go there?—Between eleven and twelve.

Court. Let Mrs. Pearce go out of Court.

You went to Mrs. Pearce's houſe between eleven and twelve?—I called to ſee my mother.

Who is your mother?——Mrs. Pearce.

You are ſiſter-in-law to the priſoner?—Yes.

Who did you ſee there?——My mother, and my mother's lodger, and the priſoner, and his wife, I went on an errand, and returned about twelve.

What lodger?——Alec. Fox his name is.

What were they doing at this time?—They were dreſſing their dinner.

Did you ſtay and dine with them?——I ſaw Charles Manning going to dine as I came away.

You did not ſtay and dine with them?—No, I came away as they were going to dine.

Did they ſit down to dinner before you came away?—They were all ſat down and going to dinner, but I came away and left them.

Was the dinner on the table?—Yes, two boiled ſmall cod and *tatoes*.

Any thing elſe?——There were ſome ſtewed ſprats on the table.

Thoſe that ſat down to dinner were your mother, and Mr. and Mrs. Manning, and the lodger Fox?—Yes.

Thoſe four?—Yes.

Were there any body elſe?—Only my young ſiſter of all.

How came you to remember particularly that this was the 13th of January?——Becauſe I was coming away on the 25th, to leave my place.

How long was it before you left your place?—I left my place a few days afterwards.

How does your leaving your place on the 25th, put you in mind of the 13th?—I left my place on the 25th.

How many days was it before you left your place?—I cannot recollect how many days.

And yet the reaſon you recollect it was the 13th was, becauſe you left your place on the 25th?—I minded the day as I ſaw Charles Manning there.

Was he often there?—Yes, always there almoſt when I uſed to go there.

Then how could you mind the day if he was there every day? *(No anſwer.)*

Who told you to ſay it was the 13th of January?——I know it was the 13th of January.

But I want to know a little how you know it; what fixed this particular day in your memory?—Becauſe I remember the day of the month.

Do you remember where you was on the 7th of January, or any other particular day of the month; where was you on the 7th of January between eleven and twelve?——I was at home.

Do you remember that?—Yes, I am very ſure of that.

And where was you on the 17th;—I was at home.

Was you at home every day except the 13th?—I uſed to come out of an errand.

How many days after did you leave your place?—I left it the 25th, I am not much of a ſcholar, and I cannot recollect.

How long after was it that he was taken up?—This was on the Tueſday that I ſaw him at my mother's, and it was a fortnight afterwards that he was taken up.

What day of the week was this 13th of January?—Tueſday, as I recollect, to the beſt of my knowledge.

What day of the week was it you left your place?——I cannot rightly recollect that.

Then how came you to recollect this 13th of January better than the day you left your place?—I cannot tell rightly.

Mr. Juſtice Gould. Do you recollect the day of the week that the priſoner was taken up?—Yes he was taken up on the Thurſday night.

When did you hear of it?——I heard of it on the Friday following.

When you heard of his being taken up, did you then mention that you ſaw him on this 13th of January?—Yes, Sir, I am ſure it was the 13th of January.

Did you mention it to any one?—Yes, I did.

Court. Did you hear what he was taken up for?—I heard it was for robbery.

Who told you ſo?——I heard it at the juſtice's.

Did you go to the juſtice's?—Yes.

And did you hear what day that robbery was committed?—No.

Do you know now what day that robbery was committed?—No, Sir, I do not.

Then how came you to tell any body that you ſaw him on the 13th of January?—I told my mother ſo.

Mrs. Pearce called in again.

Court to Mrs. Pearce. That young woman is one of your daughters, is not ſhe?—Yes.

Do you remember her coming to your houſe on any particular day?—She came on that very day that Charles Manning brought two fiſh to my houſe.

What day was that?—On a Tueſday.

What Tueſday?—It was in January, I believe it was the 13th, he came that day between ten and eleven, and brought two little codlings.

What time did your daughter Truton come to you?—She came about eleven.

Did ſhe come to dine with you?—No,

ſhe came in, ſhe was going on an errand, ſhe ſaw him cleaning the fiſh, ſays ſhe, mother, what is Charles a doing; ſays I, he is cleaning two fiſh; ſhe went away, and came again about one, as ſhe was going home; he dined between twelve and one, but my huſband and me dined between one and two.

Did he dine on the fiſh, or your huſband and you?—He dined and his wife.

Did any body dine with him?—Nobody but him and his wife.

Had they any thing elſe for dinner but theſe two fiſh?—Nothing elſe.

Had they any thing elſe to eat with the fiſh?—I think a halfpenny-worth of potatoes, and a little melted butter.

Had they any thing elſe for dinner?—Nothing elſe.

Was that before your daughter Truton went away?—She came in and ſaw him a doing of them; ſhe came in a ſecond time and ſaw them at dinner.

Did not ſhe ſit down and eat a bit?—No, me and my huſband dined afterwards, my lodger dined with us, he is a boarder, his name is Alexander Fox.

What had you for dinner?——My huſband had a fancy to have ſome ſtewed ſprats, in vinegar and allſpice, and I got about ſixpennyworth of them, and ſo ſtewed them up in vinegar; we never uſed to dine together.

Did you know when Manning was taken up?—Yes.

How long was it after this?—A little better than a week.

Recollect as near as you can the time he was taken up, and how long it was after?—I think it was a little better than a week.

Do you recollect the day?—I think it was on a Thurſday.

Then it was the Thurſday week after this?—Yes.

How ſoon did you know he was taken up?——Directly.

Did you know what for?——They firſt mentioned before the juſtice that he was ſtopped for cutting a man to pieces in Stepney Fields, and the man was ill, and in the hoſpital, and could not appear; in the afternoon this good woman appeared againſt him, and the child.

Was you preſent at the juſtice's?—Yes.

Did you hear the evidence?—No, I did not come in the afternoon.

When did your daughter Truton tell you any thing about this robbery?—I told her: I told her that Charles was taken up.

Did you tell her what day this robbery was committed upon?—No, it was her ſiſter told her.

Was you preſent?—Yes, at my houſe.

When was that?—I cannot ſay, rightly, it is ſet down that it was the 13th day of January.

Court to Truton. How long was it after you left your place before you heard of the priſoner being taken up?—I came away the 25th, I cannot rightly tell, I heard of it before I left my place, a day or ſo.

ALEXANDER FOX *ſworn.*

What do you know of this matter?—I lodge at the houſe of Mrs. Pearce, I know no further than that the priſoner was often in and out of the houſe before he was taken up.

Do you remember any particular day or time?—I cannot remember one particular time any more than another; he was very often out and in, and ſtaid whole days there; ſometimes he ſtaid the whole day, and ſometimes half the day; he went home about ſeven.

Did he come every day?——No.

How many days in the week might he come?—I cannot tell rightly.

Did he come two or three time a week? Yes.

What, as often as that?—Yes.

I mean from the beginning of January to the time he was taken up, did he come two or three times a week then?—Yes, he did, two or three times a week.

PRISONER's DEFENCE.

I had Mr. Fogg here yeſterday, the churchwarden, that I was to have gone to work for when the froſt was over, but he is gone out of town. On the 22d of January I had

a few

had a few words, and I drank with one Mr. Whiteway; and one Mr. Marnes who is here aſked me to drink; I ſaid, you do not owe me ſo much good will, ever ſince you belonged to the rendezvous and I was preſſed; I ſaid I cannot ſtop, for ever ſince my laſt misfortune I never go to any houſe but my own, and I am obliged to be very particular; he knows he always takes me up on ſuſpicion of any thing that is done on the water, and when I was going away Mr. Marnes ſaid, I have a ſuſpicion of you Charles; ſays I, why ſhould you be always troubling of me; I ſaid you will take away my life one of theſe days; this was on the Thurſday, I was brought before a magiſtrate on the Friday, and committed till Monday; on the Monday morning, this gentlewoman that was here juſt now came to me, in a very ragged dreſs, and looked very hard at me, I took her to be ſomething of a ballad-ſinger; ſays I, good woman, is it you that is to ſwear againſt me; I do not know, ſays ſhe, but what it is; I was ordered to pull my coat off, and go over to the juſtices, which I did; the woman ſaid ſhe believed it was me by my jacket. I hope you will not be affronted with me for detaining you ſo long; in the evening the woman was brought and a girl,* the girl ſwore *punctual* to me.

Court to Whiteway. When was the priſoner taken up?——He came to me on the Thurſday night, as he mentions, about ten o'clock, to give me information of a robbery that he was going to do that evening; that he was going to rob that houſe where his ſiſter-in-law lives; his ſiſter-in-law was to let him in, and he deſired I would be ſomewhere near the houſe, that I might detect him in the matter, in order to bring him in as an evidence; upon this I took him to the public houſe, where our fellow officers were, and I conſulted on the matter, and I then thought it was better to lodge him in the houſe that night; I did ſo, there was nothing done that night, but he was detained on ſuſpicion of other robberies, and he was detained from that time.

Priſoner. My Lord, I can bring proof where I lodge, that ſince laſt September I never was out after eight o'clock at night, and I was on the pariſh, I had two ſhillings every other day from Mr. Fogg; once on a time I was tried here for piracy, but not for any thing on land, and was I given to any thing that way, I could get more gains on the water than I could on land.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

He was humbly recommended to mercy by the proſecutrix.

Priſoner. I beg, for Chriſt's ſake, to ſpeak one word; that is, we were all ſet down to dinner, and that young man, Fox, was not there every day, he only came in that day, I do not ſuppoſe he may remember; I am ſure I am a dead man, for Mr. Marnes, who is one of the runners, had a warrant againſt me, and he ſaid he never would ſerve that till he had the forty pounds; he ſells many a poor fellow; and God bleſs you all.

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290. RICHARD M'DONAH was indicted for feloniouſly aſſaulting Robert Heſler, in a certain field and open place near the King's highway, on the 26th of January laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one ſilver watch, value 40s. one pair of ſilver ſhoe buckles, value 40s. one pair of ſilver knee buckles, value 10s. and three pieces of gold coin of this realm, called guineas, value 3l. 3s. the property of the ſaid Robert.

The Witneſſes examined apart at the requeſt of the Priſoner.

ROBERT HESLER *ſworn.*

On the 26th of January laſt, about half paſt four in the afternoon, I was going from Batterſea to Kenſington, acroſs the fields, and between Brompton and Kenſington, on the narrow foot path I met three men, who ſtopped me, one of them was the priſoner at the bar, they ſtood looking through the hedge, the priſoner at the bar told me to ſtop and deliver, and pulled out a piſtol and preſented it to my breaſt, two more men came directly after he ſtopped me, and one of them pulled out another piſtol, but I did not ſee his face, they robbed me of three guineas, a ſilver watch, a pair of ſilver ſhoe-buckles out of my ſhoes, and a pair of ſilver knee-buckles out of my breeches pocket, after this they went away directly, there were ſome people coming, they were with me about five minutes.

Did they offer you any ill treatment after they ſtopped you?——No.

What became of you after they left you?——I went down to Kenſington to my maſter and told him, then I came home, I heard afterwards that the men were taken on the next night, I went on Tueſday morning, and gave an information of the robbery.

Are you ſure this is the man?——I am very poſitive.

Were any of your things ever found?—No, the priſoner ſtood fronting me, I ſaw his face.

You had never ſeen him before?—No.

He was not with you above five minutes?——No.

Did he take any pains to conceal his face?——No.

Now from being that ſhort time with you, and in the hurry and confuſion of ſuch a tranſaction, can you take upon yourſelf to ſwear poſitively that he is the man?—I can.

Did the Priſoner ever ſay any thing about it?——No.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of FEBRUARY, 1784, and the following Days;
Being the THIRD SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Richard McDonah.

When did you firſt ſee him after?—On the Saturday following.

When you firſt ſaw him, was he pointed out to you?——No, he was with many others.

Priſoner. Did you pick me out from other people?—Yes.

WILLIAM BOWYER *ſworn*.

I know nothing of the robbery, only I conduct one of the parties of the patrol belonging to Bow-ſtreet; there was a loaded piſtol found upon the priſoner, and a little ſilver, and a pair of trowſers were found at his lodging, which the proſecutor deſcribed the priſoner to have on.

Was you at the Office when this man firſt ſaw him?——I was not.

JOHN CREEDLAND *ſworn*.

I was at the apprehending the priſoner.

Was you at the Office when the proſecutor came there to look at him?——Yes.

What paſſed there; who ſhewed the priſoner to him?——I ſhewed the priſoner to him, Sir Sampſon aſked me whether that was the man that I took, and I ſaid yes.

Aye, but when the proſecutor came, who ſhewed the priſoner to the proſecutor?——I cannot tell, I do not remember any perſon ſhewed him.

Where was he when the proſecutor firſt came in?—Standing at the bar.

Was any body elſe with him?——There were two more.

When he ſaw him at the bar, he ſaw him as a priſoner?——Yes, he was a priſoner then.

What did you take him up for?——We took him on ſuſpicion; after the information, we went to ſee if we could find him, and we did ſo.

Priſoner. He firſt ſaid I was the perſon, and ſhewed me to the proſecutor, and then he ſaid he did not.

FRANCES JOHNSON *ſworn*.

I have known the priſoner five or ſix weeks in his place, he uſed to come to my room to have ſome victuals, and when he came out of his place he came to be with me quite entirely; I know nothing of his ways of going on, his Maſter gave him a good character.

Bowyer. Sir Sampſon thought proper to bind this woman over to prove that he uſed to wear theſe trowſers.

Court to Proſecutor. You took notice of the dreſs the man was in?—Yes, he had a pair of ſtriped trowſers on when he ſtopped me.

Jury. Did you give in that as your deſcription of the perſon that robbed you?—Yes.

Bowyer. The proſecutor gave information of his being in red ſtriped trowſers.

PRISONER's DEFENCE.

All that I have to ſay in my own defence is, that I do not know my proſecutor; and this runner has threatened my proſecutor with the pillory if he will not ſwear againſt me, he told that young woman ſo.

Court to Johnſon. Did the proſecutor tell you ſo?—No, indeed, he did not.

Court to Bowyer. Where did you firſt find theſe trowſers?——In the priſoner's lodgings, where this woman was, theſe trowſers were hanging on the head of the bed, and when the proſecutor came to the Office the ſecond time, and related the circumſtance of his having red ſtriped trowſers on, and it then ſtruck me that I ſaw ſomething, which I took at that time to be a ſtriped jacket, but when I went again, I ſaw they were trowſers; theſe are the trowſers.

The priſoner called one Witneſs, who gave him a good character.

GUILTY **Death.**

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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291. The ſaid RICHARD M'DONAH was again indicted for feloniouſly aſſaulting Charles Angier, in a certain field and open place, near the King's highway, on the 24th of January laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, two pieces of gold coin of this realm called guineas, value 2l. 2s. the monies of the ſaid Charles.

CHARLES ANGIER *ſworn*.

I was robbed in the foot path from Earl's Court to Kenſington, about a quarter after four, I was going to my own houſe, on the foot path between two hedges; when I came up to the hedges, I ſaw two young men about a hundred yards from me, as ſoon as I entered into the lane, and they ſeemed as I thought to make water, which is a thing very common in theſe bye places, and therefore it gave me no ſuſpicion; I immediately went on, and when I came up to theſe two young men, I ſaw one was tall, and had on a kind of an olive coloured coat and a pair of trowſers, which was the priſoner; the other was dreſſed in a light coloured coat, but much ſhorter; the priſoner came up to me, and deſired me to deliver what I had about me quietly, the other young man that was by the ſide of me, immediately drew out a piſtol, and held it by my ſide, and rather *ſideled*; I immediately gave what I had out of my pocket, which were two guineas and ſome halfpence; the halfpence covered the guineas; he looked at his companion, and ſaid this is a poor man, and ſeemed to be going to return it me; then the halfpence ſlipped off, and as ſoon as he ſaw the guinea, he ſaid, Oh! here is a guinea, and they ſet off immediately; I went home, and went to Sir Sampſon's that night and gave the information I have now given; on the Tueſday following ſome of Sir Sampſon's men came for me to come to their Office on the Thurſday; I went and I ſaw Mr. Bond, he deſired ſome perſon there, the keeper of a priſon, to deſire me to go over to the White or Black Bear, I do not know which, to ſee all the priſoners; as ſoon as I went into the room I was ſhocked to ſee the priſoner among them, on account of the man's compaſſion, ſaying to his companion, this is a poor man; I really felt for him, for he ſeemed as if he had no deſire of uſing me ill, if I had had no more money.

Court. You ſpeak very fairly; are you ſure of the perſon of the man?——I am certain of his perſon, it ſtruck me with horror, I am ſure I felt as much in ſeeing him as he could in ſeeing me; I hope, for the man's conſideration to me and my family, the Court will have mercy on him; as he conſidered me as a poor man, and recommended me to the mercy of his companion, who had death in his hand; and I conſider his as a conduct not very common; as ſoon as he ſaw the guinea, then they went away immediately and deſired me not to follow them; I have enquired of the priſoner who he was, and where he came from; I have wrote to Ireland to know his character there, I have not had an anſwer,* I cannot ſay any thing at all in that matter.

Court. You have ſhewn a great deal of humanity in your conduct.

Court to Bowyer. The other three witneſſes can ſay no more than you on the former indictment?——No, my Lord.

Priſoner. I have nothing to ſay.

Court to Jury. Gentlemen of the Jury, this proſecution reſts on the evidence of the proſecutor, and his feeling diſpoſition leaves no room to doubt that he is ſatisfied the priſoner is the man; it is for you to judge whether, under the circumſtances, he had ſufficient certainty; if you think he had, the charge is proved againſt the priſoner.

GUILTY, **Death**.

Proſecutor. I hope the Court will recommend him to mercy, as he had mercy upon me.

Jury. From the circumſtances of his behaviour, the Jury would wiſh to recommend him to mercy.

(*See* Part II. *of this Seſſion*, No. 237, *this Priſoner tried and capitally convicted with John Jacobs and Samuel Selſhire.*)

292. THOMAS TURNER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Edward Whitemead, about the hour of eight in the night, on the 26th day of January laſt, and feloniouſly ſtealing therein, two pair of linen ſheets, value 40s. three linen table-cloths, value 15s. one ſilk gown, value 10s one ſilk petticoat, value 5s, one cotton gown, value 15s. one cotton petticoat, value 15s. one cotton counterpane, value 5s. one linen frock and waiſtcoat, value 5s. one pair of black pluſh breeches, value 2s. four pair of cotton ſtockings, value 4s. one cotton frock, value 6d. one linen frock, value 6d. twelve pieces of linen, value 6d. and ſix pieces of gold coin of this realm, called guineas, value 6l. 6s. the property of the ſaid Edward Whitemead.

SARAH WHITEMEAD *ſworn*.

I live in Mill-hill Mews, in the pariſh of Marybone; I am a married woman, the wife of Edward Whitemead, he is a coachman, we rent two rooms.

Court. Who lives in the reſt of the houſe?—They are two rooms over coach-houſes.

How do you get at them?——There is a ſtair-caſe out of three ſtables.

Is the ſtair-caſe open to the ſtreet?—No, my Lord, it goes down a different paſſage out of the Mews.

You have two rooms?——Yes.

Are there other rooms on the ſame floor?——No.

Are there any rooms over your's?——No.

Are there more ſtair-caſes?—Only this ſtair-caſe.

What number of ſtables are there in the Mews?—I do not know.

There are ſeveral ſtables within the Mews?——Yes.

Are there not other rooms over the ſtables?—Yes, and other dwelling houſes in the Mews.

What ſort of a door have you at the top of the ſtair-caſe into your room?—A ſingle door.

Do you lock your room at night?—Yes.

Mr. Garrow, Priſoner's Council. It is a private room.

Is the Mews incloſed?—Open at both ends.

Court. How is it by night?—Open at all times.

By night as well as by day?——Yes.

What is there to protect your rooms

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* This Proſecutor, three days afterwards, informed the Court, he had received an anſwer from Ireland in favour of the Priſoner's character.

from being attacked by perſons who are travelling at that end of the town?—Nothing, Sir, but my door of my apartment, which is at the top of the ſtairs.

Then from the Mews to the ſtairs there is no door?——There is a door, but no faſtening, and any body that has a mind may open it.

Mr. Juſtice Gould. Is there a door at the bottom of the ſtairs next the yard—No.

Jury. There is a paſſage that goes into her apartments before ſhe aſcends the ſtairs.

Court. Then ſhe goes out of the Mews into a paſſage, and out of that paſſage into her room?——Yes.

Mr. Juſtice Buller. You have only one door at the top of the ſtairs?—Two rooms, and two doors which go into different rooms.

Court. The ſtair-caſe is open, and when ſhe gets to the top of the ſtairs there are two doors that go to two different rooms.

Mr. Garrow. My Lord, ſhe has two outſide doors to her houſe upon this evidence.

Mr. Juſtice Gould. They are ſeparate habitations for herſelf and huſband, as I conceive; that being the caſe, whether there is a communication from one room to the other; whether one room lays on the left-hand or the right-hand you have two doors to communicate, the one and the other are one manſion and the dwelling houſe.

Mr. Garrow. My Lords, this woman has two private doors to her two private rooms, either ſhe has two outſide doors to her two dwelling houſes, or ſhe has no outſide door to her dwelling houſe; if there is any outward door to this dwelling houſe, in my poor comprehenſion, it muſt be that door to the paſſage, after that ſhe aſcends the ſtair-caſe to two private dwelling rooms; but I fancy your Lordſhip will not ſay to any dwelling houſe. It is ſituated in a Mews, for the purpoſe of gentlemen's coach-houſes and ſtables; over ſuch a building there is generally a hay-loft, which ſome gentlemen have converted into lodging rooms; but ſurely in a very penal caſe indeed, which affects the life of a priſoner, the Court will not go the length in a new caſe of ſaying that this is a dwelling houſe, in which a burglary has been committed; I have not yet aſked the witneſs, but it will appear, that this is not rated as a dwelling houſe, that it is not treated as a dwelling houſe, but as it always has been, and always will be, as appurtenant to the coach-houſe; it would be deſcribed to be the building of the owner of the coach-houſe and ſtable. It may perhaps be conſiderable too to this indictment, whoſe dwelling houſe it is; for if theſe people, the proſecutor and his wife, are the coachman and the wife of the coachman to ſomebody that keeps their coach and horſes there, I ſhould then ſubmit if it can be called a dwelling houſe at all; it is not the dwelling houſe of the proſecutor: but at preſent I ſubmit with the greateſt deference in the world to your Lordſhips, that this cannot be conſidered as a dwelling houſe.

Mr. Juſtice Gould. Does your huſband rent the rooms?—I took the rooms.

Then you pay for them?—I pay for them.

They do not belong to any gentleman to whom your huſband is coachman?—My huſband is coachman to Lady Harvey; her coach and horſes ſtand in the Mews.

Court. Who does your huſband rent the rooms of?—Of Mrs. Baffetti, and ſhe let them for an acquaintance.

What acquaintance?——I do not know his name.

Mr. Juſtice Gould. In reſpect to your obſervation of the door, ſuppoſe a perſon lives in my houſe with the ſtreet door open, and as to theſe two rooms, whether their not happening to communicate one with the other, otherwiſe than by a platform or the landing-place, may be conſidered as the manſion houſe: it is very clear this man and his wife inhabited there, and it communicates with no other lodgings or apartments. I remember a caſe tried in this Court, which was reſerved for the opinion of the Judges; I tried it. The owner of a houſe let all the houſe in lodgings, diſtinctly and ſeparate, if the owner lodges in any one part of the houſe, it ſhall be called and determined his houſe; and though there may be ten inmates, you ſhall not call it the manſion houſe of the lodger, but the manſion houſe of the owner; but in that caſe, all the houſe was let out in apartments, and there was an open door; there was a ſhop, and a parlour within the ſhop, and a cellar underneath, were let out in one bargain, at a given ſum of twelve pounds ten ſhillings; I have it in my memory; and the landlord the owner agreed with the leſſee to have the cellar to place lumber in, and he abated him thirty ſhillings a year out of the rent for the uſe of the cellar: The objection was taken that the burglary was in one of the apartments ſo let out, laid to be the manſion-houſe of the lodger. I reſerved the caſe for the opinion of the Judges, and they were of opinion, that as the owner did not at all inhabit there, though he had reſerved this cellar for the ſake of keeping furniture; yet he not occupying as an inhabitant any part of this houſe, that it was an exception out of the general rule. There are a number of inſtances in this town of apartments ſo let, and it might leave thoſe apartments open to be robbed, without the robber being liable to be convicted of a burglary; and all the Judges were unanimouſly of opinion, it was a burglary. Now apply that reaſoning to this caſe; this is the habitation and the domicile of the man and his wife, without any communication with any other inhabitants, and this door in the paſſage we will call the outward door to this domicile; then there are two inner doors if I may ſo ſay to this manſion houſe; whether it is a houſe, a habitation from the ground outwardly, or whether ſhops or warehouſes are underneath, or, as in the preſent caſe, ſtables, does not alter the caſe at all in my opinion.

Mr. Baron Perryn. My opinion concurs with my brother Gould's.

Mr. Juſtice Buller. You do not know who your landlord is?——No, I had it of Mrs. Baſſetti, but I know it was not her's.

Have you ever paid any rent?——I have not been in the lodging above three weeks.

What are you to pay?——I am to pay ſix pounds ten ſhillings a year.

Mr. Garrow. My Lord, ſhe does not know her landlord.

Mr. Juſtice Buller. Was you acquainted with this place before you took theſe rooms?——No.

The door of the paſſage has never been kept locked ſince you went there?—No.

Is there any lock upon it?——I will not be ſure, I never ſaw any lock upon it.

Is there any bolt upon it?——I do not know, I never examined the door.

Where does that paſſage go to?—It leads to my ſtaircaſe.

Does it go any where elſe?——It leads down a little further to three ſtables.

Do the horſes go through that paſſage to thoſe ſtables?—Yes, down that paſſage.

Court. Were your rooms broke open at any time?——I left my lodgings between one and two in the day, a month laſt Monday.

How did you leave the door?—Locked.

Which door, you have two rooms?——Both doors were locked, I am poſitive of that; I returned about a quarter after nine in the evening, and found my left hand door open.

Was the door broke?——My key would lock and unlock it as well as it would when I went out, the door was wide open, but the lock and ſtaple were all right, there was no mark on this door, but on the other door there was the mark of a little chiſſel.

How was the bolt of the lock?—It was ſtanding out, I found my cheſt of drawers open, and gowns and petticoats and linen of all ſorts, table linen taken away, and two pair of ſheets.

Court. What was the value of them?—The ſheets ten ſhillings, I loſt three table cloths, five gowns, and three petticoats.

What was the value of them?——I cannot poſitively tell the worth of them, they were all good gowns.

Speak within compaſs?—Ten ſhillings a piece, the petticoats five ſhillings, and there were ſix guineas in gold, which were pinned up in a pair of thread ſtockings, and was put in the drawers.——

Was the drawer locked?—Yes; I was in great diſtreſs when I ſaw the things were gone; and I afterwards found a pair of ſheets, three ſhifts, a flannel coat, a pair of ſtockings, and ſix gowns.

Where were they found?—At the priſoner's lodgings.

Mr. Garrow. You was not preſent?—No.

How long has your huſband been coachman to Lady Harvey?—A good many years.

How long have the horſes ſtood at this Mews?——About five years.

You told my Lord you *lodged* at Mill-hill Mews?—Yes.

MARY MATTHEWS *ſworn*.

I am ſervant to Mr. Barker, at the Red Lion, in Chandler's-ſtreet; I took the priſoner at the top of the one pair of ſtairs at Mr. Barker's on Tueſday night; I thought I heard ſomebody go up ſtairs; I know nothing of this robbery, I only took the priſoner.

Did you find any thing upon him?—No, he was not examined there.

MARY LAVER *ſworn*.

I live at No. 14, New-ſtreet-hill, between Shoe and Fetter-lane.

What are you?—I am a married woman, my huſband is a taylor, I know nothing at all of the robbery; the priſoner was a lodger of mine, they had been there a fortnight laſt Saturday; the wife took it.

How long before he came did his wife take it?—The day before.

Has he lived there during that time?—Yes.

What is it you come to ſpeak to?——I am only ſubpœned about the things being found in the room.

What things were found in the room?—I do not know.

Mr. Garrow. This lodging was taken by a woman?——The wife of that man.

Do you know that?——No.

Court. Did you ever hear him ſay whether ſhe was or was not his wife?—No.

Mr. Garrow. You ſay the woman paid you the rent?—Yes.

Court. Did he ſleep there conſtantly?—Yes, till the night he was taken.

CHARLES JEALOUS *ſworn*.

On the 18th of February, the priſoner was brought to Bow-ſtreet for another offence; Sir Sampſon aſked him where he lodged; he ſaid he did not chuſe to tell him; I ſaw a young woman which they ſaid was his wife.

Mr. Garrow. Do not tell us what they ſaid.——But I will tell you more, Sir, preſently; I watched her home; I went up ſtairs with her immediately, the firſt things I ſaw in the room, was the clothes the priſoner has on, and I found theſe picklock keys, and this ſaw, and a piſtol.

Court. Were they under lock and key?——No, they were not; and I found this linen.

Was that locked up or open?—In a box, I have had it ever ſince.

Mr. Garrow. Now Jealous, this man being aſked at Bow-ſtreet where he lived, did not chuſe to tell you?—He did not chuſe to tell Sir Sampſon.

And you followed a woman to her lodgings?—The woman told me herſelf———

What at it again, Jealous; why now you know the Court will not ſuffer you to tell us what that woman ſaid. You went to the room of this woman; what the woman either before or ſince has acknowledged is nothing to the purpoſe.—The priſoner acknowledged the things himſelf, and ſaid he found them, it was before the proſecutrix, there ſhe is, and I was by; that was at the Brown Bear, in Bow-ſtreet, on Monday laſt.

It is pretty ſingular you did not tell my Lord that before; you found ſome linen in a box, and you found a ſuit of clothes which you believe to be his clothes?—I am poſitive of it, he acknowledged the woman was his wife at Bow-ſtreet.

What did he ſay about it?—He ſaid ſhe was his wife, and he had been married to her a week.

(The Things depoſed to.)

Court to Proſecutrix. When had you ſeen the ſix guineas before?—About three days before, I had the key.

Had your huſband any key?——No.

Was the drawer broke open?——Yes.

Are you ſure you had that linen in your houſe the day the robbery was committed? Yes, I am poſitive it was in the drawers.

SAMUEL NAYLAND *ſworn.*

I was at Bow-ſtreet, and was ordered by Sir Sampſon Wright to go to the watch-houſe, to ſee if there was not ſomething there, as the perſon who ſtopped him ſaid he had a deal more money; I went up there, and there I found a dark lanthorn and an iron crow.

Court. How do you know he put them there?—I do not know, there was another man confined there.

Court. Have you any other reaſon to tell us they were his?——No.

Did you find any thing elſe beſides theſe things?——No.

——— ATKINS *ſworn.*

I am a ſervant to Mr. Newport, I attend at the office in Bow-ſtreet, this man was brought to the Brown-bear, in the morning of the 28th by a conſtable, and ſome more people, he was very dirtily dreſſed, and I ſaw this watch hanging down, and I ſaid to the conſtable, what have not you ſearched the man? I took him, and ſearched him, and found this watch, five guineas, and ſix ſhillings and ſixpence; he behaved himſelf very indifferently before Sir Sampſon, and Sir Sampſon mentioned that he thought he had more money about him, and I ſearched him again, and found twelve guineas and an half in his ſtocking feet: I have delivered the priſoner four guineas of it, at leaſt to the woman, the remainder I have.

Mr. Garrow. And ſo you came here to tell us, that this man finding himſelf in the hands of the mirmidons that attend at the Brown-bear, put his money into his ſhoes?——He was not in thoſe hands then.

Priſoner. My Lord, I do not chuſe to ſpeak without having my property returned, I have a brother, and I got eighteen guineas of him to go into buſineſs, they took the remainder of my money and my watch.

The Priſoner called three Witneſſes who gave him a good character.

Court to Jury. Gentlemen, this indictment charges the priſoner with burglary, and I need not tell you that to conſtitute that crime, it is neceſſary that the place broke open be a dwelling houſe, and alſo that it be broken in the night-time: if it reſted merely on the queſtion as to time, it ſeems to me that it is not ſo made out, that the offence whatever it may amount to in point of law, can conſtitute the crime of burglary; becauſe this woman left her houſe between one and two o'clock at noon, and there is no account of theſe rooms till nine at night: then the next queſtion will be, whether any offence has been proved to be committed in a dwelling houſe; as to the law upon this evidence whether this is or is not a dwelling houſe, I would on this occaſion as well as in every other, very readily refer to my learned brother, who has ſtated his reaſons for being of opinion that it is a dwelling houſe: there is one fact which perhaps will be material in this caſe, and that fact, if found one way, would ſo far diſpoſe of the caſe, as not to leave it open to the queſtion of law at all, and that is, as to the ſituation that ſhe has deſcribed the paſſage to be in: but I ſhall leave it as a queſtion for further conſideration, taking it at this moment to be a dwelling houſe, and if it was ſo, though it is not a burglary, and though there might be ſome doubt as to the breaking; yet there is another offence, of which the priſoner may be guilty, which I muſt ſtate to you more particularly; and that is, that though he did not break open theſe rooms, yet if he ſtole property to the amount of forty ſhillings, it is a capital offence; taking it at this moment, as I ſaid before, to be a dwelling houſe: therefore I will ſtate the caſe to you now, conſidering it in that light only: there might be ſome queſtion as to the breaking, becauſe it appears by the proſecutrix's evidence, that when ſhe came back the door was not at all hurt, the door was open, the lock was not hurt, the bolt of the lock was ſtanding out, and yet the ſtaple had not been at all forced; therefore if it was material, you might have queſtioned whether ſhe had actually left both the doors ſafe, or whether ſhe might not have turned the lock, and not let it go into the haſp: but here the material queſtion is, whether you are ſatisfied the priſoner did take property to the amount of forty ſhillings out of theſe rooms: the proſecutrix ſwears very poſitively to the property, and that ſhe is ſure it was in her rooms, and that the ſix guineas were wrapped up in the ſtockings: now the ſix guineas put the value out of the queſtion: then the next queſtion is whether you are, or are not ſatisfied, that the priſoner was the perſon that committed it; that turns on the evidence of Mary Matthews, Mary Laver, and Charles Jealous; the firſt ſays the priſoner did not take theſe lodgings, they were taken by a woman who has always paid the rent, but the priſoner came there backwards and forwards for his meals in the day, and lodged there at night; Mary Laver confirms this, and then Jealous ſays that the priſoner, when theſe things were produced, acknowledged them, and ſaid he found them: if theſe things were acknowledged by the priſoner, it certainly does bring the poſſeſſion home to him, and he has given no evidence how he got poſſeſſion of them.

Jury to Jealous. What was it he acknowledged to be his?—The woman picked the things out before his face, and he immediately ſaid, theſe things are my property, I found them.

NOT GUILTY, *of breaking and entering in the night time, but if the Judges ſhould be of opinion that the place where the Proſecutrix inhabited, was a dwelling houſe, then* GUILTY, *of ſtealing to the value ſworn to out of the dwelling houſe,* **Death.** *And if the Judges ſhould be if opinion it is not a dwelling houſe, then* GUILTY *of ſtealing, but not in the dwelling houſe,*

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

293. WILLIAM SMITH, otherwiſe BIRNHAM, was indicted for feloniouſly ſtealing, on the 25th of February laſt, one cloth coat, value 30s. one cloth waiſtcoat, value 10s. one pair of cloth breeches, value 10s. one pair of ſtone knee buckles, value 10s. the property of Robert Blake; and one other cloth coat, value 20s. one other cloth waiſtcoat, value 10s. and one ſilk waiſtcoat, value 10s. the property of Peter Blake, in the dwelling houſe of the ſaid Robert Blake.

ROBERT BLAKE *ſworn.*

I was out on Wedneſday night laſt, the 25th of February, from about a quarter after ſix to a quarter after ſeven, and a meſſenger came to let me know I was robbed, and that they had taken the priſoner; then when I got into the houſe with much ado, as there was a mob of people, I found the priſoner in cuſtody of two men; then McDonald, a conſtable, and another man, happened to come in, and laid hold of the man; he ſearched the priſoner, and took out of his pocket three guineas and eleven ſhillings, and ſome halfpence.

HANNAH EDWARDS *ſworn.*

Laſt Wedneſday night, as I was ſerving a cuſtomer in our ſhop, my maſter is a baker, and he has no other perſon to look after the houſe when he is from home but me, I thought that the ſixpence the woman was giving me was not a good one, and as I was diſputing with her about the ſixpence, I ſaw a man ſtand at the outward door of the ſtreet, and as my maſter had been robbed before, I ſuſpected that very likely ſomebody was got into my maſter's room; I went into the little parlour, and fetched the candle and the key of my maſter's room, which is always in the parlour; I went up to the room door, and juſt as I got up the door was open, and two men came out, of which the priſoner at the bar was one; this room was on the ground floor, the two men came cloſe upon me, juſt as I got to the door; I ſaid, gentlemen, pray what buſineſs have you in that room; and the priſoner ſaid, in what room, pray? I caught hold of the ſkirts of his coat and cried murder! he threw me down in the paſſage, I held him faſt by the coat.

Did any aſſiſtance come to you?—Not directly; I held him faſt till we got to the ſtreet door, and he cut me with ſomething over my arm, but what he had in his hand I did not ſee.

Was it much cut?——It was not much cut, but it was very much bruiſed.

Court. It could not be with his hand?——My gown was cut through, and my arm bruiſed very much in ſeveral places beſides, but I do not know that he ſtruck me any more than once; I went to catch hold of his ſide, and he got from me; he went to give me another puſh, and I could not hold him any longer, and I ran out after him and cried out murder! and a man croſſed the ſtreet and took him; I ſaw him ſtopped, he was never out of my ſight; he carried nothing out with him; when I returned, there was a ſuit of clothes of my maſter's packed up in the priſoner's bag, and another ſuit put out of the cheſt ready to put up, they had been in the drawer of the bureau.

Was the drawer locked or open?——It was not locked, he left his hat behind him, he was without a hat when he was taken, and the hat was in the room when I returned back.

Mr. Chetwood, Priſoner's Council. Are not there ſome lodgers in your houſe?——Yes, the whole is let out to lodgers, but only five rooms, it is a very large houſe.

Were all your lodgers at home?——I do not know.

Was he acquainted with any of them?—I cannot ſay.

The lodgers come in and out when they pleaſe at all proper hours?—Yes, till twelve at night.

You ſaw nothing at all in his hand?—No.

You had a light in your other hand, had not you?——Yes.

If he had had a hanger, or any inſtrument of that ſort, you muſt have ſeen it, I ſhould think?——Yes.

You was certainly terrified?——Yes, I was.

Was you ſure in the ſtreet it was the ſame perſon that was ſtopped?——Yes, and the other got off.

Court. Are you ſure you ſaw him come out of your maſter's room?——Yes.

MOSES LAMBETH *ſworn.*

I live at the Three Crowns, in Bridgman-ſtreet, and as I got out of my apartments, I heard a woman cry, murder! three times; I turned myſelf round, and ſaw the priſoner running up the ſtreet, ſomebody hallooed ſtop thief! I thought I would ſtop the firſt I ſhould come at, and I ſtopped this man, he ſaid do not ſtop me, I am running after the thief; ſays I, where is your hat; ſays he, a man run againſt me and hit it off; then a man came up to me, ſays he, damn your blood, what buſineſs have you with him, has he robbed you; ſays I, I will not releaſe him; the woman drew back, and ſaid for God's ſake, do not let him come near me, that is the man that ſtruck me and nobody elſe; I went in and took charge of the things; this parcel was not in the bag; but the other was in the bag; when I firſt took him into the room, ſays I, here is your hat; yes, ſays he, that is my hat; afterwards he ſaid it was not his; the things have been in my poſſeſſion ever ſince.

(*The Things depoſed to.*)

What may the value of thoſe be?—Forty ſhillings.

What are thoſe others worth?—Forty ſhillings.

PRI-

PRISONER's DEFENCE.

I was coming along when I heard the cry out; the man run out, right over me; I have witneſſes.

The Priſoner called three witneſſes who gave him a very good character.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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294. JOHN BURNE, (aged 13) WILLIAM JOHNSON, (aged 13) and JOSEPH TOZO, (aged 14) were indicted for feloniouſly aſſaulting James Butler, on the King's highway, on the 14th of February laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one hat, value two ſhillings, his property.

The witneſſes examined apart at the requeſt of the Priſoners.

JAMES BUTLER *ſworn.*

I am ſixteen the 10th of next September; I am but ſmall of my age.

Court. What have you to ſay againſt theſe three boys?—I live in Wells-ſtreet, Roſemary-lane; I had but juſt come out of my own door, on the 14th of February, between ſeven and eight in the evening; I was coming up Lemon-ſtreet, and theſe three lads were walking on, and I paſſed them, and they called out Jack, Tom. and Will. one ſaid to another, come here, I want to ſpeak to you; they overtook me, and Burne ſaid, you buggar, your life or your money, he laid hold of my collar, and I had no money, and Tozo laid hold of my coat that was over my arm, which I was carrying to my uncle, and they made a ſnatch at it, but I held it ſo faſt they did not get it: Johnſon took away my hat, and put this hat on my head; I cried out murder! and they let go the coat and run away; Burn held up a candleſtick, bottom upwards, to cut me down with.

Court. What are you?—I live in Wells-ſtreet, my father works at the chalk walk, he did ſerve ſeven years to the ſea.

How long was it before theſe boys were taken up?——I cried ſtop thief! and Burn was ſtopped; a fat luſty gentleman ſtopped him, I cannot tell his name; the other two got off; they were taken the next morning.

Did you know them before?—No.

Are you ſure of them now?——Yes.

Who directed you what to do in this proſecution, my boy?——Nobody.

Whoſe advice did you act under?—Nobody's.

What juſtice of the peace did you apply to?——Mr. Staples.

Which of his runners took theſe boys up?——Mr. Platt and Mr. Mathews.

Did not they tell you what you were to do, and what you were to ſay?——No, Sir, the ſame words I have told you now, I told Mr. Staples.

Court. Are there any depoſitions returned.

(The depoſitions handed up.)

Did you ſwear poſitively to the other two boys before the juſtice?——Yes.

Are you ſure of that?—Yes.

Recollect yourſelf; did you ſay ſo at firſt at the juſtice's?—No, Sir, I ſaid I believed they were the two boys.

Court. That is well recollected; then what makes you ſure ſince?——I do not know.

Who has made you ſure ſince?——Nobody.

How come you to be ſurer at this diſtance of time than you were a fortnight ago?——I am partly ſure they are the two boys by their faces and their clothes.

Do you know the conſequences if you ſwear falſly upon your oath?—Yes.

What is it?——I ſhould ſuffer in this world, and in the next the torment of hell fire.

After theſe two boys were taken up, did you ſee them before they were examined at the juſtices?——Yes.

The officer ſhewed them to you, did not he?—No.

Who then?——Nobody, I knew them as ſoon as I came in at the door.

Did the officer tell you what reward there would be in convicting theſe boys?——No.

Do not you know now?——No.

Take care what you ſay; do not you know now what reward will be paid if theſe three boys are convicted?——I do not.

Do not you know there is a reward?—I know there is a reward, but I do not know what reward.

Who told you of it?——I heard of it by the people that lives in our houſe; Burn's mother ſaid there would be money for them, and that was what I wanted to do them for, or elſe I did not know it; I heard Mr. Staples ſay, (it was read over in a paper while I was there) it was ſomething about forty pounds; I do not know whether it was for my father being bound over or not.

Did not Mathews tell you ſo, nor Platt, nor Dorman?——No, Sir.

What did they ſay when they firſt came up to you, and firſt overtook you?—Burn ſaid, you buggar, your life or your money, he laid hold of my collar with his right hand, and held up the candleſtick with his left hand, bottom upwards.

You have recollected that; you did not mention that before?—No, Sir, I did not.

Have not you ſaid, that if you did convict theſe boys, you would get ſome money by them?——No.

Did you never hear your mother ſay ſo?——Never.

Who pays the expences of this proſecution?——I have no money, nor my mother has no money.

Who pays the expences of this indictment; which of the officers paid for it?—Mr. Mathews paid for it.

JOHN PLATT *ſworn.*

I belong to Mr. Staples's Office; I know this, that the boy came in, and *nominates as this*, that he had been robbed of his hat; he came in to the Rotation about half after ſeven this day fortnight at night.

Did any body come in with him?—There was a luſty gentleman came in with him, and had hold of the priſoner Burn; ſays he, I am not a going to let you go, do not you think it; the boy went up and had a hearing, and when he came down, I ſpoke to one of the runners, ſays I, Charles, I know Bandy, that is Johnſon.

How came you to know any thing of him?—Becauſe he nominated in this, that Johnſon was one of them.

What account did the proſecutor give of this?——He never ſaid a word to me.

Then how did you know what the charge was?——By the hearing it read in the Rotation.

Who did you hear it from?——From Butler, in the outer box; I never went nigh him, he never ſaid any thing at all to me.

Why are you ſo afraid that he ſhould be ſuppoſed to have ſaid any thing to you, when you was not aſked it?—The meaning was *as this*, this Burn ſays, ſays he, I ſhall be admitted an evidence, ſays he, it is a boy in a black coat.

What account did the boy Butler give of the robbery when he firſt came in?—Only what I heard in the box, I heard him ſay *as this here*, that it was Burne, Tozo, and Johnſon; and that Burne was the perſon that took and ſtopped him.

Upon your oath?——Yes.

Did he give an account what they did to him?——I did not ſee the affair.

I am not aſking you that, you know I am not; I am aſking you whether Butler gave an account of what they had done to him?—No further than *nominating* that it was *them three* that ſtopped him.

Did you tell him how he was to conduct this proſecution?——I never mentioned a word to him.

Who pays the expence of this proſecution?—Not me.

Do not you know who does?——We agreed to pay it between us, me, and Mathews, and Dorman.

How much are you to receive, if, upon your evidence, theſe three boys are convicted?—I do not ſuppoſe I have paid above three ſhillings in all.

Sir, do you mean that as an anſwer to my queſtion; are you deaf?—No.

Then how dare you anſwer in that manner; I aſk you, what are you to receive, if, upon your evidence, theſe three boys are convicted?—I do not deſire one farthing, I do not know how much I am entitled to.

What are you?—I work at my buſineſs, I am a carpenter.

Have you never taken up any body for a highway robbery, or a footpad robbery?—Never in my life.

And do not you know what you are entitled to upon the conviction of the priſoners?——Indeed, rightly, I do not.

Rightly! Sir; upon your oath do not you know?——I have heard it is forty pounds, but not that I want it.

Then three forties is one hundred and twenty pounds, if theſe three boys are convicted.

JAMES MATHEWS *ſworn.*

I am one of the beadles of Whitechapel, when we have priſoners locked up we are obliged to attend the juſtice; on the 15th of February, the Sunday morning, Mr. Platt brought in Johnſon as a charge into the watch-houſe; I was not at the Office the evening before.

You was not?—No, I was not; Burne ſaid there were Johnſon, and he, and Tozo, in company together in Lemon-ſtreet; that they ſtopped the boy with a candleſtick, and ſaid, you bloody dog, your life or your money.

Did not Burne ſay he was to be admitted an evidence?—He never told me ſo; Mr. Platt told me that he was to be admitted an evidence.

Then I ſhall not hear what he ſaid; do you know any thing more of it?——No.

Who pays the expence of this proſecution?—When we went to prefer the bill, I ſaid to him, have you got the money to pay for the bill; Mr. Johnſon ſaid, you muſt pay for the bill, you will have it paid you again; I told him, ſays I, it is hard for me to pay it if the boy is not here, but I muſt prefer a bill to ſave my own recognizance.

And how much are you to receive if theſe boys are convicted?—I do not do it for that, I am bound.

Did Mr. Johnſon tell you that you was to pay for the indictment?—Yes, Sir, upon my oath.

I adviſe you to be careful in that, I do not want to entrap you?——He told me to pay it and I ſhould be paid it again.

Upon your oath, Sir, did not you carry the indictment to him with the money?—He ſaid two ſhillings, ſays I to the boy have you two ſhillings, he ſaid, no, he had not got a farthing; then Mr. Johnſon ſaid, you pay it, and it will be returned to you again.

CHARLES DORMAN *ſworn.*

I belong to Mr. Staples's Office, when the little boy came in, I did not take much notice of him, ſeeing a luſty man had hold of his arm, and he deſired me to take charge of the middle priſoner, becauſe he could not ſtay.

What did the proſecutor ſay in your hearing?—I cannot recollect; we go through a little place that is dark, and I thought I heard him ſay here is ſomething dropped, or a candleſtick dropped; I had then the boy in charge, it was this candleſtick, he gave it to a man that draws beer at our houſe, and he gave it to me; I did not ſee it picked up.

What did Butler accuſe the boys of?—Of robbing him, he ſaid they had ſtopped him, and put the candleſtick up to his head, and ſaid your life or your money; then he told me that two of them ran under a gateway, and one ran over the way, and he ſaid he thought it was beſt to purſue where there where two, and then he ſhould have the chance of catching one.

Where was Platt then, was he by?——He might be in the tap-room for what I know.

Did the boy tell you the names of the boys that had ſtopped him?——Not to my knowledge he never told me, I knew it from Burne; after Burne was committed for further examination, he begged me to go up to the juſtice and get him admitted an evidence; Mr. Staples ſaid, he did not think he could do it, becauſe the proſecutor ſwore ſo poſitively to him; after he had had a hearing he told me their names.

Where is this luſty gentleman?——He went away directly.

Where does Burne live?——I do not know.

Where does Johnſon live?——I do not know, I heard that Tozo was to be found in a public houſe in Salt-petre Bank, I went there at night to look for him, but I did not find him, I do not know where any of them live.

Who adviſed the boy to proſecute them?——I do not know that any body adviſed him, I have not.

Who paid for this proſecution?——I do not know, I have not paid any thing, nor I ſhall pay nothing at all to any body.

Have you agreed to pay any part of the expence?——No.

Then it is not true that Matthews, and Platt, and you, agreed to pay the expence between you?—I never told them I would pay any thing, when the bill was preferred I was not there.

PRISONER BURNE'S DEFENCE.

I was running along very faſt, with that candleſtick from my aunt's to my mother's, and ſome man ſtopped me, *I do not know him from Adam*, he carried me to a Juſtice, I know the proſecutor, I have played with him many times, and know his father and mother to be very poor, and I know he does this for the money; his father and mother were obliged to pawn their things to find the indictment, theſe runners told him he would have the money for us, and they would maintain him; I know nothing of theſe other two boys; my mother keeps a chandler's ſhop in Bell-yard, Whitechapel.

Court to James Butler. Did you know Burne before this?—I never ſaw him before in my life to my knowledge.

——— BOWEN *ſworn.*

Court. Who brought this indictment to Mr. Johnſon?—Matthews, he paid me for the indictment.

Matthews. I paid Mr. Johnſon.

Bowen. I am very clear from my memory that this man abſolutely paid me the money, and ſeemed very eager to have the indictment, and there was not a ſyllable mentioned by Mr. Johnſon, I am well convinced, of its being allowed him again, not a jota at the time.

Matthews. I will prove my innocence in this; the inſtructions were brought I believe by Mr. Platt to Mr. Staples's office, and were given to Mr. Johnſon to draw up the bill of indictment, when I went in, I aſked if it was ready, and he went, and ſtruck the thing that they cut it with, ſays I, I will give you a bit of lead; Mr. Johnſon received the money, and aſked the boy for the money, and the boy ſaid, I have none.

Court to Bowen. Is that true?—I never heard any ſuch converſation ſave as to the lad.

JOHN BURNE,
WM. JOHNSON,   } NOT GUILTY.
JOSEPH TOZO,

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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295. JOHN STEVENS was indicted for feloniouſly aſſaulting Elizabeth, the wife of John Frederick Hutchins, on the King's highway, on the 15th day of February, and putting her in fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one piece of ſilver coin of this realm called a half-crown, value 2s. 6d. ſeven copper halfpence, value 3d½. and one piece of ſilver coin of this realm called a ſhilling, value 1s. and one linen handkerchief, value 6d. the property of the ſaid John Frederick.

ELIZABETH HUTCHINS *ſworn.*

I was robbed on Saturday night, the 15th of February, between nine and ten coming with a pot of beer from the Ben Johnſon's-head, to a place called the World's End; the priſoner at the bar met me, I was alone, he took the pot of beer out of my hand and ſet it down; he ſaid nothing at that time; he then held a piſtol in his right-hand to me, and ſaid, damn you, you bitch, ſtop! he put his hand in my pocket, and took out a red linen handkerchief, a half-crown, a ſhilling, and ſeven halfpence; that was exactly the money I had in my pocket, except five farthings, he went off directly, rather in haſte to the Ben Johnſon's Head.

How long was he with you?—I ſuppoſe about two minutes, not longer.

Was it dark or moon-light?——A ſtar-light night, and the ſnow laid thick on the ground; I went directly home, and told my huſband I had been robbed, and he aſked me who I thought it was, whether I ſhould know the man again, I ſaid it was that man that lives over the way, John Stevens; I knew the priſoner before, and he knew me, but I fancy he did not know me then, as I was wrapped up for the tooth ach, or elſe I imagine he would not have robbed me.

Were you certain at that time that it was Stevens?——I am poſitive in it, knowing him before.

You had but an indifferent light to ſee him by?—It was a very light night, I was going to ſpeak to him and call him by his name, but ſeeing the piſtol frightened me, he was taken up on the Monday morning, my huſband went to the office and gave information.

Mr. Sylveſter, Priſoner's Council. How was you dreſt?—With a round-eared cap on, and a clout pinned over my head.

How far was it from the priſoner's own door?—About twenty or thirty yards.

You had the appearance of a perſon that lived in the neighbourhood, for you was without a hat or cloak, and a pot of beer in your hand?—Yes.

What hat had he on?—A round hat, I did not ſpeak to him, he ſaid to me, damn you, you bitch, ſtop!

Not give me your money?—No.

How long had you been with this thing over your face?—About a week.

Then your neighbours had ſeen your face wrapped up in that manner?——I do not know that he knew it, I had not ſeen him all the week.

Why you live oppoſite to one another?—Yes.

JOHN ORANGE *ſworn.*

I apprehended the priſoner on the information of Mr. Hutchins; when I went to him in his mother's apartments oppoſite the proſecutor's, I ſaid, Stevens, I want you, he ſaid directly, I ſuppoſe it is about that woman laſt night, yes, ſays I, it is, ſays he, I heard ſomething about it.

Mr. Sylveſter. She had applied to the watch-houſe, and made it public?——I do not know.

He was at home at his own houſe?——Yes.

To Proſecutrix. You had given in the priſoner's name then?—My huſband had.

Court. What is your huſband?——A caulker.

What is the priſoner?—I do not know whether he is any trade or no.

How long have you lived there?——I came there at Michaelmas, I believe the priſoner lived there before, after I came to lodge there, I knew him by going to the houſe.

Was there no quarrel between you and the priſoner, or your huſband and the priſoner?—No; I told my huſband immediately that it was John Stevens, before he went to the watch-houſe; the watch-houſe is at the top of Mile-end Green, Mr. Sutherland and two more men came to me on the Sunday night, and aſked me if I was ſure of the priſoner.

RICHARD GLENTON *ſworn.*

I am conſtable of the night, I remember the woman coming to me that night, it was a tall man, that I believe is a relation of the proſecutor's, and two men, (ſailors) with cutlaſſes, they deſcribed the perſon to be a tall thin man in a white coat.

Court. We cannot receive this evidence.—They wanted me to go ſearch the houſe, whether Jack Stevens was at home, they ſaid, if he was at home it muſt be him, they did not ſay enough to juſtify me to go to take up a man.

MARY JOHNSON *ſworn.*

I am the priſoner's mother, married to a ſecond huſband, I live at the World's End, my ſon lives with me, he is in no calling.

Where was he on the Sunday night before he was taken up?—With me all day, he ſpent the evening with me till nine o'clock, then I have a little boy, a grand child and my daughter; we went to bed, and left him half undreſſed; if he had gone out, I could not be off hearing him, I left him in the room where he ſleeps, I never ſhut my eyes till paſt eleven, and I heard my ſon in the room divers of times, he kept coughing continually.

MARIA STEVENS *ſworn.*

I live with my mother, we went to bed juſt after the clock went nine, my brother had not been out that afternoon, not once.

Did you hear him after you went to bed?—Yes, till the watchman came ten and half paſt ten, there is not a window or door in the houſe, but makes ſuch a noiſe, he could not go out without being heard.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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296. RICHARD STEVENS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of James Gameſon, about the hour of ſeven in the night, on the 23d of February laſt, with intent the goods and chattles of the ſaid James, in the ſaid dwelling houſe, burglariouſly to ſteal.

ELIZABETH GAMESON *ſworn.*

I went out of my houſe on Monday afternoon laſt, about four o'clock, and double locked my parlour door, I left nobody at home, I ſhut to the ſtreet door, which has a ſpring lock, I am quite ſure that the lock of that ſtreet door catched, for I heard it catch, there is no other door to the houſe but the front door, the ſaſhes were all ſhut and faſtened, I returned about ſeven o'clock in the evening, and met my huſband taking the priſoner to Whitechapel.

Mr. Keys, Priſoner's Council. You went out about four?—Yes.

Have you any lodgers?—Yes, they went with me.

How many lodgers have you?—Only one family.

Did all that family go with you?—Yes, all but the lodger's huſband.

Where was he?—He was out.

How do you know that?—I am ſure of it, he is an exciſe-man, and goes upon duty at certain hours.

Court. What room does your lodgers lodge in?—Up one pair of ſtairs.

Were you up in that room ſhortly before you went out?—Yes.

Was he there?—No.

Mr. Keys. You did not puſh againſt the door to know whether it was locked?—No, I heard it latch.

That is you heard a noiſe?—I know the noiſe of the ſtaple of the door.

It might be the ſtaple ſtriking againſt the door?—By frequently ſhutting the door, I can tell partly when the lock catches.

Do you often pull that door after you?—Very often.

Sometimes you have been miſtaken?—No, Sir, never to my knowledge.

Have the lodgers of the houſe a key to the ſtreet door?—Yes.

JAMES GAMESON *ſworn.*

I went out after dinner to my duty, about a quarter before one o'clock, I left my wife at home, I returned at ſix, when I came home I knocked at the door, and waited ſometime, I knocked again very hard, nobody anſwered me, then I went to the window, I knocked ſeveral times, then I went over the way to the public houſe, and had a pint of beer, and I ſmoaked a pipe, in about a quarter of an hour, a little before ſeven, I ſaw a light in the houſe through the glaſs that is over the door, I went over, and as ſoon as I knocked at the door, out ruſhed two men, I heard them open the door, I thought it was my wife, as ſoon as it was opened, out comes a man in a light coloured coat, and he ſaid come along Jem; I was ſtagnated, and I looked at him, and ſaid, you raſcal, what do you want there; he made no anſwer, but immediately run away, I turned my head round, and ſaw another man coming out, and I catched at him, and catched hold of this bag, which he let go, and he run away, I called out, thieves! thieves! when I turned my head again, the other man was in dark coloured clothes, which I could not diſtinctly ſee; I purſued, I loſt him, and ſome of my neighbours had picked up an iron crow by the time I returned, and they had taken the priſoner; one Robinſon took him, who is here.

THOMAS ROBINSON *ſworn.*

I was coming down Chamber's-ſtreet, and juſt as I got to Mr. Gameſon's door, I heard him cry out ſeveral times, thieves! thieves! the priſoner came out of the door, and I followed him, and a man ſtopped him, and he fell down.

Did you ſee the priſoner come out of the door?—Yes, I did, another perſon came out with this man, and Mr. Gameſon run after him, it was all in a moment's time, I followed this man, he was never out of my ſight.

Mr. Keys. When Mr. Gameſon called out thieves you was walking along?——I was juſt going to croſs, the firſt thing I ſaw was the proſecutor at the door, I did not take any notice at all; next I ſaw a man come out in a light coat, and the other came out in a half a minute's time.

Priſoner. I have nothing to ſay, my witneſſes are gone.

Not Guilty.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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297. **MICHAEL PATERSON** was indicted for feloniouſly aſſaulting Thomas Claridge on the King's highway, on the 10th of January laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one half guinea, value 10s. 6d. and 6d. in money, his property.

THOMAS CLARRIDGE *ſworn.*

Examined by Mr. Peat, Council for the Proſecution.

On Thurſday the 13th of January laſt, I was robbed in Holywell-ſtreet, about twelve, I had another perſon with me, I met with a woman that had ſlipped; I ſtopped her from falling; I went to ſee her home to New Court, where ſhe lives; ſtopping there, there came up three fellows and uſed a great deal of abuſive language to the woman; ſhe ſaid to me, Sir, I wiſh you a good night, I am obliged to you; I ſaid, I will ſee you to your own door; I ſaw her in; when I came out of the court again, two fellows out of the three ſeized me by the collar, they caught faſt hold of me, and ſaid, damn your eyes, you will pay for this; I ſaid, you fools, do you think I do not know you; the one ſays to the other, Mich. hold him faſt, if he ſtirs a ſtep, or ſpeaks another word, cut his bloody liver out; then the priſoner ſaid, your money; I gave him half a guinea and ſixpence, they pulled me about very much.

Court. Did they demand the money of you before you parted with it?—Yes; as ſoon as I gave them the money, they let go my collar and bid me go to the bottom of the court, which they ſaid was my way out; now that was no way out, and they told me if I came up to the top of the court, they would cut my bloody head off, and another ſaid he would murder me.

Court. Was the priſoner one of thoſe that made uſe of theſe expreſſions?—Yes; there was no way out at the bottom of the court, and I came out to the top again; I did not ſee them at all; I went down Holywell-lane; I live in New Nicol-ſtreet, Shadwell; going down Holywell-lane, the two fellows were under King John's Court, the other was oppoſite the way; they ſtrove to catch me again, they did not catch me; after I had got paſt them, I knew one of them that went by the nick-name of *Guinea-pig*, that was the priſoner; I ſaid *Guinea-pig*, you ſhall pay for this to-morrow; I have known the priſoner this two years, he lodged next door to me part of the time; they then threw brick-bats at me as hard as they could, and I called watch! but none came; then I went home, and I ſaw no more of them that night; but the next day, abut two o'clock, I apprehended the priſoner; I then ſent a man to ſee for an officer, and he brought Mr. Wade; after he was at Mr. Wilmot's, he told me, if in caſe he was guilty of a fault the night before, he hoped I would forgive him; then he ſaid, conſider my wife and child.

Court. Had you made uſe of any promiſes to induce the man?—I never ſaid a word to the man.

Did you threaten him?——No.

PRISONER's DEFENCE.

When I was locked up at Mr. Wilmot's, the proſecutor ſent two men to me, and they gave me three or four pints of purl, and aſked me after if I would have any gin, I ſaid I had had enough; then ſays one of them, are not you a fooliſh fellow to go to rob a man that knows you, and he ſaid to me tell the truth, I am a particular acquaintance of the proſecutor's, and I will perſuade him to make it up.

Court. The proſecutor ſays you ſaid at Wilmot's, that if you was guilty of a fault the night before, you hoped he would forgive you, and conſider your wife and child?

Priſoner. He has made that out of his own head.

JOHN WILKES *ſworn.*

I was at the Duke of Northumberland's arms, next door to Juſtice Wilmot's, on Saturday the 17th of January, about two in the afternoon; I went in and aſked what was the matter, ſome of the people in the houſe ſaid, a young man is going to be examined for robbing Mr. Clarridge; I went down to ſee him; I ſaid to him, if I was a dying man, ſays I, young man, you have been guilty of a very bad action, are you the man that robbed Mr. Clarridge? he ſaid, yes.

Court. Had you given him any liquor before this?—My Lord, as I am here alive, I never gave him a drop of liquor in the days of my life.

Was he ſober?——Yes; I ſaid I am acquainted with Mr. Clarridge, he is a very civil man; ſays he, do you know him; I ſaid, yes; he ſaid, then for God's ſake, and cried very much, ſpeak to him to make the matter up; I told him, I would let Mr. Clarridge know what he ſaid; ſays he, my mother is over the way, who will make up the eleven ſhillings; he ſaid, I had the ſixpence, but I never had the half guinea.

Had you made him any promiſe before this, to ſhew him any favour that he ſhould not be proſecuted?—None in the world.

Had you told him it would be better for him?—No, I never gave him any liquor, nor ſaw any go to him; I told Mr. Clarridge, and he told Juſtice Wilmot that he had ſpoke to ſomebody concerning the matter, who was at the Court, or near it, and he ſaid it was Mr. Wilkes the broker; I waited upon him, and I told him as I have related now; then he bound me over as an evidence; as for drinking with him, or ever ſeeing him drink, I never did all the days of my life.

Court. Do you poſitively take upon you, Sir, to ſay that this priſoner had not any liquor in your company?—Yes, I had given him none.

How came you to accoſt him at the outſet, with ſaying, you have done a very bad thing?——Becauſe I knew the proſecutor.

Court. He could not be guilty before any examination.

Priſoner. That man came out three or four times to me, and you know you ſaid I had better tell the truth, and you would make it up for me, without going to gaol at all; ſays you, you know very well you had ſixpence, tell the truth, and another man that was along with you at the ſame time, kept bringing me out a pint of purl, and had brought me purl, and wanted to force me to drink.

Court. Did ſuch a converſation paſs?—Not the leaſt in the world, if I was a dying man.

Court. It ſeems very unnatural that the priſoner, who knew nothing at all of you, ſhould expoſe himſelf; what reaſon was there for your informing the priſoner that you was an acquaintance of Mr. Clarridge's?—I never ſaid I would make it up for him, I ſaid I would tell Mr. Clarridge.

ELIZABETH WEBLEY *ſworn*.

Examined by Mrs. Peat.

Where do you live?——In New Court, Holywell-lane, Mr. Clarridge ſaw me home on the 13th of February laſt, to the end of the court, near twelve at night; at the end of the court three men came up, and gave me a deal of ill language; one of the men went up the paſſage with a pretence to call ſome name, but what name I cannot tell; I wiſhed the gentleman a good night, and thanked him for his civility; he ſaw me in doors, and I heard no more.

Priſoner. I am really innocent, he takes falſe oaths, I was in bed at the ſame time, about eleven that night.

Court to Priſoner. Have you any witneſſes to prove you was in bed at that hour?

Priſoner. No other than my wife, we live in a little apartment by ourſelves.

Have you any witneſſes to your character?——Yes.

SARAH SIMKINS *ſworn*.

I make childrens pumps; I have known the priſoner upwards of ſix years, I know him to work hard for his living, and know no otherwiſe.

EDMUND WADE *ſworn*.

I am an officer of juſtice, I have known him ten years, he goes about the ſtreets with greens; I never knew nor heard any harm of him before.

Jury to Mrs. Webley. Have you any knowledge of the priſoner being one of the perſons that inſulted you?—I do not know any one of them.

Did you know any thing of the priſoner before this time?——No.

Was there a perſon like him that was one of the three?—I do not know.

Court. It ſeems to me very extraordinary that they ſhould make that ſecond attack on him, after they had taken his property.

Jury to Clarridge. What buſineſs are you?—I am a ſhoemaker, I had been into the Borough with ſome ſhoes.

Was it a light night, or dark?—Rather light than dark.

Was there any lamps any way near?——Not far off, I could ſee the men perfectly well.

Jury. With which hand did he collar you?——I cannot be perfect.

Why he has but one hand?—He was on the right-hand ſide.

Priſoner. I am lame of one ſide.

Jury. There was time enough to call the watchman.

Court to Clarridge. It ſeems to me to be pretty extraordinary, that you ſhould, under ſuch circumſtances, diſcover that you knew any one of them; why, you might have been murdered?—I was left for dead about two years ago; I did not think they meant to meddle with me.

Jury to Mrs. Webley. Did Mr. Clarridge appear in liquor?——Quite ſober.

How near were the three men to you when they abuſed you?—They came quite cloſe to us.

If you had known the priſoner at the bar at any other time, you would have known him at that time?——I did not take any notice, I did not think they would offer to ſtop the gentleman.

Court. If the purpoſe of theſe three men was robbery, they would have had a much better booty, by attacking them both together.

Jury. The three men had an opportunity of robbing you both if they choſe it?——Yes.

There was nobody there to prevent it?—No.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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298. JOHN PENNY was indicted for feloniouſly ſtealing, on the 9th of February, four linen ſheets, value 10s. three linen pillow-caſes, value 3s. ten damaſk table cloths, value 5l. eight linen ſhirts, value 4l. ſix linen ſtocks, value 6s. four cotton waiſtcoats, value 40s. a pair of cotton drawers, value 1s. two linen caps, value 2s. a thread nightcap, value 1s. three linen handkerchiefs, value 7s. two ſilk handkerchiefs, value 4s. one dimity petticoat, value 5s. three ſhifts, value 15s. one pair of dimity pockets, value 2s. fifteen towels, value 12s. two muſlin aprons, value 7s. one muſlin cap, value 1s. four muſlin jams, value 4s. one muſlin frock, value 1s. two cotton petticoats, value 2s. one flannel petticoat, value 2s. three yards of flannel, value 3s. two yards and a half of cotton, value 2s. two pair of cotton ſtockings, value 2s. and 5 linen pin-cloths, value 2s. the property of Jenkin Jones, Eſq.

The Witneſſes examined apart, by deſire of Mr. Garrow, the Priſoner's Council, except Mr. Jones, the Proſecutor.

ELIZABETH MASON *ſworn.*

Examined by Mr. Sylveſter, Council for the Proſecution.

I am ſervant to Mr. Jones, his houſe is in Old-ſtreet; I remember this box being packed up, containing the things mentioned in the indictment; the cheſt was locked, I have one key, and the laundry maid has another; I ſaw all theſe things put into the cheſt; it is a large ſquare box.

WILLIAM SHORTLING *ſworn.*

I am ſervant to Mr. Jones, I drove his waggon the 9th of February; I took the cheſt of the ſervant, tied faſt with a rope, and put it into the waggon, and ſet off to Moulſey; going over Blackfriars-bridge, a man aſked me if I had not loſt ſomething; I looked at the waggon, and the box was gone; then we went back, this man and me.

Court. Is that man here?——I do not know, I do not know his name; we went back together to ſee after this box, but did not find it; then I went to look at the waggon again, and the rope was cut in two parts.

Mr. Garrow, Council for the Priſoner. This was a very large trunk?——Yes.

You never ſaw it ſince?—No.

Mr. Sylveſter, Council for the Proſecution. Could one man carry it?——No.

What o'clock was it?—Between eight and nine in the evening.

Mr. Garrow. Then it was pretty dark, was not it?——Yes, and it ſnowed very faſt.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of FEBRUARY, 1784, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of John Penny.

—— PEARCE *ſworn.*

I went with a ſearch warrant to ſearch this man's houſe on the 10th of February, between ſeven and eight that night, he lives in Long's-buildings, White-croſs-ſtreet; when I came there, we got entrance into the houſe, and the priſoner and his wife were at ſupper; we told them our buſineſs, their apartment conſiſts of one room, parted off for a bed-place; we found ſeveral things in the bed room, which were handed out to the high conſtable, from the officer who was in the bed room; I prevented the priſoner from going out; a child's frock was found, and the priſoner ſaid, do not take that, that is my child's frock, but it was taken and tied up in a handkerchief, and has been in the poſſeſſion of Mr. Boddington the high conſtable ever ſince; we took the priſoner and the things to Mr. Jones's houſe, and the firſt thing that caught his eye was this very frock; Mr. Jones owned it, and Mrs. Jones, and the houſekeeper; we took the priſoner to New Priſon.

Mr. Garrow. Where do you live?——Windmill-hill Moorfields.

That is not in the neighbourhood of Roſemary-lane?—No.

Is it not that what is called Rag-fair?—Yes.

What do people do there?——Buy and ſell all kinds of wearing apparel.

You ſaw the wife of this man?——Yes, ſhe was very big with child, and compaſſion led us not to take her on that ſcore.

—— BODDINGTON *ſworn.*

I am high conſtable of Finſbury diviſion, I went with this ſearch warrant to the priſoner's houſe; this is the property I found in the houſe where Penny was, it has been in my poſſeſſion ever ſince; here is a child's frock, a ſhirt, a petticoat, and pockets, that were all ſworn to the next day, on examination at the Rotation Office.

Mr. Garrow. I ſuppoſe the apartments conſiſted of one room, with the bed parted off?—Yes.

Did you find any thing concealed in cupboards and cloſets?—No.

Did you find any trunk there?——No large trunk.

In the courſe of your office as high conſtable, perhaps you ſometimes viſit Rag-fair?—No, Sir, I do not belong to that diviſion.

JENKIN JONES, Eſq; *ſworn.*

I have a town houſe in Old-ſtreet, and I have a country houſe at Moulſey; this cheſt I underſtood contained a great quantity of wearing apparel.

To what amount ?—If new, I ſuppoſe ſeventy or eighty pounds, as it is in wear, I ſuppoſe about forty pounds; I ſelected this particularly from a great deal of other, it was confirmed by my wife and ſervant, the ſhirt I know by a ſingular circumſtance, it had a particular mark, which being diſcoloured, I deſired the high-conſtable to get it waſhed out.

Mr. Garrow. You could not then identify it by an initial of a name only that mark ?—No.

The Jury cannot judge of that mark, becauſe it is waſhed out: of courſe gentlemen of your figure have vaſt quantities of linen for yourſelf, and the reſt of your family, which, when they are worn, paſs into the hands of ſervants ?——Clearly ſo.

As to the frock you cannot identify it particularly ?——Not particularly.

Mr. Sylveſter. When had you ſeen that ſhirt before, Sir ?——I muſt have worn it in the courſe of that week, either on the Thurſday or the Friday, from that very circumſtance of that mark.

Look at that ſhirt and theſe things ?—There was an J. and a figure of twelve upon it, there is the J. to be ſeen, the twelve is out.

MARY WAKEFIELD *ſworn.*

I know the pockets to be Mrs. Jones's, there is an oilet hole to tye them by, and this petticoat has loops to tye it to the child's ſtays, and this frock is a very particular made one, it is gathered at the top, and the body is looſe and ties on.

Jury. But ſeveral jams are made in the ſame manner ?——Yes, but they are generally open at top, I am ſure they are Mrs. Jones's.

Mr. Sylveſter. Have you the leaſt doubt ?—No.

Mr. Garrow. Are the oilet holes in the pocket and the loops of the petticoat ſo particular that you can ſwear to them ?—To the beſt of my knowledge I believe them to be my work, and her property.

As to the loops on the petticoat, I fancy there is nothing ſo common ?—Moſt people ſew them to ſtays.

Yes, but many people wear loops beſides Mrs. Jones's family, as to the jam I ſhall truſt that obſervation to the Jury; can you venture to ſay that theſe identical things were put up in the trunk ?—Yes.

Why, there are in the family duplicates without number of all their things ?——I make one liſt and ſend with the clothes, and keep another by me.

So I thought, then you ſwear by your liſt, but whether theſe identical things or others of Mrs. Jones's, were in the box, you do not know; now do you affect to ſwear that theſe identical things were in the box ?—I firmly believe in my own mind that theſe are the things.

What is the ground of your belief, and by what do you diſtinguiſh them ?—From the make and the marks.

If Mr. Jones has ten dozen of ſhirts, how are you ſure that that indentical ſhirt was put up by you in the box; that you put up a number of ſhirts, I can eaſily conceive, but can you ſwear that you put up that identical ſhirt and theſe other identical pieces of linen ?—By the loops, and by the oilet holes, I firmly believe they are the things.

Court. This linen was ſent from Old-ſtreet down to Moulſey by water ?—Yes.

Did you ſend all your maſter's dirty ſhirts ?—Yes.

How often do you ſend ?—Every week.

Mr. Garrow. Can you take upon yourſelf to ſay that that is one of the ſhirts that were ſent that week ?—I firmly believe it to be one.

Mr. Juſtice Gould. She is ſure that it is Mr. Jones's ſhirt, whether it was in that box, or at any other time it is found in the poſſeſſion of the priſoner.

Mr. Sylveſter. Had your maſter loſt any linen the week before ?—No.

Mr. Garrow. How do you know what went to Moulſey ?—Becauſe they were returned ſafe to me clean.

——— *ſworn.*

I am nurſery-maid to Mrs. Jones.

Look at that jam ?—The greateſt part of it I made myſelf, this piece underneath that tuck I put to it, it has not been waſhed ſince, and there was new edging about it.

JOHN LUCY *ſworn.*

I am a conſtable of St. James's, Clerkenwell, I found ſome things in a bed room in Long's buildings, White-croſs-ſtreet, in a foul clothes bag at the head of the bed, I cannot ſay whether theſe are the things, they have been out of my cuſtody; Mr. Bodington was with me.

Mr. Garrow. Did you find any thing concealed ?——No.

To Mr. Bodington. To whom did you deliver that ſhirt to be waſhed ?—To my ſervant-maid in my own houſe, I was in the houſe on laſt Sunday when it was done, I ſaw it waſhed, becauſe it ſhould not go out of my cuſtody.

PRISONER's DEFENCE.

My Lord, *I am very much incenſed* againſt the Jury, in hopes they will not paſs *any encomiums* on my paſt conduct.

Court. What does he ſay.

Mr. Garrow. My Lord, *I believe he means that he has confidence in the clemency of the Jury.*

MARY BURN *ſworn.*

Mr. Garrow. Do you know the priſoner ?—Yes.

You and he lived, I believe, in the ſame apartment at the time he was apprehended ?—Yes.

You was there when the officers came ?—Yes.

Did you ſee the linen they carried away with them ?—Yes.

Can you give the Court any account of that linen or any part of it ?—I bought a parcel of child-bed-linen, and along with it, I bought this muſlin frock, and a man's ſhirt, and a pair of dirty pockets.

Where did you buy them ?——*In Monmouth-ſtreet, Rag-fair*; I carried them home all wrapped up together, I told the conſtable then, that I bought them that ſame afternoon.

Croſs-examined by Mr. Silveſter.

When you get through Monmouth-ſtreet *then Rag-fair begins* ?—*Rag-fair joins to the Minories*; I thought it was Monmouth-ſtreet.

Who did you buy them of ?—A woman.

Then you heard Mr. Penny ſay that is my child's frock ?—No, I did not, I aſked for a few of the child-bed-linen for fear any thing ſhould happen to me, as I was ſo near my time.

Are you his wife ?—I live with him in that capacity.

Oh ! in that capacity, how long pray ?—Upwards of three years.

Mr. Garrow. He has ſome children, I believe ?—Yes, Sir, I have two.

JOSEPH DUNBAR *ſworn.*

I am a jeweller, I know the priſoner, he works for me.

How long ?—About nine or ten months, or rather better, ever ſince laſt March.

What character has he deſerved at your hands ?—A very good one, he has had it much in his power to rob me, and I have found him juſt and honeſt.

Do you remember being lately in his company, if you do, you will tell the Court where it was ?—He was with me from between five and ſix o'clock in the evening till near ten, we were at No. 3, Naked-boy-court, Ludgate-hill; that is my own houſe, I have a houſe alſo in Butcher-row, No. 11, which he worked at.

Mr. Sylveſter. What are you, Mr Dunbar ?—*A jeweller, Mr. Sylveſter.*

Where do you live ?——No. 3, Naked-boy-court, Ludgate-hill.

How long have known the priſoner ?—About nine, ten, or eleven months, ever ſince laſt March.

You did not know him before March ?——No.

You knew nothing at all of him before then ?—I never knew him intimately.

What you was not with him before March ?——No.

No where ?——No.

Do you know where he was ?—No, not particularly.

But I want to know particularly ?——Upon my word I do not know particularly.

You ſeem to be ſhuffling ?——I do not know.

Upon your oath you never heard where he was ?——That is a different thing, I have heard he was fined for a miſdemeanor, that I do not know upon my oath.

Do not you know any thing more of him? —I do not know any thing elſe upon my oath.

Then your acquaintance only commenced in March ?—He worked for me in March.

But where he was before you do not know, where did he come from ?——I do not know otherwiſe than I have heard, I declare it to you as an honeſt man, however you ſuſpect it otherwiſe.

You yourſelf I underſtand have been in diſagreeable circumſtances ?——Yes, and you know I was innocent, and I call ſomebody to witneſs, ſuperior to you and me, that is, my God, that I was innocent.

But ſince that look round, and ſee if you do not ſee any gentleman that you know, do you know that worthy Alderman ?——Yes.

Was you ever before this gentleman ?—This is the gentleman that you alluded to.

No, that is another buſineſs, now as the Court are diſpoſed to laugh, I ſhall be glad if you would explain it ?—The charge that was before that gentleman you know, becauſe I gave you a fee for your kind aſſiſtance, which you received for your honeſt ingenuity.

Court to Dunbar. You ſay Sir, you have heard of this man being fined for a miſdemeanor ?——Yes.

What was the fine ?—Something about a twelvemonth.

The queſtion is, whether you have not heard of ſomewhat happening to the priſoner beſides the fine ?——Nothing upon my oath.

Did you never hear that he was in priſon? ——Fined, and confined, that was what I meant by the word fined.

Mr. Sylveſter. It was from this Court? ——That I do not know.

Court. Had you heard he was in priſon at the time you employed him in buſineſs or after ?——Sometime after.

Did you after you had heard that, make any enquiry into the truth of it ?——No, only I have very carefully watched over him, and found him very faithful, I enquired no further than from the general report of people; I found him very faithful in his buſineſs to me.

What was the general report ?——That he had been fined and confined here for ſome offence, but I did not hear what.

Mr. Sylveſter. Not for ſtealing nutmegs? ——I never heard of it till now.

Do you know the hulks ?——Yes.

Was the priſoner never there ?—I never heard of it in my life.

DAVID MOFFATT *ſworn*.

I have known the priſoner about ten months.

What has been his general character during ten months ?——I am a carpenter myſelf, I have done ſome jobs for him.

As far as his general reputation reached you, was he an honeſt man ?——I heard no report of his character before this, I never knew him before, I was recommended to him.

John Lucy. I ſpeak in juſtice to the priſoner, he never owned the jam, but the woman *downed* on her knees, and begged to have the jam out of the bundle, ſhe ſaid, ſhe bought it in Rag-fair that morning, and the man never acknowledged a word of it at that time upon my oath; I think it no more than juſtice to mention.

——— PEARCE *ſworn*.

I am upon my oath as well as that officer, he was buſily employed in taking the things out of the inner room, and could hear every word, I whiſpered to Mr. Bodington at the ſame time, and ſaid, I inſiſt on that jam being taken, the priſoner ſaid do not take that, that is my child's frock, theſe were the very words.

Court to Pearce. Did you ſee the woman fall on her knees?——The priſoner at the bar begged once or twice not to take the frock, becauſe it was the child's, and Mr. Bodington I belive, made anſwer to the woman, good woman, be eaſy.

Court to Bodington. How was this?——I do not know that the man did aſk for the frock, or ſay it was his frock, the woman begged I would deliver the frock to her.

GUILTY.

Tranſported for ſeven years.

Tried by the Firſt Middleſex Jury before Mr Juſtice GOULD.

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299. JOHN POND was indicted for feloniouſly ſtealing, on the 22d day of March, 1783, two deal planks, value 6s. three wooden putlocks, value 1s. and part of the ſhaft of a cart, value 4d. the property of William Beresford.

Mr. Scott of Council for the Proſecution, thus opened the caſe.

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, to favour me in ſupport of this proſecution. The original proſecutor in this indictment, which was preferred ever ſince July ſeſſions laſt, is lately dead, but whilſt living, he had retired from trade, and had a houſe at Paddington; he had occaſion it ſeems to repair a wall, that was in his garden, and upon that account, as he had at ſundry other times, both in the ſummer and winter; he employed this man, John Pond, in repairing the wall; all the ſcaffold and the ſcaffolding boards, and every thing elſe that belonged to this buſineſs, were the property of Mr. Beresford, the proſecutor, he provided all theſe things: the work however, was no ſooner compleated but he miſſed the things mentioned in the indictment; indeed Mr. Beresford had from time to time miſſed many things; but Mr. J. Pond was one of the laſt men in the world that he had any ſuſpicion of: after this work was finiſhed, it ſeemed that there was a part of the paling of Mr. Beresford's garden, that was not repaired, and the premiſes of the priſoner immediately joining to thoſe of the proſecutor, when the carpenter came to open the paling, he immediately opened into a ſhed of the priſoner's, and in that ſhed all theſe things were found. Mr. Beresford was informed of it, and was a good deal ſurprized, but being a man of a very humane diſpoſition, I take it for granted, no proſecution would have been heard of, as the things were returned to Mr. Beresford, there being no doubt of the property: but Mr. Pond a little time after, had the aſſurance to bring an action againſt Mr. Beresford and his ſon, and a carpenter, for the ſeveral things ſtated in the firſt indictment; a great ſpace of time has elapſed between that indictment and the preſent time, and the conduct of Mr. Pond has been putting off this matter from time to time; and with reſpect to this action, which was the very reaſon, why the Court did not try this cauſe before, you will find that action has never been taken the leaſt notice of whatever.

Mr. Chetwood, Priſoner's Council. The man had not money enough to go on with the action, and it was non-proſſed, and he is now a priſoner for coſts; it is a moſt wicked proſecution.

Mr. Scott. I opened the matter ſome ſeſſions ago before your Lordſhip, and you was then againſt our going into the buſineſs till the action was tried.

Mr. Chetwood. They never took him before a magiſtrate, nor never got a warrant againſt him.

WILLIAM BERESFORD *ſworn.*

Examined by Mr. Scott.

You are the ſon of William Beresford, deceaſed?—I am.

Do you know any thing of your father having loſt the things mentioned in the indictment?——Yes, the priſoner follows the trade of a bricklayer; my father had employed him a number of times; about the 22d of March laſt, the laſt piece of buſineſs the priſoner did, was repairing a houſe, and the garden wall of that houſe was found to be in a very ruinous ſtate, it was taken down ſeveral courſes, and to repair it compleatly, a ſcaffold was neceſſary, which was erected; after the wall was repaired the ſcaffold was taken away; there had been a number of things taken off the premiſes, and we could not diſcover who the thief was; a fence in my father's garden was in a ruinous ſtate, which was taken down, in order to ſet up a new one; this fence adjoined to a little cottage that was occupied by the priſoner, and when the fence was taken down, my father ſent for me; I went over a plank from my father's garden to the priſoner's premiſes, and in the apartment I mentioned before, which was a room in the cottage which the priſoner occupied, I diſcovered two fourteen feet two inch yellow deals; going a little farther on the priſoner's premiſes, in a ſhed belonging to the priſoner, I there diſcovered a number of putlocks, they are a kind of flooring joiſts, there were three that I was very particular in, in which there had been burnt marks, they were bought of Mr. Richard, or Robert Brittain, of Chelſea, I believe he was a bricklayer; the priſoner took down the ſcaffolding that I purchaſed there; the burnt mark was endeavoured to be eraſed out, but was not done ſo effectually but that it is poſſible to be ſeen now; I put a private mark on them, and they have been in my poſſeſſion ever ſince.

Can you identify at all the deals?——I think there is not a doubt, I can tell them by the wood, the grain of theſe planks was ſo exceedingly hard, that the ſaw jagged every time it cut, and would not make a clear cut; there was alſo found in the ſame ſhed with the putlocks, a ſhaft of a cart, piled up, ready for buſineſs, as if it was the priſoner's property; I knew we had the fellow to it on my father's premiſes, and it is here to produce.

Court. Was it a broken ſhaft?—No, it was ſawed off.

Mr. Chetwood, Priſoner's Council. What kind of a ſhed was this, was it an open ſhed?——It was very near incloſed.

The man lived next door?——Yes.

This was his ſhed?——Yes.

The ſhed was in the garden?——Yes.

The garden was not fenced in, otherwiſe than by paling?—No.

Was you there when the boards were taken away from this man's premiſes?—I was.

Did not he claim them?—No, his wife did, ſhe ſaid you take them away without any authority.

You carried them away?——They were taken away, I did not carry them.

By your order?——By my father's order.

Did you go before any magiſtrate?—No.

How long was it afterwards before you, your father, and the carpenter, were ſerved with copies of writs?——On the 31ſt of March, the priſoner at the bar brought a letter to my father, and the contents of that letter was this, to the beſt of my recollection————

Court. Was you preſent when he brought it?——No.

Court. Then do not be ſo forward to relate it.—I am not forward, my Lord.

Mr. Chetwood. Hear me, Sir; what day of the month was it when theſe boards were taken away from the priſoner?——I apprehend about the 22d, or 23d.

Who was the letter wrote by?——Mr. Fowler.

He is an attorney?—Yes.

(The Letter read, dated March 31, 1783.)

"Sir,

"Mr. Pond, the bricklayer, has been
"with me, complaining of your behaviour
"in taking away his property; if there-
"fore you do not make him immediate
"reſtitution, and ſatisfaction for the in-
"jury done to him, I ſhall be under the
"neceſſity

" neceſſity of taking diſagreeable mea-
" ſures."

When was the action brought?—I think on the 3d of April.

Court. How far was this cottage where the priſoner lived from the houſe in which you father lived?—About forty or fifty feet from my father's houſe.

Whether between the 22d of March and this 31ſt of March, the date of the attorney's letter, the priſoner was at home as uſual?—There is not a doubt about that.

Did you or your father accuſe this man of felony from the 22d of March till after the time that letter was ſent?——At the time the things were taken away, it was looked upon as a baſe thing; his wife was told, if he did not quit the town he would certainly be proſecuted.

Did you hear that?—I am clear in it.

What did your hear ſaid to the wife?—I ſaid it myſelf.

When?—The time when the deals were taken away, I would not ſay an ill-natured thing on any account whatſoever.

Mr. Chetwood. Then from the 22d to the 31ſt, you ſay he was public at his own houſe?——There is not a doubt of it, I ſhould imagine ſo; I took the letter to Sir Sampſon Wright, and he bid me go and tell Mr. Fowler, you may do what you pleaſe, for we will indict him; I told Mr. Fowler I was ſorry he was concerned in ſuch a dirty piece of buſineſs.

Mr. Chetwood. You only told your own ſtory to Sir Sampſon; but now, if this man had committed a felony, and you was ſo great with Sir Sampſon, how came you not to have warrant?—My father being a man in an advanced ſtate of life, he did not like any kind of trouble, he knew he was juſtified in taking his property.

Was not there a bill preferred for petty larceny?——Yes.

What was the conſequence of the bill?—The parties were not examined, I was not, nor the carpenter; my father went in and nobody elſe, but he could not ſpeak to the whole of the buſineſs, and the bill of indictment was thrown out.

Then you never applied to the magiſtrate?—No.

And the action went on?—It did.

How long was it before you mended the evidence, and attempted the ſecond time?—The next quarter ſeſſions.

During all that time the man was public?—He was, I believe.

In July this bill was preferred by your father?—Yes.

Then he never was carried before a magiſtrate?—No.

As to the putlocks, you know they were your father's property?——Not a doubt of it.

Might there have been no others with that mark on them, when that man's goods were ſold at Chelſea?——I am very clear I bought them all.

Court. How many might you buy there?——I ſuppoſe in the lot about one hundred and ten.

Mr. Chetwood. As to the bolts, do you know them?—I have no doubt.

Do you ſwear the bolts you have in the yard, are the very bolts you took out of this man's premiſes?—I do, moſt undoubtedly.

You ſay ſo?——There is not a doubt of it.

(The three putlocks, the boards, and the ſhaft of the cart produced and depoſed to.)

JOHN MEETS *ſworn.*

I am a carpenter, I was employed by Mr. William Beresford, deceaſed, in repairing a garden fence, and the priſoner was whitewaſhing and ſtopping the houſe, when I went he had almoſt done, and theſe deals were in the place where I was at work, by the ſide of my bench, and he took them for ſcaffolding; when he ſtruck the ſcaffold I never ſaw them any more; I found them in his poſſeſſion.

Court. How did you find them?—After I had done this houſe, there is a garden-fence belonging to the houſe that Mr. Beresford lives in, and he ordered me to put up a new fence; he aſked me what were become of the deals, he thought they went off too faſt; I told him I could not tell; one end of the fence was againſt the houſe that the priſoner lived in; old Mr. Beresford told me to knock the fence down; within about a yard, or very nigh to this fence, there was a door-way into a room, and I ſaw theſe deals in that room; they are a kind of ſtuff I never ſaw before, though I have been in that branch thirty years, and one of them has a very particular mark upon it, it is cracked almoſt from end to end; I went up directly and told Mr. Beresford of it, he came and went into the ſhed, and when he returned, he ſaid, if every one had their right, John, there are more things of mine in that ſhed; we then found the putlocks, and ſome of the marks were freſh cut out, but not cut deep enough, and there was a ſhaft of a cart found, I had the fellow to it, which exactly anſwered, for a poſt.

Did you meaſure it?—Yes, I put them both together, I paired them.

Mr. Chetwood. What ſort of a room was this?——The room where he lodged, there was no door it.

It was open and joined to his garden?—Yes.

Court. How far was the ſhed from the priſoner's houſe?—It joined.

Court. Have you looked on theſe boards?——Yes, I ſwear to the narrow one in particular, I am quite clear and ſatisfied that that board belonged to Mr. Beresford; I cannot ſpeak to the putlocks.

What do you ſay to the other boards?—I cannot be ſo particular to them.

Mr. Chetwood. At the time that theſe boards were taken away, were they marked?——No.

Where were they put afterwards?—They were put in a place by themſelves.

Mr. Scott to Proſecutor. Have you looked on theſe putlocks?—I have.

Have you any doubt upon them?—Not a doubt.

Mr. Chetwood. Were theſe boards ever carried to Bow-ſtreet?——They were not.

Nor to any juſtice's?——No.

THOMAS POWTON *ſworn.*

I lived ſervant with the late Mr. Beresford.

Was you preſent when there was any thing found at the houſe of John Pond?—Yes, there were two deals and three putlocks.

Should you know them again if you was to ſee them?—Yes, one was narrower than the other, I knew it particularly, I often ſaw it, I brought it in the cart from Weſtminſter-bridge, and there was never ſuch another deal in the cart. *(The deals depoſed to by this witneſs.)* I can ſafely ſwear to the narrow one.

Court. What led you to take notice of theſe deals?——I took notice one was narrower than the other, I never minded them ſo particularly before, I can ſwear to the deals.

You can be ſure that theſe were the deals that were found on the man's premiſes, but do you know they were the deals that belonged to Mr. Beresford; had you taken particular notice of both, or either of thoſe deals, before they were found on the priſoner?——I had not taken very particular notice.

Then you brought ſuch ſort of deals as thoſe for your maſter from Lambeth?——Yes.

Mr. Scott. Was there any mark on that narrow deal?—There is a piece ſlit off of [illegible].

Court. Had you obſerved that piece ſlit off of it before you ſaw them at the priſoner's houſe?——No, Sir, I had not.

Mr. Chetwood. How many did you bring from Lambeth in the cart?—Twenty-four or twenty-five, I am not ſure which.

Did you load them yourſelf?——Me and another man.

Are you a carpenter by buſineſs?—No.

And do you ſay now upon your oath, that you took ſo much notice of any particular deal that you could know it at this diſtance of time?——Yes, becauſe he had them to build the ſcaffold, and they were new

new, and we had no other that were, and when he ſtruck the ſcaffold he took them away.

At the time when you loaded the cart, did you take notice of this deal any more than the other?——No, Sir.

SUSANNAH LUDLOW *ſworn.*

I live the next door to Mr. Pond, at Paddington.

Do you recollect ſeeing the priſoner at any time carrying any things from Mr. Beresford's houſe to his own premiſes?—I ſaw him bring three putlocks, he put them over Mr. Beresford's pales.

Did you acquaint him that you took notice of it?——I did not.

Court. When was it that you ſaw this?——The 14th of February was a twelvemonth.

Which way did he get out of the garden?——He got over the pales, and he ſlipped over the pales, and a nail of Mr. Beresford's ſide, caught hold of his coat, and he recovered himſelf, and he took them under his right-arm, and put them in his own ſhed; he went back and knocked at Mr. Beresford's ſhutter for the boy to get up.

Mr. Chetwood. Did you ever mention any thing of this between that time and the 30th of March?—No.

How come you to recollect the day of the month ſo particularly?—I ſhould not have recollected the day, if it had not been Valentine's-day.

Had not he putlocks before?—I do not know.

Court. What time of the morning was this.—It was a little after ſix.

Why it was hardly light?—No, it was not very light.

Did the boy come out afterwards?——I did not ſee him.

PRISONER's DEFENCE.

My Lord, the firſt of this affair, I was going to do a job in Padddington Church-yard, and Mr. Beresford ſent John Meets to call me, I came back immediately, and ſaw Meſſ. Beresford's elder and younger, and John Meets the carpenter, and the boy and this Mrs. Ludlow; they all ſtood in the garden, and Mr. Beresford aſked me how I came by thoſe two deals; I told him, I bought and paid for them; and then he collared me and ſaid, Paddington ſhould be rid of ſuch fellows as me; I told him to be ſure, and look at them again; then he aſked Mr. Meets, are you ſure theſe are the deals; I do not know, Sir, ſays he, they look like them, I cannot ſay; I turned them over myſelf ſeveral times, they ſaid they knew nothing about any particular mark; then they went into my other ſhed, where I put my putlocks in, ſays he, this looks like mine, this looks like mine, and the other looks like mine; ſays I, you had better own them all; he wanted to take them away then; ſays I, no, get an officer; ſays Mr. Beresford, you ſtay at home, and I will go and get a warrant to take you up; I went to the public houſe, the Running-horſe, till eleven at night; then I went to bed; the next morning I went to my work, then they came again, and abuſed my wife, and took them from her; then I went to Mr. Fowler, and took his advice; I firſt went to the Rotation Office in Litchfield-ſtreet, they ſaid Mr. Beresford could not hurt me, nor I him; then I went to Juſtice Hyde, in Little St. Martin's-lane; ſays he, I cannot grant a warrant againſt him, he is a great man in our pariſh; then I went to Mr. Fowler, he ſent me with a letter to Mr. Hyde, that if he would not take him in hand he would; then I took a lawyer's letter for a demand of my property back, or elſe I ſhould ſue for damages; then, after that, Mr. Beresford ſent for my wife to his own houſe, and offered her, that ſhe ſhould never want for any thing ſo long as ſhe lived, if ſhe would ſay that this property was there; and I have plenty of people to juſtify it here, that theſe deals never were in my poſſeſſion, nor them putlocks; for my deals that were taken from me were two inches and three-quarters thick, and thirteen feet and one inch long: I have proof of the buying of the deals, and carrying them home and unloading them. The reaſon why I could not follow the cauſe in the King's Bench was, I was at the bar here before, and was ſick a matter of ten weeks with the gaol diſtemper, and my wife and I were ſo ill, that nobody would come near us.

THOMAS HICKMAN *ſworn*.

I know the boards, I meaſured them over and over, they are not the boards, I knew them ſo long ago as laſt Michaelmas was twelvemonth, they were two inches and three quarters thick, and thirteen feet and one inch long.

Why did you meaſure them?—He bought them on purpoſe to make ſome rafters for a ſhed, and having a job to dig a well he intended to uſe them for that, and I perſuaded him they were too thin; I meaſured them ſeveral times over; I thought them not ſtout enough.

Have you ſeen theſe boards?—Yes.

Is that one of the boards?—No, Sir, that is not the board.

Proſecutor. They are, upon the oath I have taken, the boards that were taken away.

Court to Proſecutor. But I ſuppoſe there were other boards in the ſhed, that were not taken away?—Yes, there were a great many more.

Priſoner. I had a dozen of other ſcaffolding boards which were thinner.

Court to Hickman. When did you ſee theſe boards on his premiſes?——Between New and Old Michaelmas was a twelvemonth.

Did you ſee them there in February?—No.

Was you there when they were taken away by the proſecutor?—No.

JOSEPH MIDDLEBURGH *ſworn*.

I ſaw two boards that Pond bought, and brought them up by the cart, and I ſaw them in his ſhed afterwards, but I cannot ſay to the time.

ROGER DOBBS *ſworn*.

I remember ſeeing two boards in his yard about laſt Chriſtmas was a twelvemonth; I meaſured them; theſe are not the boards I meaſured in his yard; he had ſeveral other boards, and ſcaffolding things, and putlocks, that lay promiſcuouſly, but theſe two we ſingled out and meaſured; I have known the priſoner five or ſix years, his character is extraordinary good, I never knew any thing againſt him, his word was always his bond.

The Priſoner called two other witneſſes, who gave him a very good character.

GUILTY.

To be confined to hard labour on the River Thames for two years.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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300. JAMES DORREN was indicted for feloniouſly ſtealing, on the 20th of January laſt, one pair of linen ſheets, value 14s. and one pair of linen pillow caſes, value 4s. the property of Elizabeth Lanſden, ſpinſter.

ELIZABETH LANSDEN *ſworn*.

I loſt a pair of ſheets and a pair of pillow caſes on the 20th of January, in Cannon-ſtreet, the priſoner came behind me and pulled the end of my bundle, and could not get it away, and I turned round to ſee who it was, and he wrenched it away with all his ſtrength, and run away up Nicholas-lane; I ſaw him by the light of the window when he took the bundle from me; I never ſaw him before; he was immediately apprehended; I ran after him as faſt as poſſible, and he was taken about a hundred yards off, I cannot exactly ſay, he was never out of my ſight; juſt as he was taken, he dropped the bundle, I did not ſee him drop it; nothing was found upon him.

Priſoner. I was taken at one end of the ſtreet that the woman ſpeaks of, and I was carried to her, I never ſaw her before.

HENRY GEORGE *ſworn*.

I was ſtanding at my maſter's door; I ſaw the priſoner run by me with a bundle under his arm, wrapped up in a white ſheet, I puſhed him up againſt a cart wheel.

What became of the bundle which he had?—I did not ſee him drop it.

Are you ſure the perſon that was taken was the ſame perſon that run by you with that bundle under his arm?—Yes.

JOHN FANNER *ſworn.*

I am a conſtable, I only produce the property, I received theſe things from the proſecutrix at the Compter, the day after he was taken.

(The things depoſed to by the Proſecutrix.)

Proſecutrix. I picked the things up where the priſoner dropped them in Nicholas-lane.

Court. Why did you keep them in your cuſtody till the next day?—There was no conſtable to be got that night, and I was ordered to bring the bundle back the next day.

The priſoner called one witneſs to his character.

GUILTY

Tranſported for ſeven years.

Tried by the London Jury before Mr. Baron PERRYN.

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301. JOHN LEE was indicted for feloniouſly ſtealing, on the 24th of January laſt, one wooden trunk, covered with hair ſkin, value 5s. the property of Thomas Kempton.

THOMAS KEMPTON *ſworn.*

I am a ſtage coach maſter, I keep a Tottenham and Edmonton ſtage coach, I live at Tottenham High-croſs, I loſt this trunk out of the ſtage boot, it was delivered to my book-keeper, and from there to the coachman; when it was loſt I do not know.

Did you ever ſee it before the man was taken?—No.

Then you do not know that ſuch a trunk was in the coach at all?—No.

WILLIAM MILLER *ſworn.*

I am the coachman, I had this trunk to carry down as a parcel to Edmonton; I took it of the book-keeper, and put it into the boot of the coach; a man came and tried to take the trunk off; he dropped it down, and I caught him myſelf, the trunk is here; the priſoner is the man, I ſaw him come and take it, I ſtood by the fire while I ſaw him take it, it was about a quarter before five, the 24th of January.

Was he in the yard, or where?—Standing by the Bull gateway, the coach always ſtands out in the ſtreet; he was never out of my ſight, he did not run twenty yards; I ſaid nothing to him, he dropped it, I puſhed after him, and he threw it down, and I took him.

PRISONER's DEFENCE.

I never ſaw the box at all, I have no witneſſes.

GUILTY.

To be twice publicly whipped, and impriſoned one week in Newgate.

Tried by the London Jury before Mr. Juſtice BULLER.

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302. DOROTHY MOXEY and ELEANOR HYDE were indicted for feloniouſly ſtealing, on the 19th of February laſt, ſix yards three quarters of printed cotton, value 10s. the goods of Edward Broome, privily in his ſhop.

EDWARD BROOME *ſworn.*

I keep a linen draper's ſhop in the Haymarket, on the 19th of February, I loſt ſix yards three quarters of printed cotton, I had been abſent from my ſhop, I returned about half paſt 3 or near 4; when I came into the ſhop, the priſoners were there, my ſervant was ſhewing them ſome cottons, there was another in near the door, and when I came in, ſhe went out.

Was that woman in their company?—Yes, my young man was ſerving them, Hyde ſays to the other, ſtay here till I come back, I am going a little way, after this I ſaw my young man looking over theſe cottons, and turning them as if he had miſſed one, then he went out, he had been gone out about three minutes, not more, then he returned again and called me.

Mr. Garrow, Priſoner's Council. Do not tell us what he ſaid, I beg that the other witneſſes may go out of Court.—Hyde came in again, and when ſhe came in again, we challenged her with ſtealing this piece of cotton, my young man ſaid, I will take my oath on it, that you have ſtole the cotton; I then ſaid, do not make any piece of work about it, if you will give me the cotton, I ſhall make no more piece of work about it.

Mr. Garrow. My Lord, he has ſaid that he had firſt promiſed her, and afterwards threatened her, any thing ſhe ſaid under that impreſſion cannot be taken.

Court to Proſecutor. Did you find any thing in her cuſtody?—No, when my lad was gone for a conſtable, then ſhe ſaid, ſhe believed———

Mr. Garrow. Your Lordſhip will not hear that, I object to any thing that ſhe ſaid being now given in evidence, becauſe it is under that impreſſion of the two things that the law ſays perfectly invalidates the evidence.

Court. Was you preſent when the things were found?—No.

Mr. Garrow. Hyde told the other to ſtay there till ſhe came back?—Yes.

And ſhe went out not followed by any body, and with perfect liberty to have gone anywhere ſhe pleaſed?—My young man followed her.

He did not at all interupt her?—No.

And ſhe came back voluntarily?—Yes.

You ſaid there was another woman in the ſhop, and that ſhe was in their company; how did you happen to know that, as ſhe went out when you came in?—My ſervant told me ſo, I could not ſee it if I was not there.

No, but you ſhould have told the Court ſo then, that your opinion was formed on conjecture and hearſay.

Court. I do not know whether this converſation that paſſed between the proſecutor and her, after the conſtable had been ſent for, was in conſequence of his promiſe, for ſhe had abſolutely rejected the benefit that he would have given her from that propoſition.

Mr. Garrow. My Lord, it is very far from being my wiſh to trouble the Court, but I ſubmit this is a continuation of the converſation.

Court. It is not my wiſh to preſs any thing againſt the priſoner.

Mr. Garrow. My Lord, it is firſt I will coax you, then I will threaten you, it is the common way.

JOHN BARBER *ſworn.*

I am ſhopman to the proſecutor, I know both the priſoners, on Thurſday laſt they both came into my maſter's ſhop to purchaſe ſome linen, it was about four o'clock, I ſhewed them ſeveral linens, they enquired for cottons for a gown, at laſt Hyde ſaid ſhe wanted to buy a gown for the ſhorteſt, I ſhewed her ſeveral pieces, there was another woman in the ſhop at the time they came in, which they knew, the other woman was there before they came in, they ſpoke to each other as acquaintance, ſhe ſaid, ſhe was come to buy a gown for the ſhort one who was going to place that night, the other woman had purchaſed ſame goods, I ſhewed them ſeveral; I thought I ſaw the talleſt of them endeavouring to take a piece from the bottom, I looked over, ſhe then deſiſted and pulled a piece nearer to her, that I could not ſee what ſhe was doing underneath, they then both turned away from the counter, and one aſked the other for a handkerchief, ſhe had bought one piece, they both bargained for that, they did not pay for it then; I then thought they had taken the piece that I ſaw her endeavouring to take.

How many might there be in the parcel you ſhewed them?——Twenty or thirty, ſhe went out, and I followed her, I did not ſtop to ſee whether ſhe had taken the cotton or not, ſhe went into the ſilk-dyer's, I ran back immediately, it was about four doors from us, I went after her again, ſhe was gone from the ſilk-dyer's, and when I came back to our ſhop, I found her juſt returned, and buying ſome muſlin, ſhe wanted to pay for it, and ſeemed rather confuſed, as I thought

thought at leaſt; I then looked the cottons over again and examined them, and was quite poſitive that it was gone, ſhe wanted to pay for that piece that ſhe had fixed on, I told Mr. Broome what I had ſuſpected, ſhe paid for the muſlin, and as ſhe went out I ſtopped her, ſhe ſaid, ſhe knew nothing of it nor of the other woman, only as a ſlight acquaintance, we told her then, if ſhe would confeſs and tell us where it was, ſo that we might have our linen again, we ſhould trouble ourſelves nothing about it, we repeated it ſeveral times, ſhe offered to be ſearched, ſhe poſitively denied it, we then ſent for a conſtable, it was near half an hour before we could fine one; ſhe then ſaid———

Mr. Garrow. I am again obliged to trouble your Lordſhip, whether you would hear what the woman ſaid, this evidence confirms his maſter, that firſt of all there was an attempt to get at ſome confeſſion from her, by promiſing her, that if ſhe would tell where the goods were, ſhe ſhould not be hurt, then upon her ſtill perſiſting, they have recourſe to the other implement by which confeſſions are extorted, namely threats; now I ſubmit to your Lordſhip, that upon either of theſe grounds the evidence is not admiſſible: In a very late caſe I took this objection, and the Court held without a doubt, that the evidence under theſe circumſtances was not admiſſible, the man was tried for robbing Meſſrs. Preſcot and Grotes of a Bank poſt-bill, the defendant told a ſtory, to which the witneſs ſaid, that is very unſatisfactory; And unleſs you tell me a more ſatisfactory ſtory, I ſhall ſend for a conſtable; under thoſe circumſtances, and under the terror of that threat, the priſoner made a very ample confeſſion, the witneſs was going to diſcloſe that confeſſion, I took the objection, and the Court held moſt clearly without the ſmalleſt doubt, that it could not be received, for that, that engine had been employed, as in this caſe, with this addition in this caſe, that this woman was acting under the ſame impreſſion from the beginning, and therefore I ſubmit with the greateſt deference to the Court, (as I cannot in my mind ſeparate the two impreſſions that were made on the mind of that woman,) that the Court, in a caſe of life, will not ſuffer this confeſſion to be received.

Court. I think we cannot receive this confeſſion, but any acts that were done afterwards may be received in evidence.

Mr. Juſtice Buller. Whatever acts are done are evidence, but if thoſe acts are not ſufficient to make out the caſe againſt the priſoner; you are not to hear her converſation or confeſſion, ſo as to couple it with thoſe acts. I tried a priſoner where the evidence was juſt as it is here, and I ſtopped all the witneſſes when they came to the confeſſion: the priſoner was acquitted; there were two learned Judges on the bench, who told me that though what the priſoner ſaid was not evidence, any facts that aroſe afterwards muſt be received; and tho' that did not affect the caſe of the priſoner then at the bar, it was ſtated afterwards to all the Judges, and that was the line drawn; though you will not receive the confeſſion or declarations of priſoners made under ſuch impreſſions, yet the acts done afterwards may be received.

Court to Barber. Was any thing done ſubſequent to this? did you go and find this printed cotton any where?—Yes, I found it at the chandler's ſhop in James-ſtreet, Hay-market.

(The cotton produced and depoſed to by the ſhop mark.

Court. Was that linen amongſt the parcel of linen you ſhewed the priſoner?—Yes.

You are ſure of it?—Yes.

Mr. Garrow. There was a woman in the ſhop before theſe women came in?—Yes.

How long had the firſt woman been gone before Hyde went out of the ſhop?—About ten minutes.

Had you after that woman went away, obſerved that identical piece of linen there?—Yes.

Why you have told my Lord that there were thirty pieces of linen ?—This was at the bottom, I can ſwear it poſitively, they were dark linens I ſhewed her, and this was a very light one.

Did you obſerve that identical piece of linen ?—Yes.

You mean to ſwear that ?—Yes.

Were theſe 30 whole pieces or remnants ?—Some whole pieces, and ſome remnants.

What is the diſtance of this chandler's ſhop ?——About two hundred yards.

The firſt woman might have carried it to the chandler's ſhop herſelf ?——This piece was not taken down till after the other woman went out of the ſhop.

Why, they were laying on the compter ?—No, that I remember.

I wiſh you would remember this, that this is a caſe that affects the lives of two priſoners by your evidence, Mr. Barber ?—There were ſeveral things laying on the counter.

Aye, ſo many things that you could not then diſtinguiſh the one from the other, though you now affect to ſay that you could diſtinguiſh.—I can take my oath that I ſaw her hand on it, taking it from the reſt; I am ſure I ſaw her hand on it.

And on that identical piece ?——Yes, I can ſwear that the others were all dark.

You did not follow this woman into the chandler's ſhop ?—No.

You did not interrupt her in her walk to the ſilk dyer's ?—No.

You took a traverſe through a number of other ſtreets, and then found the woman in the ſhop ?—Yes.

And ſhe told the other woman to ſtay there ?——Yes, I told her that I ſuppoſed ſhe muſt have given it to the other woman.

ELIZABETH LINDSEY *ſworn.*

I live in James-ſtreet, Hay-market, I keep a chandler's ſhop; on the 19th, the priſoner Hyde came into our ſhop for a quartern of ſtarch, and aſked to leave that bundle, and ſhe would call for it; I let her leave the bundle; I do not know what it contained.

Court. Was it the ſame bundle that you fterwards delivered to the young man, Barber ?——Yes, I believe it was.

Did you give it to Barber ?——I gave it to the priſoner again.

Mr. Garrow. You never had ſeen her before ?——No.

She was not a minute in your ſhop ?—No.

Court. Are you ſure it was the priſoner at the bar ?—I believe it to be the ſame, I took my oath ſo.

Had you any converſation with the priſoner at all ?——No, I know ſhe was the ſame that delivered the bundle to me.

For the Priſoner Hyde.

——— SELBY, Eſq; *ſworn.*

I am Clerk of the Peace for the County of Middleſex; I know the priſoner Eleanor Hyde, I have known her ever ſince ſhe was a girl; ſhe was born at Alnwick, I knew her family very well, I never heard any thing againſt her, I always looked upon her as an honeſt woman, ſhe has been in town ſomething about a year; I have never ſeen her ſince ſhe was in London; I underſtood ſhe was lately married, I have ſeen her huſband, and was very much ſurprized when I heard of this matter.

Court. What way of life was her huſband in ?—A ſervant, I believe.

Court. Has the priſoner any other witneſſes to her character ?

Mr. Garrow. My Lord, after Mr. Selby's evidence, I ſhall not trouble your Lordſhip with any more witneſſes to her character.

Jury. My Lord, the Jury wiſh to be informed, whether a ſuſpicion of the witneſs, that ſhe took the cotton at that time, takes off the private ſtealing ?

Court. He did not ſee her take it, but he ſaw her attempting to take it, and in all probability it was taken at that time; there is ſufficient foundation on the evidence to think that it was.

Mr. Juſtice Buller. He immediately afterwards ſaw her apply to the other for a handkerchief;

kerchief; if ſhe took it at that time, it was not a ſtealing privately; if you could ſuppoſe ſhe did not take it then, but took it afterwards when his back was turned, that would be a ſtealing privately.

Mr. Baron Perryn. He was put on his guard, and wherever there is a doubt of that kind, one would always incline to the milder part of the caſe.

DOROTHY MOXEY, NOT GUILTY.

ELEANOR HYDE, GUILTY
Of ſtealing but not privately.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

303. BENJAMIN SMITH alias JAMES JOHNSON was indicted for feloniouſly ſtealing, on the 26th day of January laſt, one ſilver table ſpoon, value 5s. the property of Thomas Price.

ANN PRICE *ſworn.*

I live at the Oxford coffee-houſe, in the Strand, my brother Thomas Price, keeps it, he loſt on the 26th of January laſt, a ſilver table ſpoon, I firſt miſſed it about two in the afternoon, I act as miſtreſs there, the priſoner came for a glaſs of brandy and water.

Court. Are you very ſure it is the priſoner that came in; look at him?—Yes.

Did you ever ſee him before?—I have, I ſerved him with the brandy and water at the bar, and he ſtaid in the coffee room juſt by the bar, and about half an hour after he had the brandy and water, he looked a good deal about the coffee room, I had ſome reaſon to ſuſpect him, and I had all the ſpoons collected together, and put out of the way, he walked round the coffee room, and at the fartheſt table from the bar, called No. 5, there was a ſilver ſpoon ſtanding in a baſon.

Did you ſee him converſe with any body in the coffee room?—I never ſaw him converſe with any body in my life.

Are you very ſure that ſpoon was there?—I am very ſure it was there, and I ſaw him take it out of the baſon.

You are ſure he is the man?—I am.

Did you get the ſpoon back at any time?—I got it back before he left the coffee room.

What did you charge him with it immediately?—I ſtopped him as he was going out of doors.

Did you find it upon him?—I did.

The ſpoon that you found on him, do you know whoſe property it is?—It is the property of Thomas Price my brother.

Had it any marks about it?——Yes, T. M. P. marked in a cypher.

Had it any other marks about it that you know it by?—No other.

Are the other ſpoons in the coffee room marked in that way?—Yes, we have a great many.

Mr. Sylveſter, Priſoner's Council. Your coffee houſe is very much reſorted to?—Yes.

There are many perſons that are waiters who ſerve in the room beſides you and Mr. Price?—Yes, but Mr. Price was gone out that day.

Had the priſoner been to the coffee houſe before that day?——No, not that day.

Can you of your own knowledge ſay whether he had any ſoup?—He had not.

How long was he in the houſe?——Rather better than half an hour.

Was you in the bar all that time?—Yes, there were ſeveral waiters in the coffee room backwards and forwards, but when he took the ſpoon there was only one.

Had the priſoner been out of your houſe at all.

VALENTINE SAUNDERS *ſworn.*

About half paſt one, the priſoner came in, and he called for a glaſs of brandy and water and a cruſt of bread, which I gave him, there is a fire place near the bar at which he ſtood for ſome time, very near half an hour, during the time he was ſtanding there, he was aſking a few queſtions which I did not obſerve.

Did he converſe with any body in the coffee room?—Not any gentleman, Sir, he ſpoke to me and my miſtreſs; as we had had ſome ſuſpicion of him I went upon the ſtairs, to give him an opportunity in caſe there was any thing in his way to take, there is a glaſs door to the ſtairs, and I could ſee into the coffee room, and I ſaw him walk up to the table called No. 5, at the far corner of the room from the bar, there were ſome newſpapers laying on the table, that I ſaw him turn over, and there was a baſon ſtanding there that a gentleman had been having ſome ſoup, and a ſpoon in the baſon.

Could you ſee the ſpoon in the baſon from where he was?—Yes, I ſaw him take the ſpoon from the table, and he walked away towards the ſtreet door, I went that way intending to ſtop him, and my miſtreſs caught hold of his coat-ſleeves, and the ſpoon was taken from him; I am ſure the priſoner is the man.

The ſpoon produced and depoſed to, marked T. M. P.

Mr. Sylveſter. He went to the table for theſe newſpapers and turned them over?—Yes.

Had you been in the room all the time?—I had.

Much company in the room?——No.

Do you remember his going out after he had the brandy and water?—No, I am ſure he did not go out.

Had he any ſoup that day?—No.

Court. Why is it marked T. M. P.

Mrs. Price. The M. is for the name of my brother's wife, who is dead.

PRISONER's DEFENCE.

That very morning that this unfortunate thing happened, I had been to Lord Grantley's whom I had an appointment to meet, I did not happen to ſee him; I had been there once before, I went to aſk for a Captain of a man of war, and had a glaſs of brandy and water, and I ſtaid in the coffee houſe ten minutes, I went out to the Hungerford coffee houſe to aſk for the ſame gentleman, and I came back directly, and had a baſon of peaſe ſoup (which they now deny), and whilſt I was eating that peaſe ſoup a gentleman laid down a newſpaper; I got up with the ſpoon in my hand, never concealed any more than my glove is, and the woman ran to me, and ſaid, I was going to carry away her ſpoon, I gave it to her, and ſaid, woman, I was not going away with your ſpoon, ſays ſhe, we have loſt a great many things, and you ſhall pay for them all.

Court to Mrs. Price. What is the value of this ſpoon?—I ſhould ſuppoſe about five ſhillings.

From what part of the priſoner did you take the ſpoon?—I cannot tell, it was not in his hand, but from where he took it, I cannot ſay.

You ſwear that you took it from him?—He gave it to me with his hand.

Priſoner. I have been Captain of a ſhip theſe twenty-ſix years, and I have lived thirty years in one pariſh.

Court to Jury. I take the law to be clearly this, that if this man took away the ſpoon from the place where it was, not making uſe of it as a cuſtomer and viſitor, but with intention to ſteal it, that is clearly a felony.

Guilty.

Mrs. Price. My Lord, this poor man has declared that it was diſtreſs made him do it, and as he is an old man, I hope you will give him as little puniſhment as the law will allow him.

The Rev. Thomas Cokayne, D. D. My Lord, I came to ſpeak on the behalf of the priſoner, I ſhould have ſpoken before, but I am unacquainted with theſe things.

Court. You muſt be ſworn, Sir.

Rev. Thomas Cokayne, D. D. *ſworn.*

My name is Thomas Cokayne, I am the Rector of Rotherhithe, I know the priſoner and his family, he was Maſter of a Weſt-India ſhip, and of courſe ſometimes home with his family, and ſometimes abſent, but the family were conſtantly reſident near the church for three or four years, in a houſe that I have ſome concern with, till about a year ago; I have many times ſeen the priſoner, and I never heard any reflection on his moral character in any reſpect; but I have often heard he was in very diſtreſſed circumſtances: during the courſe of laſt ſummer he wrote to me, a ſtrong letter about his indigent and diſtreſſed circumſtances, and deſired me to do what I could to ſerve him, to make ſome collection for him, and to apply to his friends, which I did; and the worſt I heard of him at that time was, that his diſtreſs was very great.

Court to Priſoner. You have been tried and found guilty of the offence charged againſt you in the indictment; the firſt witneſs has recommended you to the mercy of the Court; there is likewiſe a clergyman of reſpectable character, who has ſpoken in your behalf: in conſideration of theſe circumſtances, and in hopes that you will be more cautious for the future; this ſentence is impoſed upon you, that you pay the fine of one ſhilling, and that you be diſcharged.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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304. SARAH PEAKE was indicted for feloniouſly ſtealing, on the 18th day of January laſt, one linen ſheet, value 2s. one wooden pail, value 1s. and one hair broom, value 2d. the property of William Maſon, the ſaid things being in a lodging room, let by contract to the ſaid Sarah, by the ſaid William Maſon, to be uſed by her as a lodging room, contrary to the ſtatute.

WILLIAM MASON *ſworn.*

I live in White's Row, Whitechapel Road, I let a lodging to William and Sarah Peake about nine months ago, furniſhed; they ſtaid with me till the 18th of January laſt, but I never ſaw William Peake, her huſband, ſince the 4th of January.

Court to Jury. The priſoner is a married woman, the wife of William Peake, therefore the indictment ſhould have been, "*let by contract to the ſaid William and* "*Sarah*;" conſequently this indictment cannot be ſuſtained, and the priſoner muſt be acquitted.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GOULD.

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305. THOMAS RILEY and JOHN RYAN were indicted for feloniouſly ſtealing, on the 8th day of February laſt, two pieces of ſheet lead, containing 90lb. weight, value 10s. the property of a certain perſon unknown.

WILLIAM PALMER *ſworn.*

I ſaw the two priſoners carry ſome lead into a ſhop where they buy iron, it was about eight o'clock on Sunday night laſt was three weeks.

Court. Do you know where they got this lead?——No, I do not, there were eight different people came to ſee after it, and neither of them knew it.

You do not know of any perſon that had loſt any lead?——No, I do not know any thing of it.

Court. Gentlemen of the Jury, this is an indictment for ſtealing lead, the property of a perſon unknown; now I take it clearly, that to ſupport ſuch an indictment as that, though you cannot identify the lead, yet you muſt prove that ſome perſon has loſt lead; there has been a felony committed in ſtealing the lead, but then it cannot be proved that it is the ſame lead that was found on the priſoner; and I take it to be clear law, that you muſt lay a foundation that ſome one has had lead ſtolen from them, but as there is no evidence of that kind, there is no foundation for this indictment.

THOMAS RILEY, } NOT GUILTY.
JOHN RYAN, }

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

306. **JOHN ABBOTT** was indicted for feloniouſly ſtealing, on the 7th of February, one woollen great coat, value 12s. the property of Robert Bryant.

ROBERT BRYANT *ſworn.*

On the 7th of February, between eight and nine at night, the priſoner came to my warehouſe in Chiſwell ſtreet, I ſell various articles, and amongſt the reſt great coats, he ſaid he wanted to buy a great coat.

Court. Look at the priſoner, be ſure he is the man?—I am very clear of the man, he was fitted with a great coat, the price agreed for was twelve ſhillings; he told me he had not caſh enough in his pocket to pay for it, if I would ſend one of my men to his houſe with him, he would give him the money.

Did you know him at all, did he live in your neighbourhood?—Yes.

You knew his perſon, then?——Yes, I ſent my young man with him, in order to bring the money back; I delivered the great coat to the priſoner, and I ſent my young man to take the money.

SAMUEL BLACKMAN *ſworn.*

Was you preſent when the priſoner came to Mr. Bryant's warehouſe?—Yes.

What are you?—A ſervant.

In what capacity?—In the warehouſe; the priſoner came in and told my maſter he wanted a great coat, he was fitted with one; he put his hand in his pocket, he had not money enough to pay for it, he deſired my maſter to let one of his men ſtep with him for the money, the price agreed for was twelve ſhillings; he ſaid he lived in Salmon and Ball Court, Bunhill-row; when he came up that court, he deſired me to ſtop while he ſtepped to the public houſe for the key, their people were all out, he ſaid; I did not think proper to ſtop, I walked after him.

Court. When the coat was fitted on, who carried it?——He carried it under his arm, he went into the public houſe at one door, and out at another.

You did not follow him in?——No, I ſaw him about a week after, the great coat was found at the pawnbroker's, I was to bring back the money.

Did any thing more paſs about the payment?—No.

Mr. Juſtice Gould. Was you preſent at the time that the priſoner bargained for the coat?——Yes.

Tell us the agreement as near as you can recollect?—As near as I can recollect, my maſter ſaid twelve ſhillings was the price of the coat, and he agreed to give twelve ſhillings for it; and my maſter folded it up.

Did he put his hand into his pocket?—He did, and ſaid he had not money enough to pay for it, but if my maſter would let one of his men ſtep with it, he would ſend the money back.

Jury. Did he offer to pay any part of the money?—No.

JOHN PARKER *ſworn.*

I am a pawnbroker, I never ſaw the priſoner before he brought the coat, he was in a different plight then.

Court. Have you the coat here?—It has been brought to Hicks's Hall.

Court to Jury. You will be under the neceſſity, in this caſe, of acquitting the priſoner on a point of law, becauſe it turns out on the evidence of the two firſt witneſſes, that the man came in for this great coat, was fitted with it, and that the proſecutor gave the poſſeſſion of this coat to the priſoner; the priſoner took it away and not the ſervant, the priſoner promiſing to pay for it; the proſecutor gave the priſoner compleatly in law a poſſeſſion of the great coat, upon the uſual promiſe of paying for it; however, being once in legal poſſeſſion of it, though he did not pay for it, there is a legal remedy which muſt be againſt the priſoner by action, but certainly this indictment cannot be maintained on account of the property being veſted in the priſoner by that bargain, and there being no property in the proſecutor: you will therefore be under the neceſſity of acquitting the priſoner.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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307. **ELIZABETH STEWARD** was indicted for feloniouſly ſtealing, on the 15th day of February, two linen ſhifts, value 10s. the property of Thomas Thorby.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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308. **THOMAS SMITH** was indicted for feloniouſly ſtealing, on the 24th day of January laſt, one pair of linen ſheets, value 10s. the property of Thomas Lane, John Lane, and Thomas Frazier; and one trunk covered with hair, value 5s. the property of John Monday.

GUILTY.

To be twice publicly whipped, and impriſoned one week in Newgate.

Tried by the London Jury before Mr. RECORDER.

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309. **JAMES BARNES** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Richard Aſton, at the hour of ſeven in the night, on the 7th of February, and feloniouſly ſtealing therein four pair of ſilk ſtockings, value 20s. the property of the ſaid Richard Aſton and Joſeph Baſing.

RICHARD ASTON *ſworn.*

On Saturday night the 7th of February, I was ſitting in my parlour, about ſeven o'clock, and I heard a ſmaſh of my windows, in the parlour adjoining to my ſhop, and I jumped up, and leaped over the table, I knew the door was tied, and by main ſtrength I broke the cords which tied it, one was tied round the door, and one was tied round the iron rails; as I have been at ſea myſelf, I knew it muſt be a ſailor that tied it; I flew out into the ſtreet, and run up the ſtreet; there were numbers of people that cried, there he is; I heard his footſteps, but there were ſeveral people between him and me; when I came to the corner, the back of Burlington Gardens, it being then quite open and light from the ſnow underneath, I ſaw the priſoner at the bar running, at the corner of Lady Groſvenor's houſe, turning from Bond-ſtreet towards Saville-row.

Court. How far had you gone from your own door when you ſaw him?——I ſuppoſe it is one hundred yards.

The man you ſaw running you purſued?——Yes, one of the witneſſes, a little boy, endeavoured to throw him down, inſtead of falling down, he threw the ſtockings down under his knees; he turned clear of him, and run into my arms; I ſaw him throw ſomething down, a chairman that was coming by caught hold of him; at the ſame time a pair of ſtockings were picked up by the boy, and two pair more were picked up by other people.

What did he ſay to you?—He uſed very abuſive language.

Was any body running by him?—No.

Have you a partner?——Yes, I am in partnerſhip with Mr. Baſing, I keep houſe by myſelf.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

ERRATA.——In the beginning of Part II. Page 328, concluſion of the Trial of Hugh Graham, inſtead of his ſentence being "*Tranſported for ſeven Years,*" read, "*To be* "*kept to hard labour three Years on the Thames.*"

Part VII. will contain, among many others, the remarkable TRIAL of WILLIAM WADE, for the Murder of his Apprentice Girl, by ſtarving her to death.

THE WHOLE
PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO
The Gaol Delivery for the County of *Middleſex*;

HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 25th of FEBRUARY, 1784, and the following Days;
Being the THIRD SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of James Barnes.

JOHN CLARKE *ſworn.*

Court. How old are you?——Juſt turned of fifteen; on the 7th of January I heard ſome people cry out, ſtop thief! I turned round, and ſaw the priſoner come running along, I ſtooped down, he whipped of one ſide of me, and threw the ſtockings down on one ſide of me.

Did you ſee him throw the ſtockings down?——Yes, he ſlipped on one ſide of me juſt as I went to fall down.

How many pair of ſtockings did you ſee him throw down?—I did not take notice, I ran to the gentleman and ſhewed him where they lay.

PRISONER's DEFENCE.

As I was coming from Charles Court, in the Strand, to go to High-ſtreet, Marybone, coming through this place, I ſaw a great mob, and the people were *argufying* about ſomething, I do not know what it was; I have nobody to my character, *I am tried too ſoon!*

(The ſtockings depoſed to.)

Court to Proſecutor. Where had the ſtockings been laying before they were loſt?——They were laying upon the ſhew-board in the window, folded up, it is a bow window with a ſhew-board within ſide.

What glaſs was it that was broke?——It was a large ſquare.

How did it lay?——It was a ſquare of the ſaſh that was broke.

GUILTY

Of ſtealing, but not of breaking and entering the dwelling houſe.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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310. JEREMIAH ROSE was indicted for feloniouſly ſtealing, on the 7th day of January laſt, one linen handkerchief, value 12d. the property of James Chriſtie.

JAMES CHRISTIE *ſworn.*

Paſſing through the narrow paſſage that leads from Cock-lane to Smithfield, I heard a perſon in great haſte behind me; I had a child, and made way for him; I felt in my pocket, and my handkerchief was gone, I ſtepped haſtily after him, he looked at me, I followed him, he turned down Hoſier-lane, I ſaid I am after you, then he began to run, I ran after him and overtook him, I immediately ſaw him drop that handkerchief at his left foot.

(The handkerchief depoſed to.)

RICHARD COTTRELL *ſworn.*

The proſecutor brought the priſoner up himſelf to my door, and gave charge of him, and gave me the handkerchief, and I have had it ever ſince.

Priſoner. I have nothing to ſay, I have no witneſſes.

GUILTY.

To be twice publicly whipped, and impriſoned one month in Newgate.

Court. Where do you belong to?—St. Bride's, Fleet-ſtreet.

Have you any father or mother?—No.

How have you got your living?—I have worked at portering with Mr. Hemings, a fruiterer.

How comes it he is not here to give you a character?—I would not wiſh to trouble him.

Tried by the London Jury before Mr. RECORDER.

311. WILLIAM CUMMINGS was indicted for feloniouſly ſtealing, on the 27th day of January laſt, one pair of linen ſheets, value 8s. the property of Charles Cowling; and one linen ſhirt, value 1s. and one linen handkerchief, value 4d. the property of Stephen Kent.

CHARLES COWLING *ſworn.*

I heard a noiſe in my paſſage, and I looked and ſaw the priſoner going out with a bundle under his arm, he ſhut the door after him; he turned into a court, I knew there was no thoroughfare, and I waited for his coming out, I looked up the court, and I ſaw him knock at a gentleman's door; when he came out he had the bundle then, he ſaid he had not been in my houſe, I ſaid I was ſure I ſaw him come out, I did not know I had loſt any thing then; he then told me he wanted one Mrs. Thomſon, a waſherwoman; he ſaid he was going over to the White Lion, I did not think of the garret, and he went away with the bundle, it ſtruck in my memory to ſee if the garret was ſafe; my wife went up immediately, and hallooed out, the ſheets are gone; I immediately went after him, and he took through a ſtable yard, he was walking on gently in Biſhopſgate-ſtreet, I caught him with the bundle under his arm, I brought him back and ſent for a conſtable, and gave charge of him; we ſearched him, and in his great coat pocket there was a ſhirt and handkerchief of my apprentice's, this is the bundle.

—— WHEELHOUSE *ſworn.*

I have had the things ever ſince, I am the conſtable.

Court to Proſecutor. What did he ſay for himſelf when you brought him back?—He ſaid he found them.

PRISONER's DEFENCE.

I came acroſs the water, a man came with me, and ſaid he was going to call at a houſe for a bundle, and ſaid if you will go and call at ſuch a houſe I will come to you, and I was going to the White Lion to ſee for him. I came out of the hoſpital three weeks ago with a broken leg.

GUILTY.

To be twice publicly whipped, and impriſoned one month in Newgate.

Tried by the London Jury before Mr. RECORDER.

312. JOHN HARROW was indicted for feloniouſly ſtealing, on the 19th day of February, one hempen ſack, value 1s. and 56lb. weight of onion ſeed, value 10l. the property of John Field, the elder, John Field, the younger, and Richard Labram.

JOSHUA

JOSHUA MITCHELL *ſworn.*

I never ſaw the priſoner before laſt Monday night in my life, I took ſome ſeed from Mr. David Lewis, in Cornhill, and put it into my cart to carry it to Mr. John Field, ſeedſman, in Lower Thames-ſtreet; the ſeed was bought by my maſter, and I was carrying it to him; I loſt it out of my cart, I miſſed it in Pudding-lane; I ſaw the priſoner firſt at the Rotation Office, and the ſeed was at Mr. White's, in Whitechapel, I loſt it the 19th, and he was taken up the 20th, the next day.

Court. Did you know the ſeed?—I know it was onion ſeed.

Jury. Could you ſwear to the ſack?—Yes.

JOHN LEE *ſworn.*

The ſeed was brought into my maſter's, Mr. James White's ſhop, by the priſoner, on the 19th of February, between ſeven and eight, I never ſaw him before in my life, to my knowledge.

Court to Mitchell. What time was it you loſt it?——Within ten minutes of ſix.

Lee. I was in the parlour when he came into the ſhop, I aſked him what he wanted, he aſked me whether I wanted to buy ſome onion ſeed, I aſked him how much he had, he ſaid it was there, he bought it for ſix ſhillings, it was a ſack; then I looked at it, and bought it, I did not know whether it was onion ſeed or leek ſeed; I aſked him what he muſt have for it; he ſaid, he gave ſix ſhillings for it; I ſaid, will ſeven ſhillings ſatiſfy you, I ſaid I do not know any thing about it, you muſt leave it till morning; he ſaid, he wanted a little money, I told him I could give him a little trifle of money if he wanted, but he muſt leave it till morning; I gave him four ſhillings, as my maſter was not at home; he called in the morning before my maſter was up, and I gave him three ſhillings more, and told him he muſt call again, for my maſter had not looked at it, and I did not know any thing about it, nor what it was worth; as ſoon as my maſter got up, I gave him ſome of the ſeed to look at, he immediately told me it was ſtolen; I then ſhewed him the ſack, he ſaid the ſack was Mr. Field's ſack, or had been ſo; the priſoner called again at night, and before that a hand bill came in; when he came again I ſtopped him; he ſaid he bought it of a man, but he did not know him; my maſter told me it was worth ten or eleven pounds; in the morning I carried down the ſack to Mr. Field's, I delivered it to one of the gentlemen.

Who ſaw you deliver it?——I cannot tell.

Court to Proſecutor. What evidence have you to prove the identity of the ſeed?——We can only ſwear to the ſack.

(The ſack depoſed to.)

DAVID FIELD *ſworn.*

We publiſhed ſome hand-bills, and diſperſed them about, and in about half an hour after, Mr. White ſent to inform us that his man had taken in ſuch a quantity of onion ſeed, my partner brought it down to our houſe, there it was put by; about ſeven in the evening a meſſage came from Mr. White, informing us that the man had called for the ſack and they had detained him, then the ſack was taken before Juſtice Staples and depoſed to.

Court. Is there any body here that was preſent when the ſack was brought to your houſe?——No.

Court to Lee. Did you mark the ſack?—I took notice of it, that I can ſwear to it; there is a little *f* on it.

Should you know it from another ſack of Mr. Field's?——I never ſaw another.

Mitchell. I can ſwear to the ſack.

——— LEWIS *ſworn.*

I delivered 56lb. weight of onion ſeed to Mr. Field's ſervant, on the 19th of February; it was in a hempen ſack, marked with a ſmall *f* about the middle of the ſack; it is impoſſible to know the ſeed from other onion ſeed.

Jury. Could you know that ſack from any other?——I do not know that I could.

PRISONER's DEFENCE.

I bought it this very day week, and gave ſix ſhillings for it in Red Lion-ſtreet, of a countryman in a brown frock, I took it to Mr. White's, and he untied the ſack and chewed ſome of it; ſays he, it is not good for much, but I will give you ſeven ſhillings for it, he gave me four ſhillings for it in part of payment; he told me to come in the morning for three ſhillings more, and he told me to call on the Friday evening, between ſix and ſeven, and I ſhould have another ſack in the ſtead of it; I called and he ſtopped me.

GUILTY.

To be twice publicly whipped, and impriſoned one month in Newgate.

Tried by the London Jury before Mr. RECORDER.

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313. **JOSEPH HEWITT** was indicted for feloniouſly ſtealing, on the 15th day of January laſt, ſeven quartern loaves of wheaten bread, value 3s. 6d. and one other loaf of wheaten bread, value 3d. the property of Ann Wright.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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314. **ELIZABETH ELLIS** was indicted for feloniouſly ſtealing, on the 27th day of January laſt, twelve linen handkerchiefs, value 12s. the property of Daniel Turner.

JOHN BADGER *ſworn.*

I ſold four dozen of handkerchiefs to Mr. Turner, in Newgate-ſtreet, parcel of them that were taken.

—— **CATCHPOLE** *ſworn.*

Here is one dozen of handkerchiefs; going down Ludgate-hill, between three and five in the afternoon, I ſaw the priſoner ſtanding, I ſaid, what have you got here; ſhe ſaid, nothing; and, upon looking, ſhe had theſe handkerchiefs; *(Produced)* I ſaid, where did you get them; ſhe ſaid, ſhe bought them; I ſaid, where; ſhe ſaid, in Cheapſide; I aſked her what ſhop; ſhe ſaid, ſhe ſhould not tell me; I ſaid, if you do not I ſhall take the handkerchiefs and you into cuſtody; ſhe ſaid, if you do, I will ſwear a robbery againſt you; after much altercation ſhe went with me a little way up the hill, and I called a coach.

NATHANIEL LIVING *ſworn.*

Theſe are our handkerchiefs, they have our mark, they belong to Mr. Badger.

—— **RICHARDSON** *ſworn.*

I only know that we loſt this quantity of handkerchiefs, on the 27th of January, they came in the 22d, I have the bill of parcels from Meſſ. Aſhmore, Badger, and Keelings, Cheapſide.

Do you know, of your own knowledge, how many the parcel contained?——No, only by the bill of parcels.

Had any been ſold of that parcel?——None had been ſold.

How do you know that?——Becauſe in looking them over we found them all there, we keep a till book, I in general keep it, ſometimes Mr. Turner keeps it.

Does not he ſell in your abſence?—He did not ſell any.

How do you know that?—Becauſe there is none in the book, we miſſed them the 28th, we miſſed eleven, we never miſſed them nor examined them till theſe handkerchiefs were brought to us by Catchpole, the parcel had been opened, and they were all put at the end of the counter, there were none ſold becauſe none were entered in the book.

What number remained?—I cannot recollect, now all the others were there.

How many are there?——I cannot recollect, it is here in the bill of parcels, what are there we had, I compared them the 28th, when the others were brought.

Is that the bill of parcels you examined them by?—No.

Where is that bill of parcels?—That is deſtroyed.

Who deſtroyed it?—Mr. Badger's people, it was returned there with fourteen handkerchiefs that we did not like, then we had a freſh bill of parcels of the remainder.

Were theſe handkerchiefs ſtolen before you returned the fourteen or after?——Before.

Therefore you parted with the original bill of parcels ſince theſe handkerchiefs came back?—Yes.

Court to Badger. What did you do with the bill of parcels that you got back?–I cannot ſay, I did not receive the handkerchiefs back myſelf, ſome people belonging to our houſe did, but who I cannot ſay.

Can you ſpeak to the number you ſold to Mr. Turner?—Yes, it was four dozen and ten of that number and mark; and two dozen of that number and mark were returned according to our book.

How many are there?—There are twelve of them, but they are marked for eleven.

Court. Theſe are them that you ſold to Mr. Turner?—On the 22d, I ſold him four dozen and ten, they had this mark and number; as to being the identical handkerchiefs, I cannot ſay, two dozen of them were returned.

Court to Richardſon. Have you brought your books here?——I have brought the till-book of what we ſell in the courſe of the day.

But you cannot tell the number that remained?—No.

Jury. Did you examine the goods when they came in?——No.

Court to Jury. If the evidence amounted to this, that a certain number had been ſold by Mr. Badger to Mr. Turner, and that all that number remained except theſe, and that no ſuch parcel appeared to have been ſold, that would be evidence to be left to your conſideration, but there is no evidence that all the reſt remained.

Jury. You are not ſure you ever had ſuch a quantity, you never examined them when they came into your houſe?——No, not till the 28th.

Court. We cannot ſupply the defects of evidence, it is the proſecutor's buſineſs to lay evidence before the Court.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

315. **ELIZABETH SUMMERS** and **SARAH GOLDSMITH** were indicted for feloniouſly ſtealing, on the 20th day of February, one cloth coat, value 3l. one cloth waiſtcoat, value 20s. one ſilk waiſtcoat, value 1s. one ſilver watch, value 40s. one ſteel chain, value 2d. two ſtone ſeals ſet in baſe metal, value 2d. one pair of worſted gloves, value 2d. and one ſteel ſtock buckle, value 2d. the property of Michael Bottomley, in the dwelling houſe of Luke Dunn.

The Proſecutor called on his recognizance, and not appearing, the Priſoners were

ACQUITTED.

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316. **JOHN SEAS** was indicted for feloniouſly ſtealing, on the 16th day of January laſt, one cloth coat, called a box coat, value 3l. the property of Samuel Hayes, Eſq; privily in his ſtable.

EDWARD JOFF *ſworn.*

On the 16th of January I hung this coat in the ſtable of Mr. Hayes, I was then his coachman, and I went into the houſe to receive my wages, and when I went into the ſtable again, my coat was gone.

Court. Was the ſtable door locked?—It was faſt, but there was a ſmall door that came from the coach-houſe into the ſtable; this was between ten and twelve.

JOHN FINDLEY *ſworn.*

I am a ſaleſman, this priſoner came to my houſe with the coat on his back, on the 16th of January between one and two, and he aſked me to buy it, I aſked the price, he ſaid fourteen ſhillings, I bid him ten ſhillings, the Monday following he came to my houſe with another coat on his back, I detained him: there were hand bills given out about the other coat, and I took it up to the Juſtice's; I am ſure it was the priſoner.

(The coat depoſed to.)

Court to Findley. How came you to buy ſuch a coat as that for ten ſhillings?—Becauſe he told me he bought it of one of his fellow-ſervants, I have not been in buſineſs above three months.

Court. I adviſe you to be careful how you buy things in that way?—My Lord, as ſoon as I received that hand-bill, I carried up the coat.

DAVID LEWIS *ſworn.*

My coal-ſhed is by the ſtable; it rained very hard, and the priſoner aſked me to let him ſit in my coal-ſhed: I could not ſee him take any thing, I am ſure it is the priſoner.

PRISONER's DEFENCE.

I ſaw it lay by the ſide of the wall, and I picked it up, I ſaw nobody thereabouts.

Court to Jury. I think it is very doubtful whether the box coat, or any part of the clothes of the coachman, can be conſidered as any part of the proper furniture of the ſtable; which the Judges have generally held to be neceſſary, ſo as to have the protection of the ſtrict law: now the bridles, ſaddles, horſecloths, boxcloths, &c. are the proper furniture; therefore I think you will be very well juſtified in acquitting the priſoner of that particular penal clauſe, which makes it a capital offence, that is, its being ſtolen privately in the ſtable.

GUILTY.

Of ſtealing, but not privily.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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317. ELIZABETH WARREN was indicted for feloniouſly ſtealing, on the 15th day of January laſt, one muſlin apron, value 3s. one piece of muſlin containing one yard and a quarter, value 6s. two linen frocks, value 3s. one ſilver tea ſpoon, value 1s. 6d. one linen handkerchief, value 1s. one other linen handkerchief, value 6d. and two linen caps, value 1s. the property of James Dunbar.

JAMES DUNBAR *ſworn.*

The priſoner lived ſervant with me about three weeks, ſhe went off on the 25th of January, ſhe left me without any notice; the things mentioned in the indictment were miſſed, at different times, before and after ſhe went, the ſilver tea ſpoon was miſſed the day ſhe went off, on the next day ſhe was taken up and brought to my houſe by a friend of mine, and ſhe confeſſed where the things were pawned.

Did you make her any promiſe of favor if ſhe would confeſs?—Not on my own part; reſpecting the handkerchiefs, which ſhe had taken up in my name, I told her, I ſhould not hurt her for them, but I poſitively told her I would proſecute her for my own; this was before ſhe told me any thing at all about it, and after that ſhe told me where they were, ſhe told me they were at Mr. Parker's the pawnbroker in Wood-ſtreet, he was bound over to appear, but he did not think fit to appear; ſhe told me ſhe had pledged the two child's caps there, one frock, and two handkerchiefs, and a piece of muſlin, and the tea ſpoon we found in her hand, we went to Mr. Parker's, and found all the things there that ſhe had mentioned.

RICHARD FINCH *ſworn.*

I am the conſtable, I have had theſe things ever ſince, I ſaw theſe things at Mr. Parker's, he ſent them to Guildhall.

(The things depoſed to.)

PRISONER's DEFENCE.

I ſhould not have done it, but I fell down, and a woman helped me up, and ſhe aſked me where I was going, and ſhe told me if I would help her with any thing while I was in place, ſhe would take care of me when I was out of place, and I pawned the things, and gave her the money.

GUILTY.

She was humbly recommended to mercy by the Jury and the Proſecutor, being only fourteen years of age.

To be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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318. HANNAH SNOW otherwiſe FRANKLIN was indicted for felonioufly ſtealing, on the 10th day of February, in the dwelling houſe of Martha Sanders, widow, one pair of linen ſheets, value 10s. one linen handkerchief, value 1s. eight guineas, value 8l. 8s. the property of the ſaid Martha, and one promiſory note commonly called a bank note, value 10l. one other bank note, value 10l. the ſaid notes being the property of the ſaid Martha, and the ſeveral ſums of 10l. and 10l. reſpectively due and payable thereon, being then due and unſatiſfied to the ſaid Martha, againſt the form of the ſtatute.

The Witneſſes examined apart at the requeſt of the Priſoner.

MARTHA SANDERS *ſworn.*

Examined by Mr. Keys, Council for the Proſecution.

I live in Mortimer-ſtreet, Cavendiſh-ſquare, the priſoner was my ſervant, ſhe left me the 3d of February, after ſhe had left my ſervice, I miſſed on the 10th of February ſome money and bank notes.

How much money did you miſs ?—Two ten pound bank notes, and eight guineas in money, they were kept in my cheſt in the front parlour, I kept my bank notes in this box, (which I kept in my cheſt,) and in that box I kept my money, I took up the priſoner, I went to Litchfield-ſtreet office.

Court. When was the priſoner taken up? —The 10th of February.

Was there any thing found upon her ? —Nothing at all.

Mr. Garrow, Priſoner's Council. The priſoner left your ſervice on the 3d of February ?—Yes.

You did not not miſs any thing till the 10th ?—No.

Who had been in your ſervice from the 2d to the 10th ?—The ſervant that I have now.

So this was in a cheſt, the key of which you kept ?—Kept it ! No, Sir, it was in my drawers, and the key was left in my drawers, and ſhe went and opened the drawers.

No, do not tell us what ſhe did, you do not know any thing of that ; can you venture to ſwear that from the 3d to the 10th, you never left the key of thoſe drawers in the drawers, in the reach of your preſent ſervant ?—The key was in the drawers.

Court. The key of your cheſt was kept in your drawers ?—Yes.

Where was the key of the drawers kept? —In the drawers, I locked the front parlour, and left the key in the back parlour, till I miſſed the money.

WILLIAM BLACKETER *ſworn.*

Mr. Keys. I believe you was employed on this occaſion, to ſerve a warrant on the priſoner at the bar ?—Yes, Mrs. Sanders came to the office to inform the people that ſhe was robbed, that was the 10th of February, when ſhe mentioned the name of the priſoner, Hannah Snow, I ſaw the priſoner at the office a day or two before.

What was ſhe doing at the office ?—She lodged a complaint againſt a man that lived with her, and ſaid he had robbed her, and I told Mrs Sanders I knew the woman, and I knew where ſhe lived ; I went and took her up, and told her, ſhe had robbed her miſtreſs, ſhe ſaid, ſhe had not, I ſearched her, and found nothing on her, but two or three ſhillings, I ſearched her lodgings and found a guinea and a half there, I found no bank notes there.

Did you find any thing that was claimed by Mrs. Sanders ?—Nothing at all, ſo ſhe told me, that ſhe had ten pounds in her brother's hands, and ſhe would give me that.

Mr. Garrow. What did you ſay to her before ſhe told you that?——I told her, ſhe had better tell where the notes were.

Then do not tell us any thing about it.

Court. Did you know any thing more, except what the priſoner and her brother told you?—No.

Mr. Keys. Did you go back to the proſecutor's houſe with the priſoner?——Yes.

Mr. Garrow. What if he did after this?

HENRY SNOW *ſworn.*

Did you receive any money from the priſoner at the bar?—Yes, a fortnight laſt Tueſday or Wedneſday, I believe, I am not ſure which.

Court. Fix the time as near as you can?——I believe it was laſt Wedneſday ſe'ennight.

Do you know when the young woman was taken up?——It was on the 10th.

Was it before or after that, that you received the money of her?——The Wedneſday before, the money was fifteen guineas.

Where is the money now?——The conſtable has it.

It was given by you, I believe, to the conſtable, in the preſence of the priſoner?——Yes.

Mr. Garrow. My Lord, if this was after what the conſtable has told us, your Lordſhip will not hear it.

When you gave this money to the conſtable, who was by at the time?—My wife and the priſoner were by.

Mr. Keys. The priſoner heard you ſay—

Mr. Garrow. No, no, do not let us hear any thing about what the priſoner heard him ſay.

Court. Let him give an account.

Mr. Keys. Give the Court a full account of what paſſed between the priſoner and you when ſhe gave you the fifteen guineas?—The conſtable came and demanded it of me, the priſoner had given it me before.

At that time, what paſſed between you and her?——She informed me that ſhe was going to be married, and ſhe had got ſome money that ſhe would put in my care, which was fifteen guineas.

Where did ſhe get it, did ſhe tell you?—No.

Did you aſk her whether ſhe had got any more?—No.

What more paſſed between you and her at the time ſhe gave you the money?——There was nothing that I remember.

Nor nothing more paſſed between you and her at any time before ſhe was taken up?——No; ſhe had a relation that died in the country, which had a will lodged in Doctor's Commons, in the firſt place, I went down to ſee her, I went down to Chatham, I believe it is two years and a half ago, and John Franklin had ſome relations that had uſed him very ill; my ſiſter, the priſoner at the bar, was afraid of loſing ſome of her property, and ſhe gave me twenty pounds, four ſhillings, and ſixpence, which I brought away to London, and ſhe had a miſfortune by this ſaid John Franklin, and he was coming up to town to be married to the priſoner, but before that he left ſix guineas in the priſoner's poſſeſſion; that is about two years and a half ago.

Court. How did ſhe come by theſe fifteen guineas?——Here is the will, which is proof.

Mr. Garrow. He means to tell you, that this woman has had a child by Franklin.

DORCAS TUTHILL *ſworn.*

I received that bundle from one Browning, he brought it to me, his ſiſter lodges with me, her name is Straffer.

Mr. Keys. For what purpoſe was it brought to you?

Mr. Garrow. I muſt object to that.

Court You cannot aſk that.

Mr. Keys. I will tell your Lordſhip.

Mr. Garrow. Now the evidence is to be given by Mr. Keys himſelf, to which I object.

Court. Who did you give it to?—I gave it to Suſannah Straffer.

Was that bundle opened in your preſence?—Yes.

What did it contain?——It contained a callico ſheet, and a half of one, and a piece, and this handkerchief, and a waiſtcoat.

Do you know them to be the ſame that you received?—Yes.

Court. You gave that bundle to Suſannah Straffer?—Yes.

How did it come into your hands again?—The conſtable gave it to me, he had it when he was at the juſtice's.

How long after you had given it to Straffer, was it before you ſaw it again?—Immediately, it was never out of my cuſtody.

Are the things that are in it now, the ſame that were in it then?——Yes, I was with it at the juſtice's; it was out of my ſight when the conſtable had it; I ſaw it given to Blacketer.

Blacketer. I have had it from that time to this.

When you gave that to Blacketer it contained the ſame things that it had when Browning gave it to you?—Yes.

Mr. Garrow to Mrs. Tuthill. I believe you have known the priſoner ſome time?—She lodged at my houſe.

There is ſome little money matter to be ſettled between you?—She lent me ſome money about two years ago.

Which is ſtill unpaid?—Yes.

I believe ſhe took the name of Franklin by your advice?—No.

She conſulted you about it?—No.

Mr. Garrow to Snow. Did you know John Franklin?——Yes.

He is dead?—Yes.

Did he make any will?—He did, I have ſeen the probate of it.

Do you know that ſhe received any money, as the produce of the effects of Franklin from any body?——Yes, upwards of forty or fifty pounds.

When did Franklin die?——Two years and a half ago, about September.

Your ſiſter had been in ſervice at that time?——Yes, ſhe was a year at this Mrs. Tuthill's houſe; I expected ſhe had more money than that by her conſiderably.

Court to Snow. How much in fact do you know, of your own knowledge, the priſoner was ever poſſeſſed of?—She had forty pounds and upwards when ſhe came away from Chatham, I know that myſelf, I ſold all the things off myſelf, and I know ſhe received the money; beſides ſhe received intereſt money at the Bank, and there is a houſe let for four guineas a year, and here is her wages ſtill increaſing, which ſhe muſt in the whole have upwards of ſixty pounds.

Court to Proſecutor. How long did this young woman live with you?——Four months?

At what wages?——Seven pounds a year.

Did you pay her her wages?——Yes, I paid her three months, and then a month that ſhe gave me warning.

Court to Snow. This forty pounds that you ſpeak of is two years ago?—Yes.

Perhaps you know the ſpending of that money as well as the taking of it?—I cannot tell what became of it.

Where has ſhe lived from that time to this?—She was a twelvemonth with Mrs. Tuthill, in town all the time.

How long was it after ſhe received the forty pounds, that ſhe came to London?—In the courſe of three or four days, ſhe had then her own private property of twenty pounds, or upwards; ſhe remained at this Mrs. Tuthill's houſe, where I was a lodger, I believe ſhe lodged there near a twelvemonth; I do not ſuppoſe it coſt her one ſhilling a week, I found her every thing myſelf, except bread and lodging, then you may judge; two ſhillings a week at moſt.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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319. ELIZABETH BECKFORD was indicted for feloniouſly ſtealing, on the 19th day of January laſt, one quart pewter pot, value 1s. and one pint pewter pot, value 6d. the property of Thomas Alexander; and MARY POWELL was indicted for feloniouſly receiving, on the ſame day and year, the ſame goods, knowing them to have been ſtolen.

THOMAS ALEXANDER *ſworn.*

On the 19th of January, Elizabeth Briggs, who buys her beer of me, and is one of the witneſſes, came in with Elizabeth Beckford into my tap-room, about ten in the morning, and charged the priſoner Beckford with ſtealing a quart and a pint pot from her houſe, which were my property; the priſoner acknowledged to have taken a pint pot, and offered to leave her apron till ſhe fetched it; ſhe left it and went out, and I afterwards went to ſearch a cellar occupied by the priſoner Powell, and there I found a good deal of pewter, about twelve pounds, melted down; I found no pots.

ELIZABETH BRIGGS *ſworn.*

On the Saturday night, the 18th of January, Elizabeth Beckford came for a lodging to my houſe, a little before ten at night, and we were at ſupper, and had three pints of beer, and ſhe ſat near the table, and there was a quart pot and a pint pot on the table, and the quart pot was gone while I turned my head; the priſoner was gone into the yard; ſhe had agreed for a lodging at my houſe that night, and when ſhe went out I miſſed the quart pot; ſhe returned in half an hour, contrary to my expectations; there were my brother, and a child, and a maid in the room; ſhe took the pint, and went into the yard, and drew ſome water, and carried it up ſtairs. I ſaid nothing to her that night, but the next morning I watched her, and about eight o'clock I ſaw her come down with the pint pot in her hand; I went to the houſe where I had heard her talk of diſpoſing of theſe things.

And had you heard her talk of this?—Yes, they make a common talk of their buſineſs, they never make any ſecret.

And do you harbour ſuch people?—She told me ſhe had come out of gaol, and never intended to do any thing of the kind again; ſhe had been a fine in Tothill-fields; I followed and miſſed of her; I went into Short's Gardens, and ſhe was not there, and ſhe turned down an alley, and I ſtood in the ſtreet till I ſaw her; I ſaw her at the further end of the ſtreet, and when ſhe ſaw me, ſhe ran away, and we took her to the publican's houſe, and we went to that cellar, and there we found this pewter, and this ſkellet, but no pots.

Where do you live?——Cloſe by St. Giles's workhouſe.

You keep a common lodging houſe?—Yes.

Do you know the criminality and danger of the conduct you have deſcribed in yourſelf, in receiving and harbouring in your houſe, people that make a habit of ſtealing?——She never had laid in my houſe before, I have had ſeveral of them taken up in the neighbourhood, ſince I have lived there; I never would encourage ſuch a thing.

Do you know that you are liable to be indicted as an acceſſary, for harbouring and receiving a felon?——We cannot be anſwerable for ſtrangers that we do not know.

No, but you can for people that you do know; now, by your own account, you knew this woman to be a thief before?——Yes.

Only let me warn you, that the very account you have given yourſelf now, if it had been given by another witneſs, would have made you liable to have been convicted as an acceſſary, therefore, take warning.——My Lord, I deteſt them, I will take warning.

Whoſe pots were thoſe you had?—Mr. Alexander's.

——— ——— *ſworn.*

I am ſervant to Mr. Alexander, Mrs. Briggs brought a woman to my maſter, and my maſter ſent me to watch where the woman went to, this was after ſhe had left the apron; I watched her up one ſtreet, and down another ſtreet, till ſhe went into a cellar in Bowl-yard, that was Mary Powell's cellar; I followed her down the cellar, and the *other gentlewoman*, the miſtreſs of the cellar, ſat up in the bed, and ſhe ſaid ſhe believed we were after them, but ſhe thought ſhe had loſt us; they did not ſee me, the door was half ſhut; Powell ſaid, if any body came after her, ſhe would ſay, ſhe only came down there by chance.

Did any converſation paſs about the pots between them?—I heard none; I fetched my maſter.

PRISONER BECKFORD's DEFENCE.

I was at Tothill-fields for a little thing that happend in Covent-garden, I came out that day, I heard my boy was come from ſea, and I came to the Miniſter at St. Giles's to get his regiſter, and I came to this woman's about eight at night for a lodging; ſhe never charged me with any pots; I aſked her for ſomething to carry up a drop of water in, and ſhe gave me this pint pot; I left the pot where I found it, under the bedſide, and the girl aſked me for a drop of water out of it, and they went in and out of the room all night; there were nothing but poor creatures in the room, that were laying there, ſome of them naked; my witneſſes were here on the Saturday; ſhe never ſpoke of the quart pot at the juſtice's, only the pint pot.

Court to Jury. With reſpect to Mary Powell, though her offence, if there were circumſtances to prove it, is by far the moſt aggravated of the two, and this metal, and this priſoner Beckford being found in her cellar, are ſtrong circumſtances that ſhe is concerned in this unlawful buſineſs, yet there is certainly no evidence before us of theſe two pots being found in this cellar.

ELIZABETH BECKFORD,
MARY POWELL, } NOT GUILTY.

Court to Mary Powell. With reſpect to you, I think it right to apprize you of the conſequences of this buſineſs, which you plainly appear to carry on; and however ſmall it may ſeem to you, it is of ſuch a nature in the eye of the law, that if you had been convicted, you would have been tranſported for fourteen years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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320. DAVID BARTLET was indicted for feloniouſly ſtealing, on the 27th day of November laſt, one cotton counterpane, value 5s. one woollen blanket, value 4s. and one bolſter, value 2s. the property of Ann Watſon, the ſame things being in a certain lodging room, in the dwelling houſe of the ſaid Ann, let by contract by her to him, to be uſed with the ſaid lodging, againſt the form of the ſtatute.

ANN WATSON *ſworn.*

I am a ſingle woman, I keep a houſe in Archer-ſtreet, at the top of the Haymarket, and did ſo on the 27th of November laſt; I know the priſoner, he lodged in my houſe in a ready-furniſhed lodging, he had lodged a year and a half in my houſe; I loſt the things mentioned in the indictment, I ſaw them before the magiſtrate.

(The things produced and depoſed to.)

GEORGE WATSON *ſworn.*

I am ſon to the proſecutrix, my wife and me lodged in this room before the priſoner took it; I was preſent when he took it; thoſe things were there then; the priſoner was to pay 3s. 6d. a week, and paid very well till the latter part of the time, and he ſaid when he could pay and get into work he would; I know all theſe things.

Court. Do you know the priſoner?—Yes, I always reckoned him a very honeſt man.

JOHN LIGHTFOOT *ſworn.*

I am ſervant to Mr. Payne, a pawnbroker, in Wardour-ſtreet; the priſoner brought a white cotton counterpane for nine ſhillings, there is a mark of my own making on it; on the 5th of November he brought me a blanket for two ſhillings, and the 27th of November, a bolſter for two ſhillings, I marked them both, I have often ſeen the man.

Court. You have vaſt numbers of people come to your ſhop?—Yes.

Can you ſafely ſwear it was the priſoner that brought theſe things?—That I can ſafely do, I have ſeen him very often; the things have been in poſſeſſion of the proſecutrix for a week paſt; Mrs. Watſon's ſon fetched them from our ſhop.

Watſon. They have been in my cuſtody till laſt night, the ſheriffs porter locked them up laſt night in the room.

JOHN HARPER *ſworn.*

Court. Did Watſon give you any thing to take care of ?—Yes, ſomething of a blanket and a counterpane.

Was there any thing elſe ?—I did not ſee the inſide.

Did you lock it up immediately ?—Yes.

Is that the ſame bundle ?—Yes.

PRISONER's DEFENCE.

I did it through neceſſity.

GUILTY.

Mr. Watſon. I hope you will not paſs a heavy ſentence upon him, he has a wife and three ſmall children.

Jury. My Lord, we wiſh to recommend him too, he appears to have been in diſtreſs.

Court to Priſoner. In conſideration of your diſtreſſed condition, and as the Court are informed that you are in a very bad ſtate of health, and have been ſome time in gaol, the ſentence of the Court is, "That you be privately whipped and diſcharged."

Tried by the firſt Middleſex Jury before Mr. ROSE.

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321. JOHN STEVENS was indicted for feloniouſly ſtealing, on the 27th day of January laſt, one cloth coat, value 20s. and one ſilk waiſtcoat, value 10s. the property of John Law.

The witneſſes examined apart at the requeſt of Mr. Garrow, the priſoner's Council.

JOHN LAW *ſworn.*

On the 27th of January, I loſt a coat and a waiſtcoat, I left the coat in care of Mrs. Underhill, I have ſeen it ſince and the waiſtcoat; I know the priſoner, I ſaw him at his mother's houſe at Stepney.

(*Produced.*)

Mr. Garrow. I believe Mr. Stevens lives at the World's-end ?—Yes.

What World's-end ?—At Stepney.

Does he lodge in the houſe of Mrs. Underhill ?—No, he lodges along with his mother.

Has not Mrs. Underhill an apartment there ?—Yes.

Do you owe the priſoner any money ?—No.

Never did ?—No.

Court. Where do you live ?—About thirty yards from the ſame houſe, I am a ſhipwright.

SARAH UNDERHILL *ſworn.*

I have lived at Stepney ever ſince laſt June, in the houſe where the priſoner lives, this coat and waiſtcoat were left in my charge by Mr. Law, on Chriſtmas day, or the day after; it was a light coloured coat, and a purple ſilk waiſtcoat, and the coat was lined in the fore part with ſilk of another colour; I never miſſed them till the man was taken up, the proſecutor never applied to me for them.

Mr. Garrow. Mrs. Underhill, pray what may you be ?—Why a woman, I believe.

You are no trade ?—No.

You carry on no buſineſs ?—No.

Are you a married woman, or a ſingle woman ?—Married.

Then your huſband perhaps is ſomething elſe beſides a man, what is he ?——A caulker.

What is Mr. Law ?—He is a carpenter, and goes to ſea.

Is not he a ſailor ?—A carpenter.

Are not theſe very fine clothes for a carpenter, very fine things with ſilk linings ?——I do not know, they were given to me to put by.

You are quite ſure as to them ?—Quite ſure.

How lately had you ſeen them before the priſoner was taken up ?——I had not ſeen them a great while before, I put them in the cheſt, not locked, but my door was always locked, and I always found it locked.

You lodge in the houſe of the priſoner's mother ?—Yes.

Some little money matters between yu and them?——No; I was always in the room.

What always ſitting watching this coat and waiſtcoat?—No.

Court. Does your huſband live with you now?—To be ſure, he never lived from me.

Have you two keys?—Only one key between us; I have ſix rooms, I have no ſervant, the priſoner, his mother, ſiſter, and me, live in the houſe, his mother keeps no lodging houſe.

Mr. Garrow. You have by much the largeſt part of this houſe?——I have ſix rooms.

Do you occupy ſix rooms;——Yes, I could not get a licence, becauſe it was reported it was ſuch a bad houſe; it is not a public houſe now.

Was it licenſed before?—Yes, for many years.

But when you and your huſband, people of the firſt morality and virtue, went there, you could not get a licence?——Upon the account of the people that lives in it, the juſtices would not licence it.

WILLIAM ELLEY *ſworn.*

I am headborough of St. Paul's, Shadwell, I apprehended the priſoner, and found a duplicate on him that he ſadly wanted to keep from me, it is a duplicate of a coat and waiſtcoat; I went with the proſecutor to the pawnbroker's, the priſoner ſaid the coat and waiſtcoat were his own, and deſired me to give him the duplicate back again; I ſaw at the pawnbroker's a light coloured coat, with a ſilk lining, or ſomething of that ſort, I believe it was ſilk; the things were produced before Juſtice Green, and the proſecutor ſwore to them.

Mr. Garrow. Where did you apprehend the priſoner?—At his mother's, at his lodgings, where theſe things were taken out.

Why, you are a very ready witneſs, how do you know where they were taken out; why it was only laſt Tueſday you was informed of this?—I do not know what you want me to ſay.

I aſked you a plain queſtion, I only wanted an anſwer to it; you went to the pawnbroker's?——I found the duplicate in the priſoner's purſe.

Yes, and you took the purſe?—Yes.

When you took the purſe out, the man wanted his duplicate back again?—Yes.

He liked it a good deal better in his own hands than in your's?—Yes.

How far is it to the juſtice's?—A mile.

How did you go there?—Upon my legs.

What is Law?—I have ſeen him two or three times this ſeſſion.

WILLIAM HARPER *ſworn.*

I live at Mr. Birne's a pawnbroker, that duplicate is my hand writing, on the 27th of January, the priſoner brought the clothes to me.

Court. Had you ever ſeen the man before that brought them?——Not to my knowledge.

You have a great many people I dare ſay come to you in the courſe of buſineſs?—Yes.

I wiſh you would look at the priſoner, and tell the Jury whether you are ſatisfied that he is the man?—I am quite clear, I have no doubt about it, I ſaw him ſince at the Juſtice's.

(The coat and waiſtcoat produced.)

Mr. Garrow. How many more gentlemen of your deſcription does Mr. Birne retain?—His ſon and a boy.

After you had this coat and waiſtcoat in, what did you do with it?—It was put in the warehouſe, I billed it and booked it.

Will you ſwear you put it into the warehouſe?—I will not.

Then I am right in ſuppoſing that for ought you know you left it on the counter?—Perhaps I might.

Perhaps then it might have been removed by ſomebody in the houſe?—Yes.

The duplicate itſelf contains no deſcription of the coat or waiſtcoat?—It does not.

By what do you affect to identify the priſoner?—When he came I objected to taking them, I thought the coat too fine with a ſilk lining, I aſked him whoſe coat and waiſtcoat it was, he ſaid it was his own, he ſaid, he was a bricklayer by trade, and had been out of work ſome time, and if I doubted it, he would try them on, but they appeared to be his ſize; and I knew him again at the Juſtice's.

My queſtion is, by what do you pretend to ſwear that that is the man that gave you the coat and waiſtcoat?—By his being ſome time in the ſhop, and my ſaying theſe things to him; we have a vaſt number of people.

What ſize is your ſhop?—Rather a large ſhop and a pretty large window.

And ſomething hung up in it that obſcures it a little?—Yes.

Is your ſhop cupboarded off in the old ſtyle?—You mean thoſe places that people come in that do not chuſe to be expoſed.

Yes, how many of thoſe places have you?——Three.

Did the priſoner come into one of thoſe places?—Yes, but there was light enough, I ſuppoſe he was in the ſhop ten minutes.

Do not ſuppoſe, but ſwear ſomething about it, will you ſwear he was there five minutes?—Yes.

Will you ſwear to ten?—No.

You never ſaw the man before in the whole courſe of your life?——Not to my knowledge.

And you firſt ſaw him afterwards at the Juſtice's in the character of a felon, charged with this offence, and were told a duplicate had been found upon him?—I immediately recollected the priſoner.

If you had met that man in Fleet-market on the day you ſaw him at the Juſtice's, ſhould you have known him?—I ſhould have recollected he was one of my cuſtomers.

Court. The moment they applied for theſe things did you immediately fetch this coat and waiſtcoat?——I ſent the boy for them.

Did you at that time recollect that theſe were the things that were pawned by the priſoner?—I did not then immediately.

Mr. Garrow. You do not univerſally give duplicates?—No.

They pay you for them?—Yes.

Do people that pledge things that are ſtolen take duplicates?—Sometimes.

PRISONER's DEFENCE.

Yeſterday was eight weeks, I was coming from Wapping New-ſtairs, and coming through Sun Tavern Fields, about ſeven o'clock acroſs Farmer Cole's Fields, the cow-keeper, there was a man and a woman together, and they had each of them a heavy bundle, they walked forward, and juſt as I got through the poſt, I kicked my foot againſt this bundle, there was a large blanket, a coat and waiſtcoat, and a pair of ſtockings in it, which I brought home with me, my witneſſes did not expect my trial being on.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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322. TIMOTHY HURLEY and THOMAS SCANDLIN were indicted for feloniouſly ſtealing, on the 2d day of February, one iron pot, value 5s. the property of Peter Maſters, Eſq.

TIMOTHY HURLEY, NOT GUILTY.

THOMAS SCANDLIN, GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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323. JAMES BIGNELL was indicted for feloniouſly ſtealing, on the 13th of January laſt, one wicker baſket, value 5s. five quartern loaves of wheaten bread, value 3s. three threepenny loaves, value 9d. and two twopenny loaves, value 4d. the property of Alexander Dawer.

SAMUEL REEVES *ſworn.*

I am a victualler, I keep the King's Arms in Caſtle-ſtreet, Long Acre, on January the 16th, in the morning about eleven o'clock, the priſoner came in my houſe, I never

I never ſaw him before, but I am ſure he is the man, he had in his arms, three quartern loaves, three threepenny, and two twopenny; he called for a penny-worth of purl, and paid for it, and he aſked me if I would be kind enough to take care of that bread, till he fetched his baſket, and I told him I would; in about an hour after, the proſecutor came in, and I heard him ſay to my wife, my man has loſt his baſket and all his bread, ſhe told him a man had left ſome bread there, and he looked at it, and ſaid, it was all his, I ſaw his name on one of the loaves; in the evening the priſoner came again, he ſaid, he came honeſtly by it, a man gave it him; the proſecutor being a conſtable *took him in poſſeſſion.*

Proſecutor. I took the bread, and brought it before a Magiſtrate, and he told me to ſave a loaf, I did ſo, but it all went to pieces in the handkerchief.

Court. At the time you went back to this publican, you examined the loaves?—I did, and they were all my property.

THOMAS DUNCOMB *ſworn.*

I am a baker, and was ſervant to the proſecutor in January laſt, I pitched my baſket in Middle-row, and went to a cuſtomer's, and when I returned it was gone, there were five quartern loaves, three threepenny, and two twopenny; this was a little before eleven o'clock, I ſaw them at night at Mr. Reeves's, my maſter's mark was on the loaves, I found the baſket empty, within ſix doors of Mr. Reeves's, at half paſt eleven.

PRISONER's DEFENCE.

I lodge at the Brown Bear in Grafton-ſtreet, a young man came by my door with a baſket of bread, I aſked him for a place, and he bid me lend him a hand, he pitched his baſket at the top of Grafton-ſtreet, under the cheeſemonger's ſhop; he gave me five quartern, three threepenny, and two twopenny loaves into my arms, and came down Great Earl-ſtreet, and he bad me go into a houſe and leave them, and get a penny-worth of purl, I did ſo, and I went into Covent Garden with him, and came back again, I went to five or ſix houſes, and he ſent me to the Brown Bear again, and he ſaid, he would come to me, I went there, and I thought he would fetch the bread himſelf.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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324. WILLIAM MILLER was indicted for feloniouſly ſtealing, on the 5th day of January laſt, one pair of leather ſhoes, value 2s. one pair of metal buckles, value 6d. one pair of leather boots, value 2s. one pair of leather breeches, value 3s. a ſilver tea ſpoon, value 1s. an iron chain, value 1s. two iron bolts, value 2s. and twelve iron horſe-ſhoes, value 3s. the property of Richard Merrit.

GUILTY.

Whipped from Harley-ſtreet to the corner of Blenheim Mews.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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325. JOHN BAYLIS was indicted for feloniouſly ſtealing, on the 29th of January laſt, three ſilver bridges for ſhoe buckles, value 1s. and half an ounce of ſilver, value 2s. the property of Thomas Lowndes and Edward Lycett.

The Witneſſes examined apart at the requeſt of the Priſoner.

EDWARD LYCETT *ſworn.*

On the 24th of January, me and my partner counted over our ſtock, and we found a conſiderable deficiency in our ſilver ſtock; I believe it was to the amount of forty or fifty pounds, it was in ſilver filing and bridges, it was unwrought ſilver, and I knew it was impoſſible to ſwear to it, unleſs it was marked; I aſked the caſter if he could make an inciſion in the ſand, ſo that the bridges ſhould come out with a particular mark, that we could ſwear to it; on the Wedneſday evening I fetched home 21 bridges marked, and four which we had already in the ſhop, I marked them myſelf with a vice, ſqueezed them in a vice, this was after the men had left work, and I took a board off the ſtairs, that I could look into the ſhop undiſcovered by them; the next morning, I was watching on the ſtairs, I was about three yards from the priſoner, he had worked for me about three months, I had the evening before taken the work down into the kitchen, for the firſt man that came to work, and about half paſt ſix in the morning, I was looking through this place, and I ſaw the priſoner forging down the bridges, in order to make two out of one, I then ſaw him put ſomething into his pocket, and take notice that the other men did not ſee him, and then he began to work again; that furniſhed me with ſuſpicion that he had ſomething more than he ought to have, I ſtopped there till a little after ſeven, and came up into the ſhop, the priſoner ſaid there are not bridges enough for the buckles, and I have forged them down to make them do; I found there were ſix bridges forged in order to make twelve of, and he told me ſo; I examined the buckles that had bridges gone, to know how many bridges there really were in the ſhop, and I found four bridges upon two buckles, and there were two other bridges more forged down but not cut through, and there were eleven others; then I found there were two miſſing out of the twenty-five, I reckoned the bridges in their orginal ſtate, I then counted them over and over myſelf, I wiſhed to ring the men down one by one, when the priſoner came down, he put on his hat and was going ſtrait to the door, I run out of the parlour to him, and ſtopped him at the door, and told him I wanted to ſpeak to him, he ſeemed a good deal confuſed, and told me he was going over to the Horſe-ſhoe, a public-houſe, and ſaid he would come back directly; I brought him from the door to the kitchen, and he came with very much reluctance, I told him we had been robbed, and I was determined to ſearch them all, he ſaid I was in the right of it, he then run up ſtairs, I followed him up eight or nine ſtairs, I caught hold of him by the coat, and inſiſted upon his coming down ſtairs, and he came down with me after ſome heſitation, he attempted to go towards the door, I put my hand into his pocket, and he put his own hand in and pulled out two bridges, and ſix pieces of ſilver bridges, which are of no uſe but to the melting-pot; I then gave charge of him, he ſeemed very deſirous that morning of going out, and I inſiſted on all the men going into the ſhop, after we went to the Juſtices, Baylis went out of the ſhop againſt my deſire, a perſon who lived in the houſe went to Baylis's houſe, and found ſome ſilver, which I could not ſwear to.

What quantity?—I have the quantity with me, I have not weighed it, it may be ſeven or eight ounces.

Mr. Garrow, Council for the Priſoner. It was a part of the buſineſs of the man at the bar to put on the bridges of the buckles?—Certainly, among the reſt.

There were ſeveral other men who worked in the ſame place with him?—Yes.

Now is it by any means unuſual to put them in their pockets?——They have no buſineſs to put them in their pockets.

This man was going to get his breakfaſt?—Yes, he ſaid he was, it was not nine o'clock, he had his coat on, and his hat on, his great coat was in the ſhop.

You cannot ſwear to the ſmall pieces of ſilver?—No.

Did you find any plate at his apartments?—No.

Deſcribe the ſituation in which this peep-hole was, that you watched the priſoner through?—At the top of the ſtairs, there had been a door, there was only a wainſcot that parted the ſhop from the ſtairs, I took down a board.

I ſhould ſuppoſe that the window of the work-ſhop faced the peep-hole?—Yes.

The man was between you and the window?—Yes.

I ſuppoſe the men worked with their faces to the light?—Yes.

Conſequently the men were between you and the window, now I want to know whether you can ſee through a man, that is my ſhort queſtion, becauſe this man was ſtanding with his back to you ?—He did, but not when he put the bridges in his pocket.

When he was forging them down he ſtood with his back to you ?—Yes.

He told you after, that for the purpoſe of multiplying bridges he had forged them down ?—He did.

Then he would be to account for ſo many as he had multiplyed them into ?——Certainly, but no man does account.

You had no reaſon before to doubt of his being an honeſt man ?—No, only my general ſuſpicion of all my ſhop.

You ſaid your defect conſiſted chiefly of filings ?—Of filings and bridges.

JAMES TERRY *ſworn.*

I know nothing more of this matter than making the bridges.

ROBERT MULCASTER *ſworn.*

I ſearched the left-hand breeches pocket of the priſoner, and found nothing but money, I felt his waiſtcoat pockets, and found they were worn out, and could hold nothing, I came to his right-hand breeches pocket, and was going to put my hand in, he puſhed my hand away, ſtop ſays he, and he put his hand into his pocket, and pulled out the ſilver, and gave it into my hands.

How many bridges are there ?—There is two bridges no way deficient, there is another bridge that is hammered and doubled to.

Did he ſay any thing ?—I ſearched him in every other pocket, and Mr. Lycett then ſaid, give them into my charge, and the man ſaid, he did not intend to take them away.

Did you ſearch his lodgings ?—No.

Court. Of what uſe are the other pieces of ſilver ?—Of no uſe but to work.

Proſecutor. The priſoner aſked to ſpeak with me in the parlour and he told me.

Court. Did you ſay any thing to him before he ſpoke to you ?—No. I had given charge of him, and was going up ſtairs.

When you went into the parlour, did you ſpeak to him firſt ?—No, he ſpoke to me, he ſaid it was the firſt time, and he hoped I would have mercy on him, I turned away from him.

Mr. Garrow. I believe you attended afterwards at the Rotation Office in Clerkenwell Green ?—Yes.

Did you tell the juſtice there what had paſſed in the parlour ?—I believe I did; this bridge is one of them that Mr. Terry marked; this is one that I marked. (*The bridge depoſed to*).

Recollect a little, becauſe it is of ſome conſequence to the defendant, whether you told the juſtice what had paſſed in the parlour ?—I cannot be ſure whether I did or not.

Aye, but you muſt endeavour to recollect yourſelf, becauſe you know it is a ſubſequent fact to that ?—I cannot charge my memory whether I did or did not; I mentioned it before Sir Sampſon Wright at Bow-ſtreet.

Did you mention it at Clerkenwell-green ?—If I did not, my partner did.

What he was ſpokeſman ?—Any body was ſpokeſman, we were inſulted in the face of the Court.

Cannot you tell me, yea or no, that you did ſay ſo ?—I cannnot charge my memory.

Will you ſwear you did not ?—No, by no means, nor I cannot ſwear that I did.

In conſequence of the examination that took place at the Rotation Office, this man was diſcharged ?—He was.

And afterwards he was taken up by a new warrant and carried to Bow-ſtreet ?—Yes.

There you told the ſtory of the parlour ?—Yes.

Be ſo good to recollect exactly, and ſtate it in words, what paſſed between him and you in the parlour ?—He ſaid, I wiſh to ſpeak to my maſter; I came down ſtairs, and went with him to the parlour, and he ſaid it is the firſt time, I hope you will have compaſſion or mercy; I turned round from him.

Had not you at that time ſaid, compaſſion! why you have ſtole my plate ?—I need not tell him that.

Had you told him that he had ſtole it ?—No.

Then this expreſſion might mean this, have compaſſion on my character, perhaps he meant that ?—I told the men that we had been robbed to a very conſiderable amount, and that it muſt be ſome men in the ſhop; he did not tell me then that he had any ſilver in his pocket.

The priſoner called three witneſſes, who gave him a very good character.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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326. WILLIAM WADE was indicted for that he, on the 15th day of January laſt, and continually afterwards to the 24th of the ſaid month, at the pariſh of St. John the Evangeliſt, Weſtminſter, having, during all the time aforeſaid there, the cuſtody, care and management of one Conſtance Froſt his apprentice, feloniouſly, wilfully, and of his malice aforethought, did neglect and refuſe to allow and give, or permit and ſuffer to be allowed and given to the ſaid Conſtance, ſufficient food, drink and neceſſaries to ſupport her life, he having her care, cuſtody and management as his apprentice as aforeſaid, and alſo that he the ſaid William on the ſaid 20th day of January, and to the 24th of the ſaid month, feloniouſly, wilfully, and of his malice aforethought, did neglect and refuſe to provide, allow, and give or permit, and ſuffer to be provided, allowed, and given proper wholeſome and convenient lodging for the ſaid Conſtance Froſt, but that he on the night of the ſaid 20th of January, and to the 24th of the ſaid month, feloniouſly, wilfully, and of his malice aforethought, did force and compel the ſaid Conſtance Froſt, to be and remain in a damp and wet cellar belonging to his dwelling houſe, without neceſſary and convenient bed, bedding, cloathing and covering, and without allowing her the ſaid Conſtance, ſufficient food and neceſſaries as aforeſaid; and that ſhe the ſaid Conſtance being ſo compelled by the ſaid William Wade to be and remain in ſuch damp and wet cellar as aforeſaid, on the ſaid 20th of January, became mortally ſick and diſeaſed in her body, and ſhe the ſaid Conſtance, from the ſaid 20th of January to the 24th of the ſaid month, did languiſh, and languiſhing did live, and on the ſaid 24th day of January, ſhe the ſaid Conſtance Froſt, by ſuch neglect and refuſal of the ſaid William Wade, to allow and give her ſufficient maintenance to ſupport her life, and alſo by being forced and compelled by the ſaid William Wade to be and remain in the ſaid damp and wet cellar without proper and neceſſary bed, bedding, cloathing and covering as aforeſaid, did miſerably periſh and die; and that he the ſaid William Wade, feloniouſly, wilfully, and of his malice aforethought, her the ſaid Conſtance Froſt did kill and murder.

The ſaid William Wade was alſo charged on the coroner's inquiſition, with the wilful murder of the ſaid Conſtance Froſt.

THOMAS LAMBERT *ſworn.*

I only attend as an officer of the pariſh. I was bound over by the coroner.

JOHN VAUGHAN *ſworn.*

I am a lodger in the priſoner's houſe.

Court. Did you lodge there in the month of January laſt ?——Yes.

Did you know the priſoner's apprentice girl, Conſtance Froſt ?——Very well.

When did ſhe die ?——On Saturday the 24th of January.

When did you know of her death ?——I knew that morning, I was the perſon that firſt ſaw her.

Where did you ſee her ?—— I ſaw her in the cellar, ſhe had tumbled out of the bed in a fit I imagine.

Do not tell us what you imagine, but deſcribe the ſituation in which you firſt ſaw her ?—When I firſt ſaw her ſhe was on her knees, ſeemingly as if ſhe had tumbled out of bed, with her under petticoat on.

What time of the morning was it?——About ten.

Was ſhe leaning againſt any thing?——Her head might be againſt the wall, for ought I know; ſhe was almoſt upon her face, her head either reſted againſt the wall, or againſt ſomething that was near the wall.

How came you to go into the cellar?—Her miſtreſs deſired me to go down, ſhe had called her, and ſhe did not anſwer, only ſaid, Hah!

Do you know whether Mrs. Wade had been down or not?—I do not know, I rather believe not.

You do not know with certainty?——I do not.

Was the priſoner at home?—No.

When you ſaw her in that poſture, did you ſpeak to her, or go up to her?—I called to her, but ſhe did not anſwer, and I lifted her upon the bed, and put a blanket over her.

In what ſituation did ſhe appear to you to be in when you lifted her upon the bed?—When I lifted her upon the bed, I thought ſhe had been quite dead, but as ſoon as I lifted her up, ſhe fetched a ſigh; I put a blanket over her.

Go on, and relate what you ſaw and what paſſed?——Then I was ſent immediately for a doctor.

Who ſent you?—Mr. Gaunt, the pariſh officer.

How came he there?—He came in juſt at the time, I had not been in I ſuppoſe a minute before he came.

Did you bring a doctor?—I went to the doctor's houſe, and he ſaid he would come immediately, and he did come in a few minutes.

What was his name?——I think his name was Davis; I do not recollect his name.

Where does he live?—In Parliament-ſtreet, I think it is; he came, as I was informed, I do not recollect ſeeing him.

What ſort of a cellar was this?—A brick cellar, the bottom was done with bricks, it is a brick floor.

What doors or windows has it?—One window and a door.

What ſort of a window?—A window fronting the ſtreet.

But what ſort of a window is it?—I believe it is a kind of flap to put down.

Not a glazed window?——No, not a glazed window, it ſhuts down cloſe with a flap.

Have you obſerved it?——Yes, I have obſerved it.

Was the floor of the cellar wet or dry?——It was wet, there was water in the cellar, which came in, I believe, at the ſpring tide.

Where is Mr. Wade's houſe?—In Tufton-ſtreet, Weſtminſter, there was water in the cellar then, and there was water on the far ſide, there was a very little water near the bed.

Was there a bed in the cellar?——There was a bed in the cellar that ſhe laid on.

How long had you lodged in this houſe?—About four or five days, I believe.

Had the deceaſed laid in the cellar during that time?——I believe ſhe did, I do not know perfectly.

Was that bed laid on the floor, or on any bedſtead?——It was laid on two rabbit hutches.

What ſort of things are thoſe, deſcribe them?—They are ſquare things, like packing caſes or boxes.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of FEBRUARY, 1784, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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[PRICE SIX-PENCE.]

THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of William Wade.

How far was it raiſed from the floor?—Between two and three feet.

What bedding was there on the bed?—There were two blankets, and I believe a ſheet or coverlid, it was ſomething white, I believe it was a quilt.

You ſay you put a blanket over her when you laid her on the bed?—I did.

Did you obſerve whether that blanket was wet or dry?—No, I did not at all obſerve that in my fright, I cannot pretend to ſay whether it was wet or dry.

You had been four or five days in this houſe before?—Yes.

Did you obſerve in what manner the priſoner behaved to this girl, or how ſhe was treated in the family?——I never ſaw him treat her ill, the priſoner lodged at my houſe three months before he came to that houſe, and he had the apprentice then; he had left his ſhop that he lived in, and came to my houſe till he got another houſe.

In what manner was the deceaſed treated in the family?—I never obſerved but what ſhe was treated very well, during the time ſhe was at my houſe.

But during the time preceding her death, that you lived in the priſoner's houſe, in what manner was ſhe treated in the family?——I did not ſee any alteration, ſhe ſeemed as uſual.

Speak at once, Sir.—I do not know that ſhe was treated ill at all, ſhe was treated very well for ought I know.

You never obſerved any ill treatment?—I never obſerved any ill treatment; I met her the evening before in the paſſage, in the duſk of the evening, carrying a pail of water, but I do not know that I ſaw her after that evening.

Did you obſerve any thing particular then?—No, nothing particular, ſhe ſeemed to me as uſual.

In what manner was ſhe fed in the family?—That I cannot pretend to ſay.

Did you board in the houſe?—No, I did not, I had a wife and family who lodged there too.

Were you uſually at home at meal times? Yes.

Do you know whether this girl lived with the family, with Wade and his wife, or how ſhe was victualled?——Why with Wade and his wife.

Have you ever ſeen her victualled with them ?——Yes, at the other houſe I have.

During the time ſhe was with Wade this laſt four or five days, I confine myſelf to ?—I do not recollect whether I did or no.

Where you at home at meal times ?——Yes, at home I was, but I had no buſineſs in their apartments.

Did you happen to obſerve them during theſe few days or not ?—I do not recollect I did.

What appearance had this girl for three or four days preceding the time of her death ?——I did not ſee any thing particular the matter with her, ſhe looked freſh and well in the face as ſhe always did.

Did ſhe look reduced in fleſh ?—I did not obſerve ſhe did.

Did ſhe then look freſh and well in the face ?——She did.

Now you ſaw the cellar, and the bed and bedding, as you have deſcribed it to us, from the appearance of it to you, taking all together, the cellar, the bed and bedding, did it ſeem to you as a fit place for any body to ſleep in ?—The bed was fit enough, but I do not ſay the cellar was a fit place for any body to ſleep in, becauſe of the water coming in.

Did you ever hear the deceaſed complain of any ill treatment, or of any want of neceſſaries ?—No, never.

Mr. Sylveſter, Priſoner's Council. This bed where ſhe lay was three feet from the floor ?—Yes.

If I underſtand right, this is a brick floor, and uneven ?——I do not think it is even.

Were theſe hutches where the floor was dry ?——I do not know, but there was not much water there.

Was that the drieſt part of the cellar ?—Of the cellar it was.

And this girl had never complained ?—No.

After the officers had been there, you, I believe, told the priſoner that you had heard them ſay, that he would be taken up for it, what did he ſay ?——I told him of it.

Did he go off ?—He went off about his buſineſs, but he ſaid he ſhould not run away, for he had done nothing.

Did you ſee the body afterwards ?——Yes.

Was there any marks of violence?

Court. There are no marks of violence charged in this indictment at all, the marks of violence are wholly out of the queſtion; it is charged in the indictment, that intending to ſtarve and kill the deceaſed, the priſoner did feloniouſly, and ſo on, neglect and refuſe to allow and give, or permit and ſuffer to be allowed and given, to the ſaid Conſtance, ſufficient food, drink, and neceſſaries, to ſupport her life; and did alſo neglect to provide and furniſh, or permit and ſuffer to be provided and furniſhed, proper and wholeſome lodging for the ſaid Conſtance, but did force and compel her to be and remain in a damp and wet cellar, belonging to his ſaid dwelling houſe, without proper and neceſſary bed and bedding, by means of which ſhe languiſhed and died.

Mr. Sylveſter. Had ſhe at all the appearance of a perſon being ſtarved ?——Not in the leaſt in her face.

Now, as to the bed, there was ſufficient bed and bedding ?—There was for any perſon to lay in.

The evening before, you ſaw her with a pail of water ?——Yes, in the duſk of the evening, I met her in the paſſage.

Did you obſerve any weakneſs then, particularly ?—No, I did not obſerve any thing, ſhe was about her work as uſual.

Jury. As you had a family in the houſe, what part of the houſe had you ?——The one pair of ſtairs only.

No part of the kitchen ?—No, I had nothing to do with it.

Court. What family had Wade ?——A wife and two children.

Had he any lodgers but you ?—Yes, a man and his wife lodged in the garret.

What rooms did the houſe conſiſt of ?—Only one room on each floor, two ſtories high; the ground floor conſiſted of the kitchen, then the parlour, then the one pair of ſtairs, then the two pair of ſtairs; the one pair of ſtairs conſiſted of one room and a cloſet.

Where did Wade and his family ſleep?—In the parlour.

Who ſlept in the two pair of ſtairs?—The other lodgers, a man and his wife, that was the garret.

Mr. Sylveſter. You mean by the ground floor, the bottom floor where the girl lay?—Yes.

The next floor is where Wade and his wife lay?—Yes.

Court. Is not the kitchen and the parlour level with the ſtreet?—The kitchen is not level with the ſtreet, the parlour is level with the ſtreet, it is under that.

Where is the cellar?—It is the ſame.

Do they cook their victuals in the cellar?—They do not cook their victuals there, it is a cellar or kitchen.

What was there on the ground floor?—That cellar was on the ground floor.

Is not it under ground?—Yes.

Then why do you ſay it is upon the ground?——There muſt be ground below it.

Do you think that a proper anſwer to give in a Court of Juſtice; do not you underſtand that that floor which is level with the ground, is called the ground floor, and that which is under ground is called the under ground floor.—The parlour is what I call the ground floor.

Did Wade and his wife lay, and cook their victuals in the parlour?—Yes.

JOHN GAUNT *ſworn.*

I am the ordinary overſeer of the pariſh of St. Margaret's and St. John's, they are united pariſhes.

Court. Do you know any fact that has any connection with the ſubject of this charge, previous to the Saturday morning when you went to the houſe of Mr. Wade?——On the Thurſday before, which is the 22d of January I was at the workhouſe board, which we have in the pariſh every Thurſday, and William Wade came to the board with a complaint, that Conſtance Froſt had ſpoiled two beds, and requeſted we would take the girl back, and exchange her for another; the board thought it rather an extraordinary requeſt as well as myſelf, and they deſired me to call and ſee the girl, in conſequence of which, I called on the Saturday morning following.

Was Wade himſelf at home?——No.

Who did you ſee when you came there?——Mrs. Wade; I went, as it is a cuſtom with me, generally of a Saturday, to go amongſt the poor of the pariſh; accordingly, I appointed that morning to call, as the board deſired me to call any morning between that and the Thurſday following to report it; I knocked at the door, and Mrs. Wade came to the door; I aſked if Mr. Wade was at home; ſhe replied, no; ſays I, have not you a girl of the name of Conſtance Froſt, your apprentice; yes, ſhe ſaid; ſays I, can I ſee her, where is ſhe; in the cellar ſays ſhe; ſays I, will you be ſo good to call her up and let me ſee her; yes, ſays ſhe, but I believe ſhe is not well.

Court. The priſoner not being at home, we cannot take what his wife ſaid as evidence; but in conſequence of this converſation, did you go down into the cellar?—I did.

Who did you find there?—Before I got down to the bottom of the cellar, I ſaw a perſon, which was Vaughan, with a candle in his hand, looking at the girl.

In what ſituation was the girl at that time?—She was upon theſe rabbet hutches, I believe, but I am not ſure.

What ſort of things are the rabbet hutches?——I do not exactly know, they have been two old package boxes, or ſomething of that kind; when I got down to the bottom of the ſtairs, Mr. Vaughan ſaid, I believe the girl is dead; then I went to the bottom of the ſtairs, and I looked at her, ſays I, Good God! ſurely not; I ſuppoſe he and I ſtood about a minute, he with the candle in his hand, and the girl fetched a ſigh; I ſaid to Mr. Vaughan, go up ſtairs, and go for a doctor immediately; I wrote a note to Mr. Churchill, who is our apothecary, "Mr. Churchill, pleaſe to ſend Mr. "Jones, to No. 20, Tufton-ſtreet, immediately,

« mediately, for there is a child dying." I went out of the houſe to ſee for Wade, I ſent Vaughan off as I could, and aſked Mrs. Wade where Wade was, if I could ſee him; ſhe told me he was then in Tothill-ſtreet, baking his gingerbread; I called and aſked if there was no woman to be got to take this girl up ſtairs; I deſired her to take a dry blanket off the bed that was in the parlour, and carry it down ſtairs.

What convenience was there for the girl to lay on?—I believe there was a bed and two blankets; theſe blankets were very damp and wet, I apprehend either from the girl herſelf, or from laying ſome part of them on the ground.

Were they all damp and wet?—I felt the part that was juſt by the bedſide, and that I ſuppoſe had got wet from the ground.

Did you obſerve whether there was any ſheet or coverlid, or any thing of that ſort?—Upon my word, I did not.

Did any phyſical man come?—This was all in I ſuppoſe two minutes; I aſked, have you got no lodger to aſſiſt to get the girl up ſtairs to bed, that was in the floor they ſlept in, I called out, and at laſt a woman came down, and I told her to get ſome aſſiſtance and get the girl up ſtairs, which ſhe did, in the mean time I went to ſee for Wade where I heard he was baking, I came there, he was not in the place, I ran immediately to the churchwarden, and deſired him to come and look at the girl, before I returned they had got the girl up.

The girl did not recover?—No; before I returned Mr. Jones had been there, and ſhe was dead.

When did you firſt ſee Wade?—He came home in the mean time, when I came back with the churchwarden, there was an inquiſition called, and he remained at home, he was taken up in the evening.

Did you obſerve the cellar in which this girl lay?—I did.

From the obſervation that you made of it, and your own view of it, and the ſituation in which you found it, did it appear a proper place for any body to lay in?—I did not think ſo.

Mr. Peate, another of Priſoner's Council. You found no obſtruction in going down?—No.

Not in the leaſt?—No.

Did you take any obſervation of the bed?—The bed ſeemed very wet.

Was it a tolerable one of the kind?——Had it been in a proper place I preſume the bed was pretty well for an apprentice.

Wade remained at home all day?—I do not know, he was found at home.

Had you received any complaint from the child in any part of the time of her having been with the priſoner?——No, Sir.

Not at any time?——No.

How long had ſhe been diſpoſed of by the pariſh to the priſoner?——From the 20th of June.

Are her parents alive?——I do not know.

You never received any complaint from her, or from any perſon on her behalf?—No.

THOMAS CHILD *ſworn.*

Do you know any thing reſpecting this matter?—I have ſeen this child crying very much in the back yard, and Mr. Wade has been with her in the yard at the ſame time, and at different times.

What did ſhe cry for?—I do not know.

Did you hear any complaint of want, or proper neceſſaries?—No, I have heard him tell her in this bitter ſevere weather, when he has been in the yard with her, that ſhe ſhould not come to the fire all the day.

You have heard Wade ſay ſo?—Yes, I have.

What during all that ſevere weather?—Yes.

Mr. Sylveſter. You lodge in the garret?—Yes.

You did not board with the family?—No.

How long did you lodge in the houſe?—Between five and ſix days I believe.

How long has Wade been there?——About three weeks or a month.

During the time that he was there, did you ever obſerve at meal times, whether the apprentice dined with the family, or how ſhe was victualled ?—No, I generally went out about my buſineſs in the morning.

SARAH MATHEWS *ſworn*.

I went to the chandler's ſhop, and a woman came in, and aſked for ſomebody to help her to move the child, and I went in, and ſhe lighted a candle, and I ſaid what is that for, and ſhe lifted up the things, and the child lay dead, with her head back, and her eyes open, and her mouth open. I immediately went up to Mrs. Wade, and told her I thought ſhe was a brute, to put any creature there, I thought it was not a fit place for any body to lay in.

Court to Vaughan. How long had the poor child laid in the cellar ?—I do not know how many days, three or four days, not above four or five nights.

Jury. The Jury wiſh to know, as ſhe had laid but a few nights in the cellar, where ſhe had laid before ?—I was told ſhe lay in the room I had before.

Who were you told ſo by ?—By Wade.

How long had you been in the lodging ? —About four or five days.

CAROLINE DRAKE *ſworn*.

What do you know of this matter ?—I live next door to the priſoner, I keep a ſhop there.

Did you know the deceaſed ?—By frequent coming in and out of errands to my ſhop, ſhe has more than once or twice aſked me for bread.

How long before ſhe died ?——Within the ſpace of two or three days, as near as I can remember.

What reaſon did ſhe give you for aſking for bread ?—She ſaid, ſhe was hungry.

How did ſhe look ?—She looked rather bloated in the face, freſh, but ſo very dirty that it was almoſt impoſſible to gueſs how ſhe looked.

Did you ſee her the day before ſhe died ? —I did, ſhe was in my ſhop two or three times before, and I obſerved of her that ſhe ſhook very much, particularly her head, as if ſhe had a palſy, which I thought proceeded from the violence of the cold weather.

Did ſhe make any complaint on that day of hunger or of cold ?—Not to my knowledge, ſhe did not complain to me, Mr. Wade had alledged ſo many complaints againſt the girl to me, that I ſpoke rather harſh to the girl, when ſhe complained to me.

Mr. Sylveſter. I believe you once adviſed him to beat her.

Court. Surely that is not evidence, I have not queſtioned her as to the particular of what the girl ſaid, for if ſhe had given any account, or any relation to her of any thing done by her maſter, being at a time when ſhe was in no apparent apprehenſion of death or danger of life, I ſhould not think it admiſſible evidence, but I take the general fact that ſhe complained of hunger, without relating from whence that proceeded, and the general fact of her maſter complaining againſt her to be evidence, but not the particular converſation from which that proceeded.

Mr. Sylveſter. What was his conduct towards the girl ?——As to that I do not know, I never trouble my head with the neighbours, he had not been there above three weeks or a month, I do not know of my own knowledge, he told me he never ſtruck her.

DIANA CROOK *ſworn*.

I live in Tufton-ſtreet, I remember when this girl of Mrs. Wade's died, it was on a Saturday.

Court. Do you remember ſeeing her during that week or at any time for a few days, before her death ?——I do not know that I had ſeen her for a week or ſuch a time before ſhe died.

Court. Then I do not think any evidence ſhe can give can be admiſſible ; do you happen to know of your own knowledge in what manner this girl was treated by her maſter ?—All that I know about it, my Lord, is this, ſhe came to me one day for two pounds of potatoes, between two and three o'clock in the afternoon, after I had ſerved her, I was dreſſing victuals, and ſhe aſked me for a bit of bread, and ſhe ſaid——

Court. No, do not tell us what ſhe ſaid. —She eat the bread.

Did you obſerve any thing particular ? —Nothing particular.

Did ſhe ever aſk you for bread more then once ?—No, my Lord, that was a week or nine days before ſhe died.

Did ſhe complain of hunger ?——— Yes.

MARY CHILD *ſworn*.

I lodge in the houſe.

Did you frequently ſee the deceaſed, the apprentice girl ?—I ſaw her once a day, I was out at work all the week, I ſaw her catching water on Friday night about ſix o'clock, there is a cock at the ſtreet door, and ſhe had a pail under it, I aſked her if the water was coming in, and ſhe told me it was coming in, and ſhe had filled every thing in the yard, I then went in and aſked Mrs. Smith to give me a light, and ſhe came in after me, and the child came in and ſhook vaſtly, I thought it was the coldneſs of the weather, with ſtanding ſo long at the water cock.

Was Wade himſelf at home ?—No, he was not, ſhe appeared not well, ſhe ſhook as though ſhe had the ague, I ſays to Mrs. Wade, ſays I, Madam, you ought to get her ſomething hot, ſhe ſaid, ſhe would, but whether ſhe did or not, I do not know, I ſaw no more that night, on the Saturday morning, there was a little girl came up to me, I was tired, and was in bed rather late, it was Mr. Vaughan's little girl, but I did know her, and ſhe ſaid there was a gentleman wanted me, I went down, and it was Mr. Gaunt, he aſked me whether I lived in the houſe, and I told him, yes, and he deſired me to do what I could for the child, for the child was very ill in the cellar; I went down, and he left two ſhillings, to get ſomething hot to comfort her, the girl was not dead, ſhe fetched breath, but her jaw fell as I ſtroked her, and her eyes flew open, I was ſo ſhocked I went to the chandler's ſhop, and got Mrs. Matthews to come and help me out of the cellar with the girl; ſhe died immediately as I ſtroked her face with my hand, ſhe juſt gave a gaſp.

Did you obſerve what ſort of a place this was that ſhe lay in ?—I thought it was not a place fit for a Chriſtian to lay in, it was a very cold damp place with water in it.

Mr. Sylveſter. You came up almoſt immediately from the cellar ?—Yes, directly.

WILLIAM ROLLS *ſworn*.

I live in Maſham-ſtreet, No. 15, I know the deceaſed the beſt part of the month of December.

Did you know her in the month of January ?—No, Sir, I ſaw her the Sunday before ſhe loſt her life in Vine-ſtreet, all the particulars I know of her was in the month of December, ſhe uſed to come three or four times a day to fetch water.

Did you obſerve any thing particular about her, when ſhe did come ?—I thought every time ſhe came ſhe looked more miſerable, and more like an object of pity.

On what account did ſhe appear ſo ?——— She was without ſhoes and ſtockings to her feet as you may call them, for there was neither ſole to her ſhoe or foot to her ſtocking, I took notice of her one day particularly, I ſays to her, little girl, what makes you go in that way ? one day ſhe came in for a kettle of water, about three in the afternoon, the later end of December, I thought ſhe had put the kettle into the hot liquor, and I told her not to do that, ſhe ſaid to me as this———

Do not tell us what ſhe ſaid, only what ſhe did ;—She put her hands into the hot liquor.

Did ſhe appear very cold ?—Vaſtly cold, and all her clothes were worn off her back almoſt, and appeared to be very cold, and very dirty and naſty, ſhe almoſt put her head into the water.

Did ſhe complain of cold ?—Yes.

Did ſhe complain of any thing elſe but cold ?—No, Sir, no more than that.

Mr. Sylveſter. It was pretty cold weather in December ?—Yes, it was almoſt the latter end.

You was not very hot I take it ?—No, Sir.

Court. Did ſhe complain of any thing elſe but cold ?——Yes, of hunger.

Mr. Peate. Was it a froſt that day ?—I cannot tell, it was very cold.

ANN CHILD *ſworn.*

Did you know the deceaſed ?—I have ſeen her.

Did you ſee her before her death ?—Not for above a week.

When you did ſee her did you obſerve any thing particular about her ?——I ſell greens, and ſhe came for ſome potatoes, and we were at dinner, and ſhe aſked me for a bit of victuals.

Did ſhe complain of any thing ?——No, ſhe did not, I did not aſk her any queſtions.

How often did ſhe aſk you for victuals ? About three times.

How long before her death might that be ?—About a fortnight or three weeks.

ARCHDALE HARRIS *ſworn.*

I am a ſurgeon.

Court. Were you called on in February to view the body of the child, and when ?—On the Saturday in the afternoon, the officers of the pariſh with ſome other gentlemen called upon me to deſire me to go and view the body of the deceaſed, I did ſo.

Did you take ſufficient notice to form a competent judgment of the probable cauſe of her death ?—My Lord, the body looked ſo well that I could ſee no reaſon to ſuſpect any thing.

That is to ſuſpect any violence you mean ?—Yes.

What was the general ſtate of the body ?—It ſeemed to be in a very good ſtate : what you may ſay died in a healthy ſtate.

Was it much emaciated ?——Not at all.

As much in fleſh as might reaſonably be expected ?——Yes.

Did you open the body at all ?——No, there was not the leaſt reaſon for it, neither do I apprehend I ſhould have got any additional information from opening it, it did not appear ſo to me.

What appeared to you then from the inſpection of the body, to have been the probable cauſe of her death ?——I cannot ſay; if I had not heard of the circumſtances, I ſhould have thought ſhe died a natural death, from the inſpection of the body alone.

Did it ever happen to you to examine the body of any perſon who died from the ſeverity of the weather at any time ?—Yes.

Is that kind of death attended with any particular appearances ?—Very often upon the extremities.

What are thoſe appearances ?—Very often a tendency of mortification in the extremities, frequently of the feet and the legs.

Do you apprehend that tendency of mortification to be always viſible, where the death has ariſen from that cauſe ?——I think ſo where it has ſeized on the extremities.

Now was any ſuch appearance viſible on the body of this girl ?—No ſuch appearance.

You have been in Court all the time? ——Yes.

You have heard the evidence of all the other witneſſes, with reſpect to the place where this girl lay ?——I ſaw the place.

I wiſh you to deſcribe the place ?——It was a very bad place certainly, a damp cellar.

From the appearance of that place, joined with the account you have heard of it from the other witneſſes, do you think it likely that the laying in that place for four or five nights during the late ſevere weather, and preceeding the 23d of January, conſiſtent with the appearance of the body, could be the cauſe of the death of the deceaſed ?——There was no ſign of it, therefore I cannot upon my oath ſay that it was the cauſe.

Therefore I find you rather conceive that if the death of the deceaſed had proceeded from the damp and cold of that cellar, that it would have been likely to have produced ſome appearances that would have led to that ſuſpicion ?—I ſhould think ſo my Lord, I ſhould have expected ſome appearances.

As a profeſſional man, I would aſk you, if you think that the death ariſe from the immediate effect of the cold and damp ?——I ſhould have expected to have ſeen ſome marks of it upon her extremities.

Now if a death is occaſioned, and ariſes from any diſeaſe brought on by a damp and unwholeſome place, will not that diſeaſe generally manifeſt itſelf for ſome time before the death ?—I ſhould think ſhe would have had ſome apparent complaints before the death ; I will explain myſelf a little more fully ; it ſeems to me that where the cauſe of the death is the immediate effect of damp and cold, and it is a violent death by the ſeverity of the weather, it is uſually attended with ſuch appearances as I have ſpoken of ; but when the diſeaſe ariſes from the cold and damp, I ſhould have expected it for ſome days preceding the death.

Mr. Sylveſter. If the death of the party is occaſioned by any ſudden fit, is it ever unattended with diſtortion of features ?—Sudden death is frequently without diſtortion, in regard to convulſions it very often leaves a ſettlement in ſome parts of it.

You did not open any part ?—I did not perceive any purpoſe it would have anſwered, I do not apprehend it would have anſwered any ; I did not think there was any cauſe at all that required it by the appearance of the body.

Court to Vaughan. I think you ſaid that the deceaſed had on an under petticoat ?—Yes.

Did you obſerve where the reſt of the clothes were ?—I ſaw her gown hanging up juſt by.

Mr. Sylveſter to Mr. Harris. Did not you obſerve the bed was wet within ſide ?—Yes, in ſeveral places, it looked as if it had been wetted by a perſon's laying on it, it was in a circular manner in ſeveral places.

Court to Vaughan. How far was ſhe from the bed when you found her that morning ?—Tumbled down cloſe to the feet of the bed, her head was the other way.

Court. It does not appear to me in this caſe, that there is ſufficient evidence that this was the cauſe of her death.

Mr. Sylveſter. My Lord, unleſs there is, it is no matter for the jury to judge upon.

Court to Jury. Gentlemen of the Jury, I do not wiſh to take up your time more than is neceſſary for the due and proper adminiſtration of juſtice on the one hand and on the other ; I will therefore ſtate to you now, how far this ſtrikes me upon the evidence, and if you after that entertain any doubt in your minds, I will hear the priſoner's defence, and his witneſſes, if he has any : the charge againſt the priſoner, is that of occaſioning the death of the deceaſed by two means ſpecified in the indictment, the firſt by refuſing her the neceſſary aſſiſtance for the ſupport of her life, and the ſecond by neglecting to provide her with other proper accommodations, and forcing her to lay in a damp, wet, and unwholeſome cellar, without proper and neceſſary bed, bedding, clothing and covering, which together are ſtated to be the cauſe of her death : Now, in point of law, I think the charge againſt the priſoner, though it contains no charge of actual perſonal violence, might clearly be ſupported by evidence that came up to the charge ; and I think it right for the ſake of the public, and the numerous perſons that are attending here, to declare very fully and clearly that opinion ; for if a perſon intruſted with the care of a young perſon, or any other, does by the refuſal either of neceſſary aſſiſtance, or by any other ſeverity, though not of a nature to produce immediate death, or by the putting them in ſuch a ſituation as may be dangerous to their life and health, actually and clearly occaſion the death of that party, I think in point of law it is murder ; and I think further, that it is a murder of a worſe kind, than many of thoſe that are attended with greater perſonal violence, for this reaſon, that there is greater time in ſuch a caſe, for deliberation and reflection, and it is never in a ſituation to be reduced to manſlaughter, becauſe it never can ariſe from any miſconduct that can mitigate it : that being the nature of the charge and the law, it is for you to conſider how far that is ſupported in point of evidence, for in proportion to the malignity of the charge, ought to be the clearneſs of the evidence by which it is ſupported: now though I think it right to ſay for the ſame reaſon that I have declared my former opinion, that the conduct of the priſoner at the bar has been extremely reprehenſible, and in my opinion highly criminal, in placing this unfortunate girl in ſuch a ſituation, which certainly might have been the cauſe of her death; yet it is neceſſary in an indictment of this kind, in which the conſequences are ſo extremely penal, not to throw it upon Courts and Juries, to preſume away the life of the priſoner, but that the fact ſhould be proved: and the firſt fact indiſpenſably neceſſary to be proved is, that the fact imputed to the priſoner was the cauſe of the death of the party; that is the very foundation, for unleſs it is clearly proved that the fact, either of omiſſion or commiſſion was the actual, efficient and immediate cauſe of the death, it is to no purpoſe to enquire into the circumſtances of it; and I ſhall, in the preſent ſtate of the evidence, obſerve only, that though this conduct has been highly reprehenſible, yet you ought, and certainly will diveſt your minds wholly of all prejudice, ariſing from your diſapprobation of the priſoner's conduct, becauſe you are to try coolly the evidence of the fact, and not to be ſatisfied with ſlighter evidence of that which is indiſpenſably in point of law neceſſary to be proved; although the priſoner has conducted himſelf criminally, in a leſs degree, or although fortunately perhaps for him, that criminal conduct is not clearly proved to be the cauſe of the death: and you have the opinion of Mr. Harris, who is ſent for, a man of character in his profeſſion, ſelected by the pariſh officers, who in this caſe ſeem to have acted with great attention and propriety, for the purpoſe of making ſuch an inſpection as ſhould enable him to form an opinion of the cauſe of the death of the deceaſed. Now the two circumſtances imputed to the priſoner, are ſtarving her, and compelling her to be in a wet and damp place, coupled with the ſeverity of the weather; and as to the firſt of theſe, the evidence of Mr. Harris ſeems to put it out of all doubt; for whatever complaints the girl may from time to time have made of hunger (and it is not unlikely that ſhe may have been hungry), ſhe was not ſtarved to death, and I think the ſtate of her body, which he has told you, ſeems to exclude all poſſibility of that: therefore there is a clearing away of one of the cauſes aſſigned in this indictment for the death: the next is, that her death was occaſioned by the place where ſhe lay; and upon that alſo you have the opinion of Mr. Harris; now there are but two ways in which the damp and cold of a place of this kind, can occaſion the death of a perſon; the one is by the unwholſomeneſs of that damp and cold producing ſome diſeaſe in the party, which in its event may be mortal, in which caſe the damp and unwholſomeneſs is the primary cauſe, and the diſeaſe produced by it, is the immediate and efficient cauſe of the death; the other way is, where the damp and cold operates ſo much on the party, and produces a chillneſs and a numbneſs, attended with a ſubſequent mortification; and Mr. Harris ſays it would have produced thoſe appearances which uſually attend a violent death of that kind, namely the appearances of a tendency to a mortification viſible at the extremities: now although the priſoner's conduct not being the cauſe of the death, may rather be conſidered as good fortune, than innocence, yet there were no ſuch appearances on the body; therefore it is Mr. Harris's opinion, that there was nothing on the body that would warrant him to pronounce, that the damp and cold were the immediate cauſe of the death; if indeed, the damp and cold were the primary cauſe, and brought on diſeaſes, ſuch as a fever, an ague, or other diſeaſes, there would then be a viſible diſeaſe for ſome time preceding the death of the party; now there is no ſuch evidence of any viſible diſeaſe, except the circumſtance of the girl ſhivering with cold, which is a very likely fact, if there had not been thoſe extraordinary circumſtances of miſconduct; but there is no evidence before us of the actual exiſtence of any ſuch preceding diſeaſe: thus it ſtands on the evidence of Mr. Harris; but there is a circumſtance which ſtruck me at the time of the firſt examination of Vaughan, and which induced me to call him again, which was the circumſtance of the ſituation in which the deceaſed was found; ſhe was found upon her knees, and almoſt on her face leaning againſt the wall, as if ſhe had fallen forward with her under petticoat on; I therefore called Mr. Vaughan, to aſk him where the reſt of her clothes were, and he ſtated that he did not recollect all, but he recollected that her gown was hanging up: now that ſeems to me to be a ſtrong circumſtance, for if ſhe had periſhed either through the cold, or diſeaſe attended by the damp, ſhe would moſt probably have periſhed in her bed; the effects of cold are to benumb, and if ſhe had ſtrength and exertion to get out of her bed and put on her clothes, that exertion would have been ſufficient to have prevented her death from cold; but it ſeems ſhe had got out of her bed and was proceeding to dreſs herſelf, and in that ſtate ſhe had fallen forwards: from the circumſtance too of her being not quite dead, coupled with the time of the morning, it appears very probable that ſhe could not have been very long in the ſituation in which ſhe was found; it was then ten in the morning, therefore to be ſure, the probability appears that this girl had been getting up in the morning, and beginning to dreſs herſelf; ſo that upon the whole, there does not appear to me to be any evidence before you, to warrant you upon your oaths to pronounce that which you muſt pronounce before you can go to the other facts; which is, that the facts imputed to the priſoner in this indictment were the cauſe of the death; if you have any doubt, and do not think the evidence you have heard ſufficient to remove it, I will call on the priſoner for his defence.

Jury. There is no occaſion my Lord.

NOT GUILTY.

Court to Priſoner. William Wade: You have in this caſe had the good fortune, that your ill conduct, as I muſt call it, with reſpect to this unfortunate girl, has either not in fact been the cauſe of her death, or that there has not been ſufficient evidence to prove it to be ſo; the effect is the ſame as to your acquittal here, for of that, of which there is no evidence, and of that which does not exiſt, the Court muſt form the ſame judgment; but it is my duty to repeat to you, what I have before ſtated to the Gentlemen of the Jury: that placing this young woman to ſleep in that cellar, with but ſcanty proviſion in ſuch a place where it was not fit for any perſon to ſleep, and in ſuch ſevere weather, was a conduct of great cruelty and criminality, and extremely likely to produce the death of this young woman, whether it actually did ſo or not: and therefore the feelings of your own mind on this occaſion ſhould not be thoſe of a man acquitted from a full perſuaſion of the innocence and rectitude of his conduct, but of a man acquitted for want of ſufficient evidence againſt him: I thought it proper to ſay thus much to you, and I hope it will make a proper impreſſion on the future conduct of your life.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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327. SARAH JONES was indicted for feloniouſly ſtealing, on the 21ſt day of January laſt, one ſilk purſe, value 2s. and four ſhillings in monies numbered, the property of John Stansfield.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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328. ANTHONY CAIRNS was indicted for feloniouſly ſtealing, on the 22d day of January laſt, one iron half hundred

weight, value 5s. the property of Robert Sinclair.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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329. WILLIAM BUTLER was indicted for feloniouſly ſtealing, on the 20th day of December laſt, one pair of linen ſheets, value 5s. the property of Thomas Powell, the ſame being in a lodging room let by the ſaid Thomas to the ſaid William, to be uſed by him, the ſaid William, with the lodging room aforeſaid, againſt the ſtatute.

The proſecutor depoſing that the ſheets were at this apartment a long while after the priſoner left it, he was acquitted; this indictment being for robbing his lodgings.

NOT GUILTY.

Tried by the Firſt Middleſex Jury before Mr. RECORDER.

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330. JOHN NURSE was indicted for feloniouſly ſtealing, on the 17th day of January laſt, fourteen pounds of butter, value 6s. the property of Thomas Jeffries.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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331. ROBERT MITCHELL was indicted for feloniouſly ſtealing, on the 20th day of February, two hand ſaws, value 10s. one plane, value 2s. two hammers, value 2s. one trowel, value 6d. two chiſſels, value 1s. one iron ſcrew driver, value 6d. and four pounds weight of iron nails, value 6d. the property of John Jameſon.

John Jameſon and John Jones were called on their recognizances, and not appearing the priſoner was

ACQUITTED.

332. SUSANNAH BIRNE was indicted for feloniouſly ſtealing, on the 17th of January laſt, two linen ſheets, value 4s. two pillows, value 18d. and one flat iron, value 6d. the property of Grace Norris; the ſame being in a certain lodging room, let by the ſaid Grace, to the ſaid Suſannah, to be uſed by her as a lodging room, againſt the form of the ſtatute.

GRACE NORRIS *ſworn.*

The priſoner lodged with me about eleven weeke, ſhe left my lodging ſix weeks next Wedneſday, I gave her warning, and after ſhe was gone, I miſſed the things mentioned in the indictment, I never ſaw them while ſhe had the room, but I ſaw them when ſhe took the room, I never found any of my things again, I took the priſoner to the conſtable, and ſhe directed me to the pawnbroker.

Court. Did you make her any promiſe in caſe ſhe would enable you to recover your things?——No, Sir.

Did not you tell her that you would be favorable to her?——I cannot ſay whether any ſuch thing paſſed, I was in a flurry, nothing in particular paſſed to the beſt of my knowledge.

JOHN TYLER *ſworn.*

I am ſhopman to Mr. Evans, I had thoſe things of the priſoner, ſhe pawned them at different times, in November, December, and January; I am ſure ſhe brought them; they have been in my poſſeſſion ever ſince.

Proſecutrix. Theſe are like ſome of mine, I cannot ſwear to them.

PRISONER's DEFENCE.

When I carried them it was through great neceſſity, and I intended to have got them again, and my ſon has paid part towards them, has not he Mrs. Norris?

Proſecutrix. He gave four ſhillings.

Court. You ſhould not have received money, how came you to take theſe four ſhillings?——Her ſon paſſed his word for three weeks rent, and I thought as I was in diſtreſs, I had better take a little than loſe all, and I fetched out two things.

Tyler. My Lord, they would have ſettled it before they could have been taken before a magiſtrate, if they had had time, I belive it was the intention of the priſoner to get them again.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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333. MARGARET WALDEN was indicted for feloniouſly ſtealing on the 17th day of January, one wooden ſcrew box, value one half penny, and one half-guinea, value 10s. 6d. and 7s. 6d. in monies numbered, the property of Mary Coates.

MARY COATES *ſworn.*

On the 17th of January, I met with this young woman in Red Lyon-ſtreet, Spitalfields, between twelve and one o'clock in the afternoon, I aſked her to go to drink a pint or a pot of purl, at a porter houſe, as I had worked with her two months; after that, I ſaid my ſtomach ached being cold weather, and I would have ſome mutton ſtakes for dinner, and we had a pound and a half for dinner, and a twopenny loaf, we had another pot of porter, and then another pint of porter, I came out and I ſaid, Peggy, do you know where there is a tin ſhop, ſhe replied I will find you one, accordingly ſhe ſaid, ſhe would go; I unſcrewed my box and took out one ſhilling; the half-guinea lay at the top, and the ſilver at the bottom; I ſcrewed the box up again, and took the ſhilling out to give the priſoner to buy a tin box, and I loſt the ſcrew box, money and all in an inſtant; ſays I, Peggy, you have got my box.

Court. Was you ſober?——*I was not ſo ſober as I am now indeed:* I came home, I had not a farthing in the world.

Court. You ſee the conſequence of drinking ſo much?——There was nobody in company but her and I; I have had nothing to day but my tea and a pint of beer to my dinner; I loſt nineteen ſhillings in all, but it was put down ſixpence lower at the Juſtice's; I do not know the meaning of a warrant, God knows I do not, I have loſt all my good time, *I do not mean to hurt a hair of the priſoner's head.*

ANN PINNEY *ſworn.*

Court. What do you know of this matter, good woman?——*No more than your Lordſhip*: the Juſtice would bind me over by what the proſecutrix told me when ſhe came home.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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334. JAMES RILEY was indicted for feloniouſly ſtealing on the 3d day of February, two pair of linen ſheets, value 24s. two bolſter caſes, value 5s. and two pillow caſes, value 2s. the property of William Griffin.

William Griffin, and Elizabeth Herbert were called on their recognizances, and not appearing, the priſoner was

ACQUITTED.

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335. ROBERT CASHER was indicted for feloniouſly ſtealing, on the 20th of February, two dimity petticoats, value 10s. and one cotton frock, value 3s. the property of John Webb.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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336. JOHN READ was indicted for feloniouſly ſtealing, on the 26th day of February laſt, nine earthen ware diſhes, value 16s. the property of Richard Winter.

GUILTY.

Whipped, and impriſoned one month in Newgate.

Tried by the firſt Middleſex Jury before Mr. ROSE.

337. HENRY KEIGAN, and ANN WRIGHT were indicted for feloniouſly ſtealing, on the 2d day of January laſt, one china bowl, value 2s. ſix cups and ſaucers, value 2s. a looking glaſs, value 3s. three jelly glaſſes, value 3d. four knives, value 6d. four forks, value 6d. one iron ſhovel, value 6d. one poker, value 6d. one pair of tongs, value 6d. four earthen-ware plates, value 4d. three earthen-ware baſons, value 6d. one woollen great coat, value 6d. two braſs candleſticks, value 2s. one tea-kettle, value 6d. and one copper ſtew pan, value 1s. the property of Thomas Lee.

HENRY KEIGAN, GUILTY.

Whipped.

ANN WRIGHT, NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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338. The ſaid HENRY KEIGAN and ANN WRIGHT were again indicted for feloniouſly ſtealing on the 2d day of January, one woolen coat, value 2s. one iron ſpade, value 1s. one baſon, value 3d. four caps, value 3d. five ſaucers, value 3d. and one looking glaſs value 3d. the property of Anthony Dupree.

HENRY KEIGAN, GUILTY.

Whipped.

ANN WRIGHT, NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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339. JOSEPH RIDDLE was indicted for feloniouſly ſtealing, on the 2d of February laſt, one woollen great coat, value 14s. one linen gown, value 10s. one ſilk handkerchief, value 1s. one quilt, value 6s. a metal watch, value 20s. the property of Thomas Roſe.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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340. CORNELIUS DONNEVAN was indicted for feloniouſly ſtealing, on the 9th day of February laſt, one pair of ſilver ſhoe buckles, value 14s. the property of William Mitchell.

Maria Mitchell and John Jones were called on their recognizances, and not appearing the priſoner was

ACQUITTED.

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341. LYON LEVY was indicted for feloniouſly ſtealing, on the 18th day of February, one piece of gold coin called a guinea, value 1l. 1s. the monies of John Tobin.

JOHN TOBIN *ſworn.*

When I am at home, I live in Ireland, I am a ſeafaring man: on the 18th of February, I had twenty-three dollars, that I received in America, they were in my pocket, in a bit of a green worſted purſe, I carried them on ſhore to ſell them; I had not a farthing, gold, ſilver, nor braſs, but them: I ſold the twenty-three dollars at four ſhillings and ſixpence each, for five pounds three ſhillings and ſixpence, the man I ſold them to gave me four guineas and a half, which I had in my pocket, and half-a-crown and one ſhilling: I miſtruſted that the money was not good, I thought to have gone into a houſe to have them weighed, but I did not like to go into a ſhop, and I was coming along the ſtreet, and this man had a bulk with buckles, and knives, and things, in Whitechapel Road, and I aſked him if he had a pair of gold ſcales, and if he would be kind enough to weigh them four guineas, I ſaid, I will pay you for your trouble, ſays he, is there any thing here to ſuit you, that will lay in your way, ſays I, not at preſent, if there were I would buy them of the man that I ſold my things to: I then took out my purſe at the ſtall, and took out the four guineas, and put them in his hand, and kept the half-guinea, and half-crown, and the ſhilling, while he weighed the guineas; the firſt guinea he weighed it was rather heavy, and he looked at the weight, and he weighed the other two; he weighed only three, he put them out of his fiſt, he kept his fiſt ſhut in this manner, and he put the three guineas on the glaſs that lay over his goods, I aſked him where was the other guinea, ſays he, you gave me no more than three; My God, ſays I! how can you have the aſſurance to look in my face; (I did not take him to be a Jew then, but I was told ſo afterwards), ſays I, you give me the four guineas.

Court. Then the only money he had were theſe four guineas that you put into his hand?—Yes, he was ſearched, and he put it down, he picked it up again, ſays I, you have put that in your pocket, which I have worked very hard for, he denied it.

Court. Was any guinea found upon him?——He was *over-hauled* before the Juſtice and a guinea and ſixpence were found in his pocket.

You had no marks about the four guineas that you had?——No, there was a bit of dirt on one.

Court to Jury. Gentlemen of the Jury, it is not neceſſary to take up your time by going on with this buſineſs, for if the priſoner has taken this money, ſtill I think the indictment cannot be maintained, becauſe there was no felonious taking whatever; for he tells you that he gave him the money, and gave him a compleat poſſeſſion of it for weighing; but likewiſe he cannot identify the guinea other than by a bit of dirt, which is not ſufficient, and it is very probable the priſoner might have another guinea in his pocket; but however that may be, I am clearly of opinion that there is no felonious taking whatever, and therefore you muſt acquit the defendant.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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342. JOHN COCHRAN was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Dick, about the hour of ten in the night, on the 25th day of February, and burglariouſly ſtealing therein, four woollen blankets, value 20s. one white linen quilt, value 6s. the property of the ſaid William Dick.

A Second Count, for that being in the ſaid houſe, and having feloniouſly ſtolen the ſaid goods, he did afterwards burglariouſly break to get out of the ſame.

WILLIAM DICK *ſworn.*

I keep a public houſe in Nightingale Lane, the watchman informed me about ten o'clock, on the evening of the 25th of February, that the window was open, and I found it ſo, and the ſaſh quite thrown up to the top, I had ſhut both the windows myſelf, the ſhutters were bolted within-ſide with three bolts; while I was bolting the window again, I ſaw a many things were gone, but the things in the indictment lay on a chair in the parlour, and there were alſo ſtockings, and a cloak, and a parcel of things, which I had bought that day: I went up to the watch-houſe, and there I ſaw one of the blankets with ſome thing tied in it, and I ſaw the corner of the quilt too at the watch-houſe, and I ſaid they were what I had bought.

Had there been any body in the parlour that you knew of after the time you ſhut the windows, and before this time?——There might, I do not know, and no doubt but there was.

Did you go into the parlour after you ſhut the windows, and before you was alarmed?——O yes! ſeveral times.

Were the windows as you had left them?——Yes.

What is the lateſt time that you can recollect ſeeing the windows ſhut?——I am ſure they were faſt at nine.

Have you any recollection who were in the room?——I cannot ſay.

Had you ſeen the priſoner at all at your houſe that evening?—I cannot ſwear that I ſaw him, for I never knew the man before in my life.

RICHARD

RICHARD FARMER *ſworn.*

I was going round my beat, and I found the windows open, I called to Mr. Dick, I told him, he ſaid he ſhut them, it was almoſt eleven, I ſaw no ſuſpicious perſon near the houſe that evening.

JOHN SERJEANT *ſworn.*

I was walking upon my beat, between ten and eleven, I ſaw the priſoner coming along by the corner of the paſſage in Upper Eaſt Smithfield; he had theſe things in a looſe manner thrown over his head, he entered the paſſage, I ſaw him ſtand there, I ran and fetched my lanthorn, and met him coming out againwith the things, and I ſtopped him, I carried him and the things to the watch-houſe, they have been in my poſſeſſion ever ſince, they are the ſame I took from the priſoner.

(The quilt and the Scotch blanket depoſed to by the Proſecutor, and by Hannah Somerville.)

PRISONER's DEFENCE.

I was drinking in the proſecutor's houſe that evening, and I ſaw four men and two women drinking in his parlour all that evening; about half after ten I was going home, and at the corner of Nightingale Lane I found theſe things, they were in canvaſs, which was dirty, and I *hove* it away, and put the things over my ſhoulder to carry them home.

Jury. Are you ſure of the quilt and blanket.

Mrs. Somerville. I have no doubt, I darned the blanket, and joined the quilt.

GUILTY

Of ſtealing, but not of breaking.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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343. TIMOTHY HURST was indicted for feloniouſly aſſaulting William Koe, on the King's highway, on the 2d of February, and putting him in fear, and feloniouſly taking from his perſon and againſt his will, one man's hat, value 5s. his property.

The witneſſes examined apart at the requeſt of the priſoner.

WILLIAM KOE *ſworn.*

I was robbed this day three weeks in Cow Croſs, between ſix and ſeven in the evening, I had been on my maſter's buſineſs, and I was going home, and the priſoner came behind me and took my hat off, I know the priſoner, I am ſure it was him, I ſaw him before he came up to me, he ſaid nothing to me, he ran away as ſoon as had taken off my hat, and I ran after him, I ſaw him throw it away, and another man picked it up, he ſtopped, and I came up to him, I cried ſtop thief! and Mr. Palmer took him.

Was he ever out of your ſight after he took your hat?——No.

WILLIAM PALMER *ſworn.*

On the 2d of February, between ſeven and eight, I heard the cry ſtop him, he has ſtole my hat, I ſaw the priſoner paſs by, I ſtopped him, and the boy came up and ſaid the priſoner had robbed him of his hat, and that he had never loſt ſight of him; I took him to the Rotation Office.

Court. Where did you find the hat?—Another perſon had picked the hat up, which is the other perſon now in confinement.

JOHN FIGG *ſworn.*

On the 2d of February, the proſecutor came into my houſe, and ſaid he had loſt his hat, I went out and ſaw the priſoner in cuſtody, the hat was found afterwards by the other priſoner Edleſton.

PRISONER's DEFENCE.

I know nothing of the hat.

Court to Proſecutor. Who adviſed you to indict the priſoner for a highway robbery? Nobody that I know of.

Court to Jury. Gentlemen, there is no evidence to make it a highway robbery, or any thing like it, you may find him guilty of ſtealing the hat, if you thing he is ſo.

Jury to Farmer. Was it dark when you ſtopped the priſoner?——It was near eight o'clock.

The priſoner called two witneſſes to his character.

GUILTY

Of ſtealing of the hat.

Court. It is plain there could be no other motive for indicting this man capitally, than the forty pounds reward, and as I do not wiſh to encourage ſuch proſecutions, let the priſoner be privately whipped and diſcharged.

Tried by the Firſt Middleſex Jury before Mr. RECORDER.

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344. ELIZABETH FARRELL was indicted for feloniouſly ſtealing, on the 30th of January, one mahogany tea board, value 12d. two bowls, value 18d. two cups and ſaucers, value 4d. the property of Jacob Jackſon.

GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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345. SAMUEL WARNER was indicted for feloniouſly ſtealing, on the 7th day of February, one wicker baſket, value 12d. one pair of ſtockings, value 12d. and one pair of women's ſhoes, value 2s. 6d. the property of Joſeph Bickham.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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346. JOHN LOYD was indicted for feloniouſly ſtealing, on the 21ſt day of February, one wooden till, value 6d. one half-guinea, value 10s. 6d. two half-crowns, value 5s. and 20s. in monies numbered, the property of Samuul Kannadine.

MARY BASTON *ſworn.*

On the 21ſt of February, about half paſt ten o'clock, I was waiting at ſupper, on my miſtreſs and her niece, and I ſaw, as I was removing the things, the priſoner riſe from behind the counter, there was a glaſs partition, I was within the room; there were a dozen of candles in the ſhop: I told my miſtreſs, and immediately opened the door and purſued the priſoner, I collared him when he was got out in the ſtreet about ten yards, he had juſt delivered ſomething to another of his own ſize, who ran acroſs the way, but what I cannot ſay; I laid hold of him, I collared him, and ſaid, what have you taken from behind the counter? then ſome gentlemen coming from the City Coffee-houſe ſurrounded us, but no perſon laid hold of him but myſelf, and I brought him back myſelf, and my miſtreſs ſaid the till was gone.

PETER PLUMBTREE *ſworn.*

I ſaw the priſoner and another man along with him in the ſtreet, about two or three ſeconds before the young woman ſeized him by the collar; he was a little diſtance before me; as near as I could judge they were exchanging ſomething, and the other man ſtept over the way.

LYDIA HOWE *ſworn.*

I ſaw the till in the counter, before Mary Baſton gave the alarm, there were half-a-guinea, two half-crowns, and about ten ſhillings in money, there was no lock to it, and it was gone, I did not ſee the priſoner in the ſhop.

Priſouer. I live in Fore-ſtreet, I had bought a pair of ſhoes, and I was going to change them, and this woman laid hold of me.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

346. DENNIS DALEY and MARGARET MILLER were indicted for feloniouſly ſtealing, on the 2d of Feb. twelve baſe metal ſconces pleated with ſilver, value 5l. the property of John Carpenter.

JOHN CARPENTER *ſworn.*

I am an undertaker, on the 2d of February, I was ſent for into Fleet Market to ſee ſome ſconces, I did not know I had loſt any, I went immediately, and I found them to be my property; they were in bags, there was twelve branches and twelve backs, ſome were in the backs and ſome out; I took time to place them, and when I returned, I found a box laying upon a pile of deal boards in which they had been; I was in the warehouſe at half paſt three, and the box was in its uſual place; I had occaſion to go up to it; this was near five, they were obliged to get over theſe deals to get at it, I do not know who took them.

GEORGE SUMMERWELL *ſworn.*

I was coming up Field Lane, I went to buy ſome nails, and heard Mr. Hayward ſay as I was at his door, that he would have nothing to do with them: the two priſoners were both there, and the woman ſaid bid money for them, they had them between them: I thought there were ſtolen goods, and I went in, I followed them up Fleet Lane, while he was weighing my nails, I looked out to ſee which way they went; they went into the White Horſe, and they ſtood in the middle of the road, and the man ſhifted his load to the woman; they went down the Old Bailey, and I ſaw the man take ſome halfpence out of the woman's pocket, and he had *two dips for a quartern gin*, I followed them, and ſays I, what have you to ſell, ſays ſhe, nothing at all, ſays I, I am ſure you have; ſays ſhe, you may take them all; I ſtopped her, and the man ran away: I brought the woman in Ludgate Hill, and ſhe ſaid, ſhe would have a coach, ſays I, I will take you down to my ſhop, and ſend one of my men, till I know who owns theſe goods, I ſent a man, and took the woman to my ſhop, and the man priſoner came to enquire for her at the watch-houſe.

Are you ſure it was the ſame man?——Yes.

What time was it?—About half paſt five; I had the ſconces till they went to Guildhall, then Thompſon the conſtable took poſſeſſion of them.

THOMAS THOMPSON *ſworn.*

Theſe are the ſconces that were delivered to me at Guildhall, they have been in my cuſtody ever ſince.

(Depoſed to.)

JAMES HAYWARD *ſworn.*

On the 2d of laſt month about half after four, theſe people came to my houſe to offer them to ſale, and I told them I would have nothing to do with them: they are the ſame people.

PRISONER MILLER's DEFENCE.

The priſoner Dally, aſked me to carry a few things for them, which I did, he ſaid he would give me ſix-pence, but where he had them I do not know; then a gentleman came, and aſked me what I had, I told him to look and ſee, for they did not belong to me.

PRISONER DALLY's DEFENCE.

I was coming along the ſtreet, and I found theſe things under a gateway.

Jury to Hayward. Did they both offer them to ſale?——Yes.

Which ſaid, "offer ſomething for them?"——The woman.

DENNIS DALLY, GUILTY.

Tranſported for ſeven years.

MARGARET MILLES, GUILTY.

To be privately whipped and confined to hard labour twelve months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

348. **JOSEPH PATTEN** was indicted for feloniouſly ſtealing on the 18th day of February, one truſs and a half of hay, value 21d. the property of Thomas Noble:

And **THOMAS DAWSON** was indicted for feloniouſly receiving the ſame, knowing it to have been ſtolen.

THOMAS NOBLE *ſworn.*

On the 18th of January, about eight in the evening, I ſent one Thomas Hurley to look after my horſe, and litter him up for the night, I keep a horſe for my own uſe to do my buſineſs, and he was gone two hours, I had another key which unlocked the ſtable door, I went there and miſſed ſome hay; I knew there was ſome gone, but I did not know how much, I was ſure the horſe could not eat ſo much, I went again the next morning and miſſed more hay, and traced it by the ſeeds, and followed it to Dawſon's door, where my hay was ſold.

How far is Dawſon's from you?—I ſuppoſe about four hundred yards, in Old Montague-ſtreet, Whitechapel; then I went and called Thomas Hurley out of bed, who uſed to look after my horſe; I aſked him how long he had dealt in hay, ſays he have I wronged you; ſays I ſomebody has, he went with me to the ſtable, and told me if I would be favourable to him before the juſtice, he would diſcover his accomplices.

Have you any other witneſſes but him and you?—I have none other here.

Court to Jury. Here is no evidence but the accomplice.

BOTH ACQUITTED.

Tried by the London Jury before Mr. RECORDER.

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349. **JOSEPH BAMBRIDGE** was indicted, for feloniouſly ſtealing on the 1ſt day of February, fifteen hempen ſacks, value 10s. and four hempen flour bags, value 2s. the property of John Morgan.

JOHN MORGAN *ſworn.*

I am a Cornchandler; on the 19th of February laſt I met a friend in Tottenham-court-road, through whoſe information I watched the priſoner, who was my ſervant; and on Friday night the 20th, I had James and Thomas Cooper, who were relations, to ſupper, and the priſoner was gone to my warehouſe and granary, which is detached from my dwelling houſe about two hundred yards; this was between eight and nine in the evening, and I deſired Thomas and James Cooper to follow him, to ſee that nothing was gone from the warehouſe; and I followed him myſelf, and one of them came to fetch me in five minutes, and I overtook a man with a ſack on his back, and Thomas Cooper was following him, that man was not the priſoner; I catched hold of the man by the collar, and I ſaid, you ſcoundrel how came you by this, he ſaid, O Lord Mr. Morgan, I know I am doing wrong, and if you will forgive me, I will tell all I know; upon this we took him to the White Lyon, oppoſite St. Giles's round houſe, I then took him to the watch-houſe, and left him in company with Thomas and James Cooper; I got a conſtable, and went back to my own houſe, and the priſoner was then coming out of my houſe, I charged the conſtable with him, he ſeemed greatly terrified, I ſaid Joe, do I deſerve this from you? he fell down on his knees, burſt into tears, and begged for mercy.

JAMES COOPER *ſworn.*

I was at Mr. Morgan's houſe at ſupper, and my brother was there, it was Friday the 20th of February, and we both went out to the granaries, and I had not been there above three minutes, before I ſaw a man come out with a full bag on his back, we followed, and overtook him at the top of Drury Lane, and I went for Mr. Morgan.

Did you ſee any thing of the priſoner?—Not till I ſaw him the next morning at the juſtice's, I went there about ten.

Who went with you?—Roberts, a conſtable.

Did your brother go with you?—No, he was left with the bag at the White Lyon; I think the priſoner's houſe is in Church-ſtreet St. Giles's, there I found fifteen ſacks, and three bags, which are chiefly uſed for flour; we brought them all to the White Lyon, the priſoner was in the round houſe; Mr. Morgan came and ſaw the ſacks and bags, and ſaid they were his own property, I was preſent, they have been in poſſeſſion of Mr. Morgan, with the conſtable's ſeal on them, one of them was half full of pollard, I did not obſerve the mark on them then, but ſome of them have Mr. Morgan's name at full length on them.

(The ſacks depoſed to by the proſecutor.)

Mr. Garrow, Priſoner's Council. The priſoner had lived with you four years?—Four years and four months.

Except as to this buſineſs, what was his character, if he had left you and had applied to you for a character, what character would you have given him?—I only can ſay in a few words, that he was the beſt ſervant I ever had in my life, I placed a great deal of confidence in him, he never loſt me an hour when in health.

Might it not happen, that this man, being in the employment of collecting of ſacks, might have carried them to his own houſe, with a view afterwards to have brought them to yours?——Thoſe fourteen ſacks had not been in my poſſeſſion for more than a twelve-month, nor of any of my ſervants to my knowledge.

Your buſineſs is very extenſive?—Yes.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

☞ The firſt Part of this Seſſions contains the remarkable Trial of George Barrington, with his curious Defence, verbatim.

The ſecond Part contains the remarkable Trial of John Newland, for counterfeiting Bank Notes, with the Argumens of the Council, at large.

The third Part contains the remarkable Trial of Matthew Coſtillo, alias Coſtella, for a Rape on the Body of Elizabeth Tarrier, Spinſter, with the Arguments of Council.

The fourth Part contains the remarkable Trial of John Smith, Alexander Cullum, William Hubbard, Charles Manning, Richard M'Donagh, and others who received Sentence of Death.

The fifth Part contains the remarkable Trial of Thomas Turner, capitally convicted, but his Sentence reſerved for the Opinion of the twelve Judges, with the Arguments of Council, and Opinion of the Court as to a dwelling Houſe; alſo the remarkable Trial of John Penny; and ſeveral others.

The ſixth Part contains the remarkable Trial of John Pond, and ſeveral others.

The ſeventh and eighth Parts contain the remarkable Trial of John Wade for the willful Murder of Conſtance Froſt, his Apprentice Girl, by ſtarving her to Death; and ſeveral others.

Any of the above Numbers may be had of E. HODGSON, Writer of theſe Proceedings (who alſo takes Trials, &c. in Short Hand, on reaſonable Terms, and teaches Short Hand in four Leſſons only) No. 35, Chancery-lane.

N. B. A few on fine Paper for the Gentlemen of the Law.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of FEBRUARY, 1784, and the following Days;
Being the THIRD SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Joſeph Bambridge.

Therefore they may have been employed in your buſineſs by your ſervants?——I bought a hundred quarter ſacks at Uxbridge with intent to work flour in them, and to have them branded with my name with pitch.

But that you did not do however?——They are marked with an M.

But you know any other dealer in grain would be likely to mark his ſacks with an M?—It is poſſible.

It is poſſible that theſe ſacks, though they have not come under your obſervation, may have been employed in your buſineſs?—Yes.

EDWARD ROBERTS *ſworn.*

I am the conſtable, I was preſent at the finding the ſacks at the priſoner's houſe, with Mr. James Cooper; there were twenty ſacks and four bags all full of pollard, peaſe flour, and corn; the pollard and peaſe flour was mixed.

What part of the priſoner's houſe were they in?—We went through the firſt room into the parlour, which was their bed-room, they all ſtood in that room, they were all taken to Mr. Morgan's houſe full the ſame night, and emptied; I was not preſent when they were emptied, I ſaw them the next morning at the Juſtice's, there were ſeveral of them marked with a cuſtomer of Mr. Morgan's name at full length, Mr. Holding, but he only brought them that had his own name on; there were fifteen of them that belonged to Mr. Morgan, ſome had Holding's name that I obſerved the night before, Mr. Morgan came to me and deſired I would go, I told him he did not need a conſtable, as a neighbour I went along with him, we ſecured the firſt man and put him into the round-houſe, then I went along with him to his own houſe, and we had not been in a minute before the priſoner came into the houſe; when he came in Mr. Morgan gave charge of him to me, and he ſeemed very much alarmed; I ſaid to him, I dare ſay you are very ſenſible what this is for; he made no anſwer at all, Mr. Morgan then began upraiding him, and ſaid, Joe, I have uſed you exceedingly well, and I think you ought not to uſe me in that manner; he immediately fell down on his knees in the ſhop, I do not know that he ſaid any thing particular with reſpect to confeſſing, but hoped he would forgive him, or ſomething to that purpoſe; at the time of ſearching the houſe, I went into all the apartments that belonged to him, and I found in the yard twelve pigs.

Mr. Garrow. Before you went to Mr. Morgan's houſe the other man was in cuſtody?—Yes, that man had confeſſed.

We are not trying him now, that man had been apprehended for coming out of the granary with a ſack on his back?—He fell on his knees upon being upraided with his ingratitude and ill-uſage, but was not charged with any felony, I do not know that that had been mentioned to him.

Now there had been a man ſeen coming out of the granary, which granary this man had the key of?—Yes.

ABRAHAM SMITH *ſworn.*

Mr. Morgan's man, the priſoner, aſked me to carry a bag home for him.

When was that?—I cannot tell the day of the month.

What day was you taken up?—On Friday, it was about a month before.

Where was you to get the bag?—He aſked me to go to Mr. Morgan's granary, and he would give me three pence to carry that bag home, I went to the door about a quarter after eight, I had juſt left work, and his maſter's granary looks through into my maſter's yard.

Did you ſee the priſoner there?—I juſt came out of my maſter's gate, and he was coming out of my maſter's door, and he called to me; my maſter is a coach-wheeler.

What did the priſoner ſay to you?—He aſked me that very night to carry a bag home for him.

What that very night?—Yes.

What was he to give you for this?—One time two-pence, and another time three-pence halfpenny for a pot of beer.

Did you carry a bag that night?—I had it on my back when I was taken.

Where did you get that bag?—The priſoner gave it me on the outſide of the door, the bag was full, but I do not know what it contained.

How many times did you carry bags for the priſoner?—Three times, I think, I carried them to his houſe and ſet them down.

PRISONER's DEFENCE.

I gathered in theſe ſacks for my maſter's cuſtomers, and it was late at night, and my maſter was gone to bed, and I did not chuſe to knock at the door, and I took them to my own houſe.

Mr. Garrow. My Lord I have witneſſes to the priſoner's character, but after what Mr. Morgan has ſaid of him, it would be waſting your lordſhip's time.

GUILTY.

Proſecutor. My Lord, till this unfortunate affair, I held the priſoner in the higheſt eſteem, and he has a wife that now lays in, that was brought to bed a day or two ago, and has a family beſides, I beg leave to recommend him to your lordſhip's mercy.

Mr. Juſtice Gould. I have no diſpoſition whatever to be ſevere upon people, but you muſt conſider we are bound to do our duty for the good of the public; and of all the offences that I have heard tried this ſeſſions, I think this ſtands in the moſt flagitious light; a man whom you have ſhewn ſuch indulgence to, one on whom you repoſed ſuch confidence, and whom you would have truſted to any extent, that he ſhould be guilty of ſuch an act of treachery as this, and it would be a very bad example indeed, to let him go unpuniſhed; therefore, though for my own part, I feel as much as any man can do for the miſerable condition that priſoners bring themſelves into, yet it is neceſſary that ſuch offenders ſhould not go unpuniſhed.

Proſecutor. My Lord it is merely out of humanity to the poor woman, and the ſituation ſhe is in; I ſhall leave it to your Lordſhip.

Mr. Roſe. Joſeph Bambridge, you have been indicted and found guilty of robbing your maſter; it gives me pain to be under the neceſſity of paſſing ſentence on a man, who as a ſervant has born ſo good a character, as you have; but it is neceſſary that a very ſevere example ſhould be made of offenders under your deſcription; all our property muſt be at the mercy of ſervants, and as a ſervant you had the protection of your maſter's property, and your maſter putting confidence in you, you ought rather to protect that property than have ſtolen it: it is neceſſary therefore, for the ſake of the publick good, that you ſhould be very ſeverely puniſhed; and if it had not been for the lenity of your maſter, your puniſhment would have been ſtill more ſevere than it now will be:—The ſentence of the Court is, and we hope it will teach you to behave better for the future, that you be fined one ſhilling, and impriſoned in Clerkenwell Bridewell for the ſpace of twelve months, and there confined to hard labour.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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350. WILLIAM ARCHER was indicted for feloniouſly ſtealing, on the 27th of January laſt, one wooden trunk, value 12d. one ſilk gown, value 1l. 11s. 6d. two linen gowns, value 2l. 2s. two ſilk and cotton gowns, value 1l. 1s. two callico bed gowns, value 14s. one ſattin petticoat, value 10s. 6d. one callico petticoat, value 5s. two dimity petticoats, value 12s. four callico petticoats, value 10s. 6d. one muſlin apron, value 8s. two ſilk handkerchiefs, value 2s. two laced handkerchiefs, value 6s. two pair of linen ſheets, value 6s. two pair of pillow caſes, value 2s. four table clothes, value 8s. three napkins, value 3s. one pink ſattin muff, value 10s. one fan, value 6s. one gold locket, value 5s. one pair of gold ear-drops, value 5s. one ſtone ring ſet in gold, value 1l. 1s. one pair of gold ear-rings, value 10s. 6d. one mahogany tea cheſt, value 4s. three tin canniſters, value 4s. two ſilver tea ſpoons, value 2s. and one five guinea piece, value 5l. 5s. the property of Edward Oſmond.

SARAH OSMOND *ſworn*.

I am wife of Edward Oſmond, I live in Great Ruſſell-ſtreet, Bloomſbury, on the 27th of January laſt, I loſt this trunk with the contents of it, (the things which are mentioned in the indictment were it it), I had been to fetch them from Hammerſmith, and was carrying them to my lodgings, I packed them that day, and brought them from Mr. Scott's at Hammerſmith, they had been there a great while; I ſaw the trunk put into the coach; it was ſtolen out of the coach, I locked a trunk, and came in the Hammerſmith coach, I ſtopped at the White Horſe Cellar about ſix, and then I called a hackney coach, and brought them in the coach with me; I ſtopped at Mr. Sice's the boot-maker's, the corner of Air-ſtreet, Piccadilly, about twenty minutes after ſix, I got out of the coach and left the trunk in the coach, as ſoon as I got out, the coachman took out two boxes and brought them into the ſhop, and ſaid, Madam, you muſt go and watch, leſt your things ſhould be ſtolen, for there is a man I do not like, I went out and ſtood facing the coach, and I ſaw the coach move, I looked over the door, I did not ſee any body, but ſtill the coach kept moving, then I looked over the coach, and I ſaw a man's legs advance from the coach on the oppoſite ſide of the coach, he was juſt moving from the coach to croſs the ſtreet, then immediately on that I run cloſe to the coach door, and looked in, and then I ſaw the priſoner with the trunk on his right-ſhoulder.

Court. Was the other glaſs down on the oppoſite ſide of the coach?——I cannot ſay, the oppoſite door was open.

Was the glaſs up or down?——I cannot ſay.

You could ſee through the coach?—The priſoner had juſt gained himſelf upright when I ſaw him, juſt got the trunk on his right-ſhoulder.

Was his back to you, or his face?—As he took it out of the coach door he immediately croſſed over, I did not ſee his face, I juſt ſaw him ſideways and his back, I run after him, and cried ſtop thief! and he immediately took down Eagle-ſtreet, ſeveral people came to my aſſiſtance near to him, he went a few yards, and was ſo cloſely purſued by a gentleman that he dropped the trunk, he ran away, and was brought back to me immediately: I ſaw his ſide-face, and I ſaw his perſon.

Can you ſpeak with certainty as to the priſoner, whether that is the man?——I am very ſure of it, I am certain of it.

How long was it before he was taken after he ran away?—About three or four minutes, I did not ſee him taken.

As ſoon as he was brought back to you, did it immediately ſtrike you that he was the perſon?——It did.

Was you quite clear of it then?——I was.

Did you ſay any thing to the priſoner?——Nothing particular, only aſking how he could do it, I did not wiſh to have any thing to do with him, but the people that were with me inſiſted on my taking him to a Juſtice, I have had the trunk in my poſſeſſion ever ſince, the things are in it.

GEORGE CUMMING *ſworn.*

On the 27th of January, I was coming along Piccadilly, about half after ſix, and that lady came up to the coach, and laid hold of the handle of the door, and made a ſcream, and hallooed out ſtop thief! I then looked before and behind me, and ſaw nobody, ſhe ran towards the kennel, and I ſaw a man about the middle of the road with a trunk on his ſhoulder, the priſoner is the man, I am ſure of it, when I firſt got ſight of him; he was half way up Eagle-ſtreet, I followed him.

Did you ever loſe ſight of him?——No, not I till laid hold of him, being purſued he threw the trunk down at the top of Eagle-ſtreet.

Did you ſay any thing to the priſoner?——No, as the lady was in poſſeſſion of the trunk, I followed him, he rather made a ſtruggle, there were ſome people coming along, and he made up towards York-ſtreet, or St. James's Church, and as he turned, I caught hold of him by the right-breaſt, he aſked me what I laid hold of him for, I kept him till he was committed.

Priſoner. Did I throw the trunk down?——Yes, I ſaw you throw it down.

Mrs. Oſmond. And I ſaw you.

WILLIAM SUMMERSFORD *ſworn.*

I am a hackney coachman, I drove Mrs. Oſmond from the Old White Horſe Cellar, Piccadilly, and ſhe had three trunks with her, two in my hackney coach, and one in the boot, I carried her to the end of Air-ſtreet, Piccadilly, to the boot-maker's.

Court. Was that the trunk you put into your coach?——Yes.

(The trunk depoſed to by the proſecutrix.)

Court to Cumming. Did you take notice of the trunk?——Not then I did not.

What paſſed after that?——She ordered me to let her out, and I took the little trunk and carried it into the ſhop, and ſhe then ordered me to take a large trunk out of my boot and carry it in; this I left in the coach, when I was taking that other trunk out of the boot, I ſaw this priſoner, that very man, walk backwards and forwards by the ſide of my coach, and he went and ſtood about three or four yards behind the coach againſt the poſt, and when I was dragging this heavy trunk up the ſteps, I miſſed this man from the poſt, I had ſome ſuſpicion, I took hold of the lady, ſays I, Madam, I ſhould be much obliged to you to go and look at the coach; and as I came out, I heard a piece of work in the ſtreet, and the trunk was miſſing, I ran acroſs Piccadilly down Eagle-ſtreet, and caught hold of the trunk, I am ſure that is the trunk, I did not ſee it thrown down; I am ſure the priſoner is the ſame man that was walking by my coach.

PRISONER's DFENCE.

I came to town about a fortnight before this happened, and went up to Piccadilly to ſee a fellow-ſervant; coming along I heard a cry of ſtop thief; I ran down to the corner, and I aſked that man that ſtands here, which way the man was gone, and he hold of my collar, and ſaid I was the man that ſtole the box.

GUILTY.

To be ſent to the hulks to work on the River Thames for three years, according to act of Parliament.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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351. JOHN SIMPSON was indicted for feloniouſly ſtealing, on the 9th of February, one hempen bag, value 8d. and ſixty pounds weight of braſs filings, value 16s. the property of Hezekiah Green.

HEZEKIAH GREEN *ſworn.*

I am an ironmonger and founder in Drury Lane, I loſt the things mentioned in the indictment on the 9th of February, the priſoner worked for me: about half after one, I found the priſoner in a place in my warehouſe, I ſuſpected him, and ordered him home.

MICHAEL DOBBS *ſworn.*

I am ſervant to Mr. Green, the priſoner was employed by Mr. Green as a ſmith, I went into the counting houſe to ring the bell, and I heard the warehouſe door open, and a witneſs now in Court, was looking out of the window, and ſaid it was Simpſon, I ſtepped up to the window, and ſaw Simpſon with a bag, and he raiſed it on his knee while he opened another door of a paſſage, where his own ſhop door opens into; I immediately ran to the window, which looks into the ſmith's ſhop, and I ſaw him go through the ſhop with a bag, to a room that joins his ſhop, and in about a minute afterwards, he came out without any bag. I run down and met him, he was going to dinner, I went into the neceſſary: I came back in about two minutes and looked under ſome ſtraw in a chimney, and there I found a bag which contained braſs file duſt, the bag is in Court.

Court. Was you near enough the priſoner to diſcern the bag, was it ſuch a ſort of a bag?—Yes, and of that ſize.

Did you ſee any other bags in this room?——No, I left it in the ſame place, covered up, I told my maſter, and about twenty minutes after, I ſaw John Dell paſs the window with a bag on his ſhoulder, the ſame bag ſeemingly which I had ſeen in the room about the ſame ſize; I followed him into the ſtreet, and tapped him over the ſhoulder, and aſked him what he had there, he ſaid he did not know, I brought him back and delivered him to my maſter, I did not ſee the bag opened; the priſoner was taken up about a quarter of an hour after; there was no bag in the room then.

JOHN DELL *ſworn.*

Court. Take care to ſay nothing but the truth; you hear by Dobbs, that he came up to you, and found you with a bag on your ſhoulder, how came you by that bag?—The priſoner was my employer, I worked under him as hammer-man; he came to me at my dinner on the 9th of February, and ordered me to go and fetch a bag that was in the filing ſhop, and I ſhould find it in the chimney corner hid under ſome ſtraw; I left my dinner and went and found it there covered, I took it on my back to bring it to him to Mr. Pearce's or Mr. Read's, he would wait there; I took it to carry to him, and Michael Dobbs ſtopt me at the door.

Do you know what was in the bag?—No, he told me there was ſome *ſwarth*, that is iron file duſt.

What do you call braſs file duſt?—I do not know, I did not ſee the bag opened till it was brought to Mr. Green's, then he opened it in my preſence, and there was in it braſs file duſt.

Of what weight?—I cannot juſtly ſay.

(The bag depoſed to.)

PRISONER's DEFENCE.

Mr. Green ſent for me from my dinner about this file duſt, I told him I knew nothing

thing of it. Dell had always the key of the ſhop door, he might take any thing away, I have been a ſervant under him many years, I know no more of it than my children that are at home, ſo help me God.

Court. Do you wiſh I ſhould aſk your maſter about your former behaviour?——If you pleaſe, he cannot give me a bad character.

Proſecutor. He has worked with me ſome time, but if I go to deſcribe his character, it will do him no good.

GUILTY.

Proſecutor. My Lord, I would wiſh to recommend him to your Lordſhip's mercy, not for the ſake of the man, but he has a large family, three or four children, and I believe a very honeſt wife.

Court to Priſoner. I cannot help lamenting that you are the ſecond ſervant who has been tried this morning, and convicted for robbing his maſter. Your crime deſerves an exemplary puniſhment, and the Court will always inflict it upon offenders of your deſcription; but your maſter having ſtill had more compaſſion for you than you had for him, has recommended you to the mercy of the Court: the ſentence of the Court is, that you be fined 1s. and confined to hard labour in the houſe of correction for nine months.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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351. PHILIP PROSSER was indicted for that he on the 13th day of Auguſt, at the pariſh of Hornſey, unlawfully, and feloniouſly did counſel, aid, abet, and procure one William Marſton Rothwell, otherwiſe William Rothwell, feloniouſly to make, coin and counterfeit, one piece of copper money, called an halfpenny, againſt the ſtatute.

A ſecond count for counſelling, aiding, abetting, and procuring the ſaid William Marſton Rothwell, otherwiſe William Rothwell, to coin one piece of copper money to the likeneſs and ſimilitude of an halfpenny.

The Record of the conviction of William Rothwell, otherwiſe William Marſton Rothwell, was produced and read by Edward Reynolds, Eſq; Clerk of the Arraigns; which was, "That "he, the ſaid William Rothwell, ſhould "be hanged by the neck till he was dead."

Court to Jury. Though the crime itſelf is not capital, yet this Rothwell had been convicted before, and had the benefit of the ſtatute allowed him; then on his ſecond conviction, the Solicitor of the Mint objected to his praying the benefit of the ſtatute a ſecond time; for by the law, a man that has had the benefit of Clergy once, is not entitled to it a ſecond time; that is the reaſon of his being ſentenced to be hanged by the neck, as has been read to you.

JOSEPH DINMORE *ſworn*.

Examined by Mr. Reeve, Council for the Proſecution.

I am a conſtable, Mr. Redgrave and I had information, that a cart was geing the other ſide of the way in the Old Bailey to receive ſome copper; we came about two in the afternoon, and ſaw the cart ſet out from under the gateway and go acroſs Smithfield; we then took a coach.

Court. Who was with the cart?—Rothwell, the perſon who was tried.

Nobody elſe?—No.

Was he riding in the cart?——Yes, it was a little open cart; we took coach on the ſtand in Smithfield, and followed the cart to Muſwell-hill; the cart ſtopped and went in at a pair of gates, which where opened on the ringing of a bell; we ordered the coachman then to go on that we might not be obſerved, and we came back to Iſlington, and there we waited to ſee if the cart came back the ſame way that evening; it returned a little after ſix, with Rothwell and the priſoner in it.

Court. Had you ſeen the priſoner before that day?—No, I never ſaw him before, to my knowledge. Redgrave and me ſtopped the cart, and they both came out; we took them into the parlour at the Woolpack, a public houſe in Iſlington-road; Redgrave went out to take care of the cart; the priſoner finding I was left alone, attempted to get out of one door and Rothwell at the other, I held Rothwell faſt, and the priſoner got out at the back door which goes into Gwynne's Buildings; we found in the cart a deal of cut copper, called cecil, and 20l. in halfpence; the halfpence were carried to the Tower long ſince, ſome of them are here, which I have had ever ſince.

(Four halfpence produced.)

Court. Did you yourſelf take thoſe four halfpence out of that cart?——Yes, I am confident they were in the cart.

Court. Where did you firſt get thoſe halfpence?——Out of a butter baſket that was in the cart, I took them out myſelf: Redgrave and me, and ſome others, went back to Muſwell hill the ſame night, to this houſe, and there we found a cutting-out preſs, a ſtamping preſs, and ſeveral dies, and ſome blanks, and ſome halfpence, freſh made but not coloured; the preſs was ſtanding as if for work, the dies in the preſs, and a halfpenny between the dies, we brought them away, and they were produced here; they are at the Tower now.

Court. This charge muſt be maintained againſt the priſoner at the bar, and you muſt have the evidence here.

Mr. Sylveſter, Council for the Proſecution. My Lord, I ſhould think it was ſufficient for us, in the firſt inſtance, to produce the conviction of the principal, and it is incumbent on the priſoner to impeach it; the Jury muſt ſuppoſe that conviction is right; the record is ſufficient for me, if the priſoner can prove that theſe halfpence were good halfpence, then he is not active in the committing the felony; the law requires that theſe things ſhould be carried to the Tower, and immediately deſtroyed.

Mr. Chetwood, Council for the Priſoner. My Lord, I ſubmit if the record related to any thing relative to this man, he muſt contradict that in the beſt manner he can; but you muſt prove that there was a felony committed; the record proves it againſt the man himſelf that was a party, but not againſt this man.

Mr. Sylveſter. Till it is impeached the record is right.

Court. I ground myſelf upon this; Mr. Juſtice Forſter is of opinion, and very rightly, That if a man is indicted as acceſſary to a felony, the imputation of the felony to the principal is not ſufficient to affect him, he has a right to controvert that felony; it may be an exceeding nice queſtion to diſcuſs this thoroughly, but here is ſufficient evidence of the fact, independent of theſe dies, and theſe machines that this man found; if the priſoner is found coming from a houſe, with a cart, in which was contained a great quantity of counterfeit halfpence, that is a degree of evidence, in my apprehenſion, to lay before the Jury, accompanied with the conviction of Rothwell, whom he is indicted as counſelling, aiding, and abetting; I ſhould think that will be a degree of evidence for the Jury's conſideration, without the production of the machines, and without deciding the other point; therefore I ſhall take no notice to the Jury of this evidence of finding the dies and theſe things.

Mr. Chetwood. Where did you ſee the priſoner firſt?—Juſt by the Angel and the Bluecoat-boy, at Iſlington.

Coming to town, or going from town?—Coming to town.

In a cart with Rothwell?—Yes.

You do not know where he was taken up then?——I do not.

This was an open cart?—Yes.

The halfpence, that you ſay were in it, were they in baſkets or in bags?——They were in different things, they were not all in one thing.

Where did they come to?——To the Woolpack, ſome yards lower.

Had you any converſation with the priſoner there?—No.

Did you know Rothwell?——I had ſeen him before.

Then all that you can ſay is, that he was in the cart with Rothwell, and that you found theſe bad halfpence there?——Yes.

You have never heard any thing of him ſince?—No.

JONATHAN REDGRAVE *ſworn.*

I was the other officer attending with Dinmore; I watched the cart to Muſwell-hill, I ſaw it go in, then we went up to Highgate, and returned to Iſlington, and waited till the cart returned; I ſaw the priſoner with the other perſon in the cart together, we were at the One Ton, I was up ſtairs, they drove very faſt, and I was obliged to run, and I overtook them at the Woolpack, then I told them to ſtop; Dinmore then came up to me, and they aſked me what I wanted; I told them I had information they had ſome ſmuggled tea in the chaiſe; there was a hamper that one of them ſet his feet on, and there was ſome cecil in it.

Court to the Monier of the Mint. Is that deſtroyed or not?——I do not know.

Redgrave. There was a ſeat in the chaiſe, and in it were two baſkets of halfpence.

Court. Have you any halfpence which were found in the cart with you here?——Yes, here is one.

Were the reſt of them like that?—All alike.

Did you yourſelf ſee that halfpenny taken out of the parcel that were in the cart?——Yes, my Lord, we broke open one paper, and took them out for a ſample, we opened them all, and they were all of that kind, they were in twenty ſhilling papers.

How many were there?—I cannot recollect, we reckoned 20l. in all; I run to the cart, and in the mean while the priſoner made his eſcape from Dinmore.

Do you know any thing when the priſoner was taken again?—Mr. Clarke received a letter from Scotland, that he had made his eſcape there, I was not at the taking of him.

How long has he been in cuſtody?——Above a month.

Mr. Sylveſter. What did you find at the houſe?—Every thing compleat, and ſome new halfpence that were not coloured; it is always uſual to colour them after they are made.

Mr. Chetwood. What became of theſe dies and implements?—They were carried to the Tower.

Mr. Sylveſter. I certainly may give evidence to what is found in a man's houſe.

Mr. Chetwood. That is only introductory evidence.

Court. If you give them in evidence, the Jury ought to ſee theſe inſtruments, unleſs they are gone, and that is not the caſe at all, becauſe the gentleman who ſits here, tells me they are in a confuſed heap now exiſting.

Mr. Sylveſter. The preſſes are never produced here.

Mr. Chetwood. Always.

Court. The law requires that there ſhould be ſufficient evidence, the Court and Jury are to judge whether the evidence is ſufficient, you are to diſtinguiſh according to the crime, if it was for having a die or a ſtamping preſs in his cuſtody, then you muſt produce them, becauſe that is a ſpecific charge, but they are to be produced here as ſo many circumſtances of coining; but if you give evidence of theſe things, you muſt produce them; I do not think it is neceſſary to go that length.

Mr. Chetwood. My Lord, I ſhould apprehend that they muſt produce that evidence that is ſufficient to convict the priſoner, and it is fully in their power, and they have not accounted for it.

Court. The queſtion is, whether they have produced evidence enough?

Mr. Chetwood. My objection is that it was in their power to have produced evidence to ſhew that Rothwell was guilty of felony, and that the mere record is not ſufficient.

Mr. Sylveſter. You miſtake the law, that record is ſufficient at preſent to prove the conviction of the principal; you may impeach it if you can.

Mr. Chetwood. It is the conviction of another man, that this man is a ſtranger to.

JOSEPH SMITH *ſworn.*

I live in Peartree-ſtreet, near Goſwell-ſtreet, I know the priſoner, I let him a houſe at Muſwell-hill, juſt on the riſe of the hill, in the month of July laſt, he was to have it for twenty-one years, the leaſe was notdrawn up, but there was a written agreement.

Did he inhabit it?—I believe he did.

Court. Do you know he did?——My wife was there, and gave him poſſeſſion of it.

Mr. Chetwood. You never was there with him?—No.

Is it a lone houſe?—It ſtands on a piece of ground at a diſtance from others, he ſaid it would ſuit him very well, if we could agree upon terms.

SARAH SMITH *ſworn.*

I am wife to Joſeph Smith, my huſband let a houſe at Muſwell-hill, I gave the key to Mr. Proſſer myſelf, Rothwell was with him at the time.

Mr. Chetwood. Did you know whoſe uſe it was for?—For Mr. Proſſer's.

You never ſaw him at the houſe?—I gave him poſſeſſion of the houſe myſelf, and ſold him the fixtures, and received the money from him for the fixtures.

Do you know whether he inhabited it?—I believe he did.

Did you ever ſee him with any of his family there?—No, I did not, I let it him the 16th of July, and I gave him poſſeſſion on the 18th of July, and was with him from eight in the morning till the ſame time in the evening, and came home with him and Rothwell.

Was Rothwell preſent when you gave him the poſſeſſion?—He was.

Mr. Chetwood. You never went afterward to ſee who lived in the houſe?——No.

Court. Is there a cart-way to go into the yard belonging to the houſe?—There is a very good coach-way.

Mr. Sylveſter. How do you know it was the ſame houſe that the conſtables were at?——Becauſe I was there with them.

RICHARD FRANKLIN *ſworn.*

I am one of the moniers of the Tower, theſe were not made at the Tower, they are counterfeits.

(The halfpence handed to the Jury.)

PRISONER's DEFENCE.

I took this houſe for the purpoſe of dealing in horſes; I let it again to Rothwell as things did not happen to my expectation, I told him he might have it till Michaelmas, by the week, upon that we agreed, and I let it him, but he was to quit it in a week's notice, when I wanted it, I was to have half-a-guinea a week, he ſaid, he would; he went to look at the houſe, to ſee what painting and glazing was wanting, and he had it.

JAMES FRANCIS *ſworn.*

What are you?——I am a painter and glazier.

Do you know this houſe at Muſwell-hill that was taken of Mr. Smith?——Yes.

Who lived in that houſe? who inhabitted it?——One Proſſer lived in it, and he let it to one Marſton for half-a-guinea a week, but there were no writings drawn up.

Where did the priſoner live himſelf?—I underſtood he lived there, he came to tell me he wanted to have a job of painting, I went to look at it, he let the houſe to Mr. Marſton for half-a-guinea a week, that was a verbal agreement at a public houſe at Iſlington; I do not know where he lived afterwards, he took me to ſee the job, and Marſton's wife was ill and wanted to go and live in the country, I never went after it afterwards, becauſe I waited for an anſwer.

Court to Mrs. Smith. What was the rent of the houſe?—Twenty pounds a year.

The priſoner called five other witneſſes who all gave him a very good character, and one of them ſaid, he ſometimes bought a horſe.

Court to Jury. It is neceſſary, as this man is indicted as an aider, counſellor and abettor of another, that you ſhould firſt be ſatisfied that the principal did commit that felony, which the priſoner is ſo indicted for abetting; therefore the council for the crown, have on this occaſion produced the record of that conviction, which was at this place in September laſt: I ſhall not mention the particular things which were found, as they are not produced, which they might have been, but only ſay that the witneſſes found a compleat apparatus there for coining, and theſe halfpence.

GUILTY.

To be fined 1s. and impriſoned one year in Newgate.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice GOULD.

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352. JANE BROWN was indicted for feloniouſly ſtealing, on the 20th day of September laſt, two ſilver table ſpoons, value 5s. one ſilver tea ſpoon, value 1s. one copper ſtewpan, value 6s. one pair of women's ſtays, value 2s. one linen table cloth, value 12d. one muſlin apron, value 12d. two black ſilk cloaks, value 2s. one pair of linen ſheets, value 2s. one linen ſhift, value 12d. two linen aprons, value 6d. and one piece of gold coin of this realm, called a guinea, value 21s. the property of Margaret Richardſon.

Mr. Burdett, of Council for the Proſecution, thus opened the caſe.

May it pleaſe your Lordſhip, and you, Gentlemen of the Jury; although many priſoners have appeared before you in the courſe of this long ſeſſions, indicted for offences, ſimilar to that with which this priſoner ſtands now charged; yet I will venture to affirm, that not one of their caſes has been accompanied with ſimilar circumſtances of ingratitude. The priſoner was left by her huſband, who had gone to ſea, with a young child at her breaſt, in very great diſtreſs; in the month of September laſt ſhe contracted an acquaintance with the proſecutrix, and informed her of her unfortunate ſituation; and that ſhe had no other way of ſubſiſtance, but by working at her needle, and having no acquaintance in town, ſhe inſinuated, that it would be a very great act of charity, if through the recommendation of the proſecutrix or her friends, ſhe ſhould get employed: upon this, the proſecutrix, who is a very poor widow, and has lived where ſhe now reſides, in Preſcot-ſtreet, for forty years paſt, told the priſoner, that ſhe ſhould eſteem herſelf very happy, if ſhe could procure her any employment, which the proſecutrix promiſſed. In conſequence of this encouragement, the priſoner called daily on the proſecutrix, and obtained from her, and through her means, both aſſiſtance and work; and ſoon after propoſed to come and lodge with her: the proſecutrix being old and infirm, and not able to keep a ſervant, was willing to accept this offer, ſhe having at that time a very ſore leg, which confined her: accordingly the priſoner came to reſide with the proſecutrix; but the priſoner had not been long there, before the proſecutrix miſſed ſeveral of her things; however, ſhe had no ſuſpicion of the priſoner at the bar, until ſhe diſcovered the loſs of a cloak, which ſhe was very confident could be taken by no other perſon but the priſoner, nobody elſe having acceſs to the place wherein that cloak was kept; upon this, ſhe charged the priſoner with robbing her, and the priſoner being ſo charged, confeſſed ſhe had taken it, and ſaid ſhe had only pawned it; this ſatisfied the proſecutrix, who imagined, that by ſhewing her ſome lenity on this occaſion, it might cauſe her to confeſs, and return the reſt of the things; but inſtead of that, in a very few days afterwards, one morning before the proſecutrix got up, the priſoner was rummaging for ſomething under the bolſter, and being aſked by the proſecutrix what ſhe was ſearching there for, ſhe ſaid, ſhe was looking for her ſtockings about the bolſter and bed; but after the proſecutrix got up, and came to put her hand in her pocket, ſhe miſſed a guinea; and the ſame day, or the day after, ſhe miſſed the remainder of thoſe things, as ſtated in the indictment. The proſecutrix then told the priſoner, if ſhe did not return her things, ſhe would bring her before a magiſtrate: the priſoner promiſed to get them, but inſtead of doing ſo, ſhe abſconded for ſeveral days, and when found, it appeared ſhe had hired herſelf as a ſervant to an attorney of Clement's-inn; ſhe was upon this taken to Bow-ſtreet, when one of the proſecutrix's cloaks being found upon her, ſhe was committed. Gentlemen, this is a ſhort ſtate of the facts, which will be proved on the part of the proſecutrix, againſt the priſoner at the bar, if I am rightly inſtructed; and if they are proved to your ſatisfaction, it is your duty to find the priſoner guilty; if theſe facts are not proved by the evidence we will produce, you muſt acquit her.

MARGARET RICHARDSON *ſworn.*

I took in the priſoner out of charity to lodge with me the 12th of September, I have had no ſervant ſince my huſband died, I took care of her child while ſhe aſſiſted me as a ſervant. I miſſed the things mentioned in the indictment; when I was able to get out of my bed, and to go from one room to another, I went up ſtairs for ſome things; ſhe did not want me to get up, ſhe ſaid it would hurt my leg to go up ſtairs, and adviſed me not, but I did go; I went to the cheſt to get a piece of callimanco out, and when I opened the cheſt, I miſſed a pair of new ſtays that were in the cheſt; when I came down ſhe was ſitting in the room, and had ſome ſmall needle work by her; ſays I, where did you leave my ſtays; ſays ſhe, in the cheſt; ſays I, they are not there; ſays I, is there two table cloths there? yes, ſays ſhe; then, on St. Stephen's day, when the priſoner's child was buried, I went to put on my black ſilk cloak, and I aſked her where it was; ſays ſhe, it is in the drawer; ſays I, I cannot find it; ſays ſhe, it was there not a quarter of an hour ago, let me look for it; ſays I, I can ſee as well as you; ſhe laid her hand upon mine, ſays ſhe, make yourſelf eaſy, Mrs. Richardſon, do not put yourſelf into a paſſion, I know where it is, and that night ſhe told me ſhe had pawned it for three ſhillings, and a week after ſhe ſaid ſhe had put it out for three ſhillings and ſixpence, in the name of Brown; then I loſt the ſheets.

Court. How came you, after miſſing all theſe things one after another, and ſhe telling you that ſhe had pawned ſome of them, to leave her in your houſe?——She only owned to the cloak; after ſhe went away I miſſed the ſheets, two ſhifts, and a ſhirt; I loſt alſo a ſilver table ſpoon and a tea ſpoon, and a ſtewpan; ſhe had my black ſilk cloak upon her when ſhe was taken.

NATHANIEL OWEN *ſworn.*

I lodge in the proſecutrix's houſe; I remember miſſing the ſhirt, but who took it I cannot ſay.

MARGARET BIGNELL *ſworn.*

I recollect ſeeing the priſoner taking ſomething out with her one morning, but what it was I do not know.

ELIZABETH WRIGHT *ſworn.*

Did you ever hear the priſoner ſay any thing?——I heard her ſay this, thoſe that took one, took all.

THOMAS MANSELL *ſworn.*

I am the conſtable, I apprehended the priſoner, and found this cloak on her.

(The cloak depoſed to.)

PRISONER's DEFENCE.

I know nothing of any of the things, ſhe deſired me to pawn them herſelf; the cloak that was taken off my ſhoulders ſhe lent me to go of errands, and ſhe told me to take it with me when I went away.

Court to Proſecutrix. Did you deſire her to pawn theſe things?—No ſuch thing.

The priſoner called one witneſs to her character.

GUILTY.

To be privately whipped, and confined to hard labour twelve months in the houſe of correction.

Tried by the London Jury before Mr. RECORDER.

353. ELIZABETH DAY was indicted for feloniouſly ſtealing, on the 14th of February, one earthen ware tea pot, value 12d. and two earthen ware diſhes, value 1s. 6d. the property of John Whiſker.

ANN WHISKER *ſworn.*

I keep an earthen ware ſhop; laſt Saturday was a fortnight, about ſix in the evening, the priſoner came to my ſhop, and two more women, and deſired to ſee ſome black tea pots; I took notice how many I took out, I took out five, they wanted to ſee more, and I did not chuſe it; one of them bid me leſs than I could take for a tea pot, then they quitted the ſhop, and as ſoon as they were gone I miſſed a tea pot, I called my huſband and told him, he went after them, and I followed him and ſaw him bring back the priſoner; I do not know what became of the other two, one of them took out two diſhes, but my huſband did not then know that the two diſhes he took from her belonged to me.

Court to Priſoner. Would you aſk this witneſs any queſtions?—I would rather aſk the gentleman when he is examined, if your Lordſhip pleaſes.

JOHN WHISKER *ſworn.*

As the priſoner and two more were going out of our ſhop, I juſt ſtepped in, and my wife informed me a tea pot was ſtolen; I followed, and when we came to the end of White Hart-yard, they all ſtopped; the woman on my left hand, who was one of the three, took out two diſhes from under her clothes, they were yellow diſhes with blue edges; the priſoner at the bar was taking out a black tea pot from under her arm, and ſhe dropped the cover of it; on hearing the cover fall, I offered my ſervice to take it up, I told her I knew the pot was mine; ſhe ſaid, ſhe only took it in a joke, and hoped I would not detain her, or words to that effect; I ſaid, I certainly ſhall, it was a joke I could not diſpenſe with, and I brought her to my houſe, and got a conſtable.

Did you bring the tea pot with you?——I brought it in my hand, there is a ſelling mark upon it, of my own making, in red ink; the other two women made their eſcape; the value of the tea pot is one ſhilling, I did not get the diſhes.

Jury, looking at the tea pot. My Lord, the mark is of ſo ſimple a nature, it is a figure of one, any one can make ſuch a mark as that.

Court. Were they ſmartly dreſſed?——Very genteel, I could not have conceived it.

Why did not you ſtop the others?——I confeſs I was flurried a good deal, I might not act with propriety.

Priſoner. Do you recollect whether I was rightly in my ſenſes when you brought me back to the ſhop?——I ſhould think you was not, or you would not have been guilty of that.

Priſoner. I mean to ſay, whether or no he could not perceive I had drank more that afternoon than had done me good?

Court. That is no excuſe at all.

Priſoner. I took it back in my hand to the ſhop, but I would ſooner have broke it.

Court. I am ſorry to hear a young woman of your age tell us, that you was ſo intoxicated you did not know what you did.

The priſoner called two witneſſes, who gave her a good character.

Court to Jury. This proſecution is for a thing of ſmall value, but a perſon being in liquor is no excuſe, for ſome of the lawyers tell you, that drunkenneſs being a voluntary crime, increaſes the guilt; but if a perſon had in a frolic taken ſuch a thing, I think it would be too ſevere to conſtrue it into a felony, and if you ſhould take it in that light, it is poſſible you may acquit her.

NOT GUILTY.

Court to Priſoner. You ſee what an eſcape you have had, entirely owing to the good character given of you, and the thing being of a trivial nature; and I hope this will put you on your guard.

Priſoner. You may depend upon it, my Lord; I am very much obliged to you, gentlemen.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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354. FRANCIS TURTLE and EDWARD EDWARDS were indicted for feloniouſly ſtealing, on the 26th day of February, one linen ſhirt, value 4s. and one hat, value 3s. the property of Robert Sermon.

BOTH GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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355. WILLIAM MATTHEWS was indicted for feloniouſly ſtealing, on the 16th of February, eighteen pounds weight of beef, value 5s. the property of Thomas Purdue.

GUILTY.

Whipped.

Tried by the London Jury before Mr. ROSE.

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356. PETER JONES was indicted for feloniouſly ſtealing, on the 26th day of January, one wooden trunk covered with ſkin, value 7s. the property of John Irvin.

GUILTY.

Whipped.

Tried by the London Jury before Mr. ROSE.

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357. RICHARD WOOLDRIDGE, otherwiſe JONAS WOOLDRIDGE, was indicted, for that he, on the 6th day of February laſt, twenty-nine pieces of falſe and counterfeit milled money and coin, each of them called a ſhilling, the ſame not being then cut in pieces, unlawfully and feloniouſly did put off to one Elizabeth Levy, at a lower rate and value than they did import, againſt the form of the ſtatute.

A ſecond Count, for that he, on the ſaid 6th day of February laſt, twenty-nine pieces of falſe and counterfeit milled money and coin, each of them made and counterfeited to the likeneſs and ſimilitude of a piece of good, legal and current milled money and ſilver coin of this realm, called a ſhilling, unlawfully and feloniouſly did put off to one Elizabeth Levy, at the rate of 29s. for one piece of current gold coin of this realm, called a guinea, againſt the ſtatute.

ELIZABETH LEVY *ſworn.*

I live in Catherine-wheel-alley; I remember the priſoner coming to my houſe on the 6th day of February, my huſband travels in the country, he is a dealer; when the priſoner came, he aſked if my huſband was at home, and ſaid he wanted to ſpeak with him; he was not at home; I told him I could do very poſſibly as well as him; with that he ſaid he had ſome ſhillings, if my huſband could help him to any body that would buy any; I aſked him what they were; he ſaid, twenty-nine ſhillings for a guinea; I aſked him to let me look at them, and he did, and I told him that my huſband was not at home, but to call again; he came very uncertainly at different times, that my huſband could not wait at home; when he came again, I told him I would have ſome of them; he came again the day he was taken, and I bought three parcels of him; I cannot tell the day of the month: when he came the ſecond time, he had none with him; he ſaid he ſhould call again, they were not ready; he never came to his time; he put ſome down, and I looked at them, and I looked out three parcels, and was to give him three guineas for them, twenty-nine ſhillings for a guinea; Mr. Clarke came in at the time, and ſeized us both; they lay there all ready; he took him and me, and ſearched him, and found a vaſt quantity in a bag.

Court. Had you actually paid him the money?—No, but I was going to pay him as Mr. Clarke came in; I had looked the money ready to pay him, and put them up.

Mr. Garrow, Priſoner's Council. My Lord, I meant to make the objection on the words of the ſtatute, the indictment charges, "that he did put off."

Mr. Juſtice Gould. Is not that putting off, delivering it to another?

Mr. Baron Perryn. I take putting off to be the ſame thing as actually diſpoſing, that is my conſtruction upon it.

Mr. Garrow. I meant to take the objection, but if the Court is clear in favour of the priſoner, I need not.

Mr. Baron Perryn. No, my brother Gould and me differ, I think putting off is the ſame as ſelling; the caſe here is this, while this woman was in treaty, Clarke the officer comes and ſeizes her; the priſoner had put them down, there were three parcels of them, and he was to receive three guineas; but before he received it, and they are ready for her, Clarke comes in and ſweeps them away; the thing is not done.

Mr. Juſtice Gould. I concur with that moſt clearly.

Mr. Sylveſter. She ſays, he came and agreed with me; apply to the woman herſelf.

Mr. Garrow. You ſhould not mend the witneſs's evidence.

Mr. Sylveſter. I never wiſh to mend a witneſs's evidence, the interpoſition came ſo ſoon.

Mr. Garrow. I was going to object, and my Lord made the objection, and I hope now that Mr. Sylveſter ſhall not aſk the queſtion; I was ſtanding up to croſs examine, and now Mr. Sylveſter tells your Lordſhip it had been agreed, and he is now to aſk the witneſs whether it was agreed; ſuppoſe ſhe had ſaid upon looking at them, no, Sir, I cannot afford it, I will give you two guineas and a half for it, that is not the meaning of the ſtatute, the contract muſt be compleat; the indictment ſtates this ſubſtantive fact, that he did put off; now, as to that, what is the evidence? was the contract perfectly compleat between theſe parties? was there any money paid? might not the contract be diſſolved?

Mr. Sylveſter. It has not been very uſual to object to queſtions before they are heard; all I deſired was, that the witneſs for the Crown, who is now ſworn, might tell her own ſtory, without being interrupted by me or that gentleman.

Mr. Baron Perryn. Mr. Garrow did ſtand up to croſs examine.

Mr. Juſtice Gould. The thing is as my brother Perryn has taken it; the money was put down; I am of opinion, upon the conſtruction of the act of parliament, that the offence is not compleated till it is received, and taken by the party to whom it is offered; then the evidence is, that Clarke came in before this woman had touched any of this money, and ſwept it all off.

Mr. Sylveſter. I underſtand that ſhe had received it intirely.

Elizabeth Levy. I had looked them out, and bought them, and was going to pay him.

Mr. Garrow. She ſaid they were ready for her to have.

Levy. He had told me the price before.

Mr. Sylveſter. Had you taken poſſeſſion of them?——Yes, I did, and put them in three different places on the table; they were in a bag, and he took them out of the bag.

Then this ſilver was reckoned out to you, and you put them in three parcels?——I had reckoned every parcel, there was twenty-nine ſhillings in every parcel; then Mr. Clarke came in and took the priſoner, and took the remainder of them from him in a bag; he had not thoſe about him that I had bought; and he took thoſe that I had bought off from the table; Mr. Clarke ſaid how came you here, ſays he, what are you about? he made anſwer, nothing at all, I do not know how I came here; I was at a ſtand when Mr. Clarke came in, it ſhocked me ſo I did not know what to do; Mr. Clarke aſked me what that was, and I told him I had bought it.

Mr. Garrow. You was very much ſhocked at his coming, though you expected his viſit?—I expected it much ſooner than he came.

So, you having invited a gentleman, and he not coming to his time, you were very much ſhocked at ſeeing him; is that ſo, Mrs. Levy?——Yes, Sir.

You had told us all that you knew about it when my Lord ſtopped you before?——Yes, Sir.

You had had two or three converſations with this man before?—Yes.

You made an appointment with Clarke to come and meet him?—Yes, there were three parcels on the table, I had not paid for them, I was going to pay for them, I had agreed, and was going to get the money at the pawnbrokers.

Oh! that is your idea of a purchaſe; what was you going to pawn this bad ſilver?—They would not take them in.

Oh! they would not?—I ſuppoſe not, I am not acquainted with this ſort of buſineſs.

You knew you was ſubjecting yourſelf to an indictment for a felony?

Mr. Sylveſter. That is not law.

Mr. Garrow. I beg your pardon.

Mr. Juſtice Gould. You ought not to put it on that ground, you might as well call thoſe accomplices to highwaymen, that go to take the highwaymen.

Mr. Garrow. I ſhall ſhew the Jury the character of this witneſs.

Mr. Baron Perryn. This woman has had frequent communications with this man, and ſhe ſeems to me to be a decoy duck.

Mr. Garrow. How much money had you in your pocket?—About a guinea, or twenty-five or twenty-ſix ſhillings; I was going to the pawnbroker's.

What are you?——I dare ſay you can ſee.

But I wiſh the Jury to know what are you, who are you?—A woman, I cannot give you any better account than that.

That is unlucky; is that the only account you ever gave in this place?—The only account I ever gave in my life.

Is it; why, I believe my learned friend has croſs-examined you before now?——I never was here in my life.

Upon your oath, was you never at that bar in your life?—I was never at that bar.

Are you a married woman?——Yes, I am a married woman, and have two children.

Your huſband is a pedlar when he is at liberty?—He is at liberty now.

Is not he in Newgate at this time?—No.

What is his other name beſides Levy, is not it Lyon?—No, Sir, now you are quite out.

What is it?

Mr. Sylveſter. It is very unneceſſary to know the hiſtory of this woman.

Mr. Juſtice Gould. I think theſe trials ought to proceed with more gravity.

Mr. Garrow. My Lord, the want of gravity comes from the witneſs, and not from me, I cannot help the Court laughing at the nonſenſe of the witneſs; I am inſtructed, that her huſband is now in the gaol of Newgate, and is to receive mercy in conſequence of this woman's evidence here.—Then you are inſtructed very wrong, I aſſure you.

Mr. Baron Perryn. I do not ſee myſelf the impropriety of that queſtion, becauſe what that gentleman alledged laſt night in the caſe of Mrs. Rudd, with reſpect to the evidence of Mrs. Perreau, the Court refuſed to receive her evidence, becauſe ſhe thought the conſequence would be, that her huſband would receive mercy; and if this woman had now ſaid, that the conſequence of this man's conviction would be that her huſband would receive mercy, it would have been material.

Mr. Sylveſter. I believe the law is, that it cannot go to the competency of a witneſs; nor do I believe in that caſe that the Court refuſed Mrs. Perreau on that; I believe it was put to Mr. Bearcroft, whether he choſe to examine her upon it or not.

Court. If it went to her credit, the queſtion was proper.

Mr. Garrow. If any body has told the witneſs, it will have that operation.

Mr. Baron Perryn. I know a witneſs was rejected by Lord Chief Baron Parker, becauſe he was under an honorary conſideration to pay coſts, not a compulſory one.

Mr. Garrow. Was you never in the cuſtody of an officer before this time?—No.

Never for receiving ſtolen goods?——I never did receive any ſtolen goods; there is ſeveral of the name.

And you neither had paid for theſe things, nor had the three guineas to pay for them?——No, not quite.

Pray Mrs. Levy, I am deſired to aſk you another queſtion, give a ſerious anſwer upon your oath; has not your huſband very recently been in cuſtody for putting off bad guineas?——No, not bad guineas.

For ſome offence about coining?——No, Sir, I will tell you; this was the ſecond time that this man came; the firſt of this man's coming to me, he came with half a guinea, my huſband was not at home, nor knew nothing at all about it; I told him when he came home, and I looked at it; ſays I, it is bad, and I would not have any thing at all to do with any bad money; he went away and came on the Monday; he aſked me if my huſband was at home, and I told him he was not; he bade me keep it, and he begged me to tell my huſband to ſee if he could get any cuſtomers; on the Thurſday, my huſband took the half guinea, and went into that gentleman's ſhop to buy ſome tea and ſugar, and that gentleman ſaid it was bad.

Mr. Garrow. Your huſband then was in cuſtody, on a charge of having put off a bad half guinea?—He was in cuſtody for having this half guinea.

Your huſband being in cuſtody on this ſubject, you then laid this ſcheme to bring the priſoner to your houſe?—I could not, I did not know where he lived, he frequently came and brought me ſilver after he knew this.

When was your huſband diſcharged?—He was not diſcharged, he was bailed.

Mr. Sylveſter. And he is now to be tried?—Yes.

Mr. Garrow. Now, my Lord, I aſk her the queſtion in Mrs. Rudd's caſe; I aſk you, upon your oath, whether you have not laid this ſcheme to bring that man here, for the purpoſe of bringing off your huſband?—Upon my oath I have not.

Do not you expect that the conviction of that man at the bar will prevent the proſecution of your huſband?—I do not expect it.

Do not you hope it?—I do not hope to convict any body.

Do not you hope your huſband will be diſcharged?——I do not ſuppoſe he will be diſcharged.

Did you never ſay ſo to that gentleman?—I never ſaid any thing to that gentleman.

Did you never promiſe that gentleman to take the priſoner?——I never promiſed any body, I did not promiſe any ſuch a thing, you want to perſuade me that I told him things; there is as much honeſty in me as there is in you.

Have not you been told that your huſband will be diſcharged?—I have told you ſeveral times that nobody has told me ſo.

Have you, then I did not underſtand you.—Then I tell you ſo now.

Do not you expect it will be better for your huſband, if that man is convicted?—I do not expect any thing about it.

Do you believe it?—I believe very little about it, indeed.

You are an unbeliever, is that the caſe?——Like yourſelf.

I do not believe what you ſay, if you you mean that; where is your huſband?—I muſt be a witch or a wizard to know where he is now, I have been here ſince nine this morning, he was in bed when I came out this morning; if you was on the bench, I am ſure you would caſt him right or wrong.

Did not you lay this ſcheme to bring the priſoner to your houſe, that your husband might be diſcharged?——You could not blame me if I did.

Mr. Sylveſter. This man came to you with half a guinea?—Yes.

What did he offer half a guinea for?——Eight ſhillings and ſixpence, I paid him for that.

After that he came ſeveral times to offer you ſilver?—Yes.

You did not know where the priſoner lived?—No.

But you gave information that the priſoner had been with you?——Yes, I did not know his name, I had ſeveral times ſeen him with this ſilver; I had agreed for the payment of the money, and had received it from him.

Mr. Baron Perryn. If you cannot carry this matter any further than the evidence that is now adduced, I am of opinion it is not ſufficient evidence, therefore it is the buſineſs of the Court to decide on that queſtion, and if my brother Gould is of the ſame opinion with me, I ſhall not reſerve this caſe.

Mr. Sylveſter. It is your Lordſhip's wiſh as well as mine, that the determinations of the Court ſhould be conſiſtent, and that one day we ſhould not reject evidence, which another we received; I do not believe there is an objection that can be ſtated by the ingenuity of man, but what has been taken, and has been conſidered; I defy the ingenuity of this gentleman to find a new objection; I remember this objection being taken, and taken by myſelf, and over-ruled; the anſwer to me has been this, the offence is compleat on the priſoner if he puts it off to you, and gives you the poſſeſſion of it, he has done as much as in him lays; to do the ſubſequent part lays in the witneſs, to give the money; no one of the Gentlemen of the Jury would have have paid the money, but the moment he had poſſeſſion of theſe counterfeit ſhillings, he would immediately have taken the priſoner up: I only wiſh we may know how far it is or is not evidence.

Mr. Baron Perryn. Upon the croſs-examination of this woman, ſhe has carried her teſtimony farther than ſhe did on her examination in chief; and as you have another indictment againſt this man, why ſhould you be ſo anxious to have a determination upon this.

Mr. Sylveſter. My Lord, I wiſh it.

Mr. Baron Perryn. If my brother Gould concurs with me, the man muſt be acquitted; but if he thinks it ſuch a caſe as is proper for the conſideration of all the Judges, it ſhall be reſerved for their opinion.

Mr. Juſtice Gould. I concur that nothing can be more clear, than that the act muſt be done according to the terms of the act of Parliament, and whatever progreſs it may have made towards it, if it is not finally compleated and finiſhed, it does not reach that crime; however it may be right to take every poſſible method to repreſs ſuch pernicious practices as theſe, the Judges are bound not to ſtretch laws that are to affect the lives of their fellow ſubjects: I remember a caſe I tried at York, and I reſerved it; it was an indictment for coining a guinea and a half-guinea; the guinea was ſtruck between two dies, with the head and with the reverſe compleat; it was then delivered by the coiner, (for there was actual proof of the fact itſelf, of its being delivered) to a perſon ſtanding by, and the purpoſe of it was manifeſtly and unqueſtionably to go and get it changed; but in the ſtate that it was delivered out, the edges were rough, and it would not paſs; nobody would take it; nothing could be proved of what became of this piece of counterfeit money: the objection as it has ſtruck my brother now occurred to me, that it was treaſon brought very near to completion, but not quite completed: I let the trial go on, I acquainted the late Mr. Wallace, a man very eminent and particularly ſo in the laws of this country; I ſaid, I did not chuſe to let this paſs publicly in the hearing of this whole county, for Yorkſhire was then very famed for this, and I reſerved the caſe: the opinion of the Judges was, that I was right in my conception, that the piece not being compleatly finiſhed, it did not amount to high treaſon. The act of Parliament in this caſe ſays, ſhall take, receive, pay, or put off: now take the common idea of that; a man comes to a tradeſman to pay for a piece of goods, that he is buying in his ſhop, before the tradeſman has delivered his goods he diſcovers this counterfeit money, the man intended and meant, if you pleaſe, to put off that money, but it had not its effect, it was ſtopped before it reached the goal; the legiſlature in my opinion upon the act of Parliament that occurred to me, have themſelves decided this matter, in the act of the fifteenth and ſixteenth of his late Majeſty, there the offence, which I apprehend this amounts to is provided for; if any perſon after ſuch a day ſhall offer or tender in payment any falſe or counterferfeit money, he ſhall be liable to be impriſoned for ſix months: this was offering and tendering this falſe money, and it would clearly come within that act of Parliament, but within the term *pay or put off* as it ſtrikes my idea, it falls ſhort of the import conveyed by thoſe words, therefore I do concur in opinion with my brother Perryn; altho' it is ſaid here at the bar, that this matter has paſſed ſeveral times here, and then we are told that all the ingenuity of council cannot invent a new objection, that there is no objection that could occur to the ingenuity of man, but has been ſtarted here and thoroughly diſcuſſed; I confeſs, I never heard a queſtion of this kind before, therefore it comes to me purely and ſimply upon the terms of this act of Parliament, and if we are to underſtand theſe words not with a legal acceptation, but a vulgar acceptation, what does a man mean when he ſays I put off ſuch a half-guinea? why, I have got rid of it; therefore we ought to refer to the natural acceptation of the term, and this evidence does not reach it: therefore I am of opinion that in point of law the offence is not proved.

Mr. Sylveſter. My Lord, that act of Parliament your Lordſhip mentions is for offering, or tendering in payment, as and for a good piece of legal coin, falſe money as good money; the objection would be, it cannot come within that act of Parliament, he does not utter it, or pay it as good money, he pays it as bad money.

Mr. Baron Perryn. It is not uſual to reply to the Court, you have heard the opinion of the Court.

Mr. Juſtice Gould. You ſhould look at the act of Parliament, the words are, "ſhall after ſuch a day offer or tender in "payment any falſe or counterfeit money, "knowing the ſame to be falſe and counterfeit."

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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358. The ſaid RICHARD WOOLDRIDGE otherwiſe JONAS WOOLDRIDGE was again indicted, for that he, on the 29th day of January laſt, one piece of falſe and counterfeit milled money and coin, made and counterfeited to the likeneſs and ſimilitude of the good, legal and current milled money and coin of this realm, called a half-guinea, the ſame not being then cut in pieces, unlawfully and feloniouſly did put off to one Elizabeth Levy, at a lower rate than the ſame did import, to wit, for eight pieces of current ſilver coin of this realm called ſhillings, and one other piece of current ſilver coin of this realm, called a ſixpence, being together of the value of 8s. 6d. againſt the form of the ſtatute.

A Second Count, for putting off one piece of counterfeit milled money called a half-guinea, &c. for eight ſhillings and ſixpence, againſt the ſtatute.

Mr. Sylveſter of Council for the Proſecution thus opened the caſe.

Gentlemen; I did not think it right to mention this indictment, in the beginning of the former trial, becauſe though I wiſh juſtice always to take place between the crown and the priſoner, I for one will never endeavour to prejudice the minds of the Jury; for which reaſon cautiouſly did I avoid it, nor did I ſuggeſt the leaſt hint whatever of this offence, I wiſhed that trial to turn on that ſimple fact of the ſhillings; the queſtion now is, Whether the offence mentioned in this indictment, which has now been read to you, is, or is not compleat? becauſe————

Mr. Garrow. I beg Mrs. Levy may go out of Court while Mr. Sylveſter is ſtating this.

Mr. Sylveſter. The character that has been given of the witneſs, Mrs. Levy, I believe ſhe does not deſerve; the way to affect witneſſes, is to call people to impeach their teſtimony; you will judge what credit is due to her teſtimony, and whether it remains unimpeached. The ſtory of this indictment ſhe has pretty nearly told you on her croſs-examination, as well as the former; that on the 29th of January the priſoner came to her, and wanted her huſband to get ſome cuſtomer to buy counterfeit money; that one particular half guinea was left for ſome days, and that at laſt it was bought, and eight ſhillings and ſixpence was paid for this half guinea; the huſband going with this half guinea, and tendering it in payment as a good half guinea, becauſe otherwiſe, in my opinion, it is no offence, the tradeſman ſaid, how did you come by this; then it was diſcovered that it came by this man, the priſoner; he had been traced by the officers of juſtice backwards and forwards to Levy's houſe; they watched him and took him into cuſtody, and found a large quantity of counterfeit money upon him; in this caſe, the money was actually paid for the half guinea, therefore the offence was perfectly compleat, and if ſo, you muſt find the priſoner guilty. If on the other hand, the evidence ſhould not be ſufficient to reach him, or he has a clear defence to this accuſation, I, for one, ſhall rejoice in his acquittal; and as to the Mint, although they think it their duty to ſtand forth to proſecute every offender, and to protect the public, they have no wiſh or inclination on either ſide of the queſtion.

ELIZABETH LEVY *ſworn.*

The 29th of January was the firſt time the priſoner came to my houſe; he aſked me if my huſband was at home, that was this day five weeks, I cannot rightly tell the day of the month, I told him my huſband was not at home, and I aſked him his buſineſs, then he ſhewed me half a guinea to buy it.

Court. He aſked you to buy it, did he?—Yes, Sir, I told him it was a bad half guinea, and he ſaid it was; I aſked him then what he aſked for it; he ſaid, eight ſhillings and ſixpence; I told him, I thought eight ſhillings and ſixpence for a bad half guinea was a great deal of money, and I told him I could not ſay any thing to it, I would ſhew it to my huſband, and he would call again, for being Saturday, I could not pay him for it.

Court. What it was your ſabbath, was it? Yes, Sir.

So your conſcience would not let you pay for it that day?—No, Sir; he called again on the Monday following, and I told him I did not much like to have any thing to do with it; then he over perſuaded me, and ſaid there was two ſhillings that I might get by half a guinea, and I bought it of him, and gave him eight ſhillings and ſixpence for it.

Court. And you actually bought it?—Yes, Sir.

And did you pay for it?——Yes, Sir, I paid him eight ſhillings and ſixpence for it.

Are you ſure it was the priſoner you dealt with?—Yes.

Had you known any thing of him before?—I had ſeen him ſeveral times before.

Had you ever any dealings with him before?——Once, a good while back.

And only in that inſtance?——Only in that.

Mr. Sylveſter. When did you ſee him after that?—I ſaw him on the Thurſday following, he called and had nothing with him, and he called on Friday, as I have ſaid; I am ſure of the man, I do not come here for gain or intereſt; I gave the half guinea to my huſband in his pocket on the Thurſday, as he called on the Friday.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 25th of FEBRUARY, 1784, and the following Days;
Being the THIRD SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Richard Wooldridge.

Mr. Garrow. Is your huſband here?—No, he had no call to be here.

Now, the firſt time that he came to you, you ſay, that he left the half guinea with you?—Yes.

You did not then bargain for it?—I was only to keep it and ſhew it, I was afraid to look at it almoſt, for I did not like the thoughts of bad money, and I know the conſequence of people being brought into trouble.

I think you ſaid you had once before dealt in bad money?—Yes, once with him, but never with any body elſe, I had bought half a guinea worth of ſilver of him, and if he had not come to me, I ſhould not have gone to him.

And ſo this half guinea ſhocked you, and frightened you ſo, that you was afraid to look at it?——I never mentioned any thing of ſhocked.

Well, frightened?——No.

Afraid then?——It was very pretty.

At laſt you gave it to your huſband?—Yes.

What became of it after you gave it to your huſband, you do not know of your knowledge?——He laid it out.

Why will not you tell me that you know nothing at all about it?——I do, Sir.

Your conſcience would not let you pay for it on the Saturday?——No.

Then your conſcience is of this ſort, it will let you make an iniquitous bargain of a Saturday?—I did not make any bargain of a Saturday, I bargained and paid for it on the Monday.

Did you go to the pawnbroker's?—No, I had as much about me.

Your huſband gave you information that he was in trouble about this half guinea?—Yes.

He was taken up for uttering that half guinea, and gave bail?—Yes.

How long was he in cuſtody?—A week.

Did the Solicitor of the Mint conſent to his being diſcharged?——I do not know.

Where was he bailed?——Before them that committed him, ſomebody up in Bow-ſtreet.

ELEANOR LESTLEY *ſworn.*

My father keeps a grocer's ſhop in the Strand.

Have you the half guinea?—My father has.

Who did you receive it from?——From Mr. Levy.

Did you give it to your father?—Yes.

Mr. Garrow. Miſs Leſtley, was you acquainted with Levy?——No, I never ſaw him before.

So that you received it of a man, whoſe name you afterwards heard was Levy?—I ſaw him afterwards at Sir Sampſon Wright's.

Was the priſoner there then?—No, he was not.

CHARLES LESTLEY *ſworn.*

I am a grocer; I was preſent when my daughter received that half guinea from a man of the name of Levy; that is the ſame half guinea.

Mr. Garrow. You did not know him before, I ſuppoſe?——No, never.

A man gave that half guinea to your daughter, whoſe name you afterwards underſtood was Levy?—Yes.

Mr. Juſtice Gould. Was you at Bow-ſtreet; did you ſee the man there?—I did not; I took him, he ran away as hard as he could, he ran up two ſtreets, and I ran after him and took him to Bow-ſtreet, and he emptied his pockets of bad ſilver.

What charge was made againſt him at Sir Sampſon Wright's?——For uttering a bad half guinea he was committed; I know nothing about his being admitted to bail, only as I have heard; I do not know how long he was in cuſtody.

Mr. Sylveſter. It is the ſame man?——Yes.

CHARLES JEALOUS *ſworn.*

I ſearched the priſoner, and in his breeches pocket I found theſe four half guineas; I alſo found ſix ſhillings in his breeches pocket, and two bad ſixpences in his fob pocket; the ſix ſhillings were all bad.

Did you find any thing more about him?—Yes, in his coat pocket he had a bag of ſilver, with a vaſt quantity indeed, which are the ſame pattern of theſe ſix ſhillings.

Mr. Garrow. Was it before or after the priſoner was apprehended, that her huſband was in cuſtody?——Her huſband was in cuſtody before the priſoner was apprehended.

Was he in cuſtody at the time?——I do not know.

You went there by the appointment of Mrs. Levy?—I ſhall not tell you without ſubmitting it to the Judge.

Court. It is very proper.

It was by the particular deſire of Mr. Clarke; I knew nothing of Mrs. Levy; ſhe did not make that offer; I did not apprehend Levy; I was not preſent when he was examined.

How many parcels of ſilver were there on the table?——I cannot tell; I know the priſoner what a comical ſort of a gentleman he is at ſometimes.

Were there not ſeven or eight?—I cannot tell indeed; four or five there might be.

JOHN CLARKE *ſworn.*

Examined by Mr. Sylveſter.

You have been employed for the Mint about fifteen or ſixteen years paſt?—A good many.

You went to Levy's houſe?——I did on Friday the 6th, the very day that I was taken ill; I went into the one pair of ſtairs, there I ſaw the priſoner at the bar, and Mrs. Levy, ſitting at a table by the fire, and upon the table there lay three nine and twenty ſhillings worth of ſilver, in three parcels of ſilver, I counted them, and in each parcel there were twenty-nine ſhillings; I deſired Jealous to ſearch the priſoner in my preſence; he did ſo, and in his pocket he found a canvaſs bag, and I think there was twelve or thirteen pounds, beſides the three parcels that were found on the table; (*the three parcels ſhewn him*) I think there were four counterfeit half guineas, and ſix ſhillings which are in the hands of Mr. Jealous.

Mr. Sylveſter. Have you compared the ſhillings in the parcels and in the bag with thoſe in his pocket?

Mr. Garrow. Will your Lordſhip try any queſtion about the ſhillings.

Mr. Juſtice Gould. This is only a circumſtance to denote that this man dealt in bad money.

Mr. Garrow. That is evidence about his character.

Mr. Baron Perryn. Have you any monier of the Mint, to ſhew that this was bad money?—Yes, my Lord.

Mr. Garrow to Clarke. You took the priſoner and Mrs. Levy both into cuſtody?—Yes, I did at firſt.

She was a good deal frightened and alarmed at your coming into the room?——I do not ſuppoſe ſhe was ſo much frightened as what you may imagine; the fact is this, after her husband was taken into cuſtody, it was thought neceſſary to get at the branch and at the root of it, and the woman herſelf ſaid, ſhe would give up the perſon whom ſhe had the half guinea of.

In order to ſave her husband?—No, Sir, no ſuch thing; he is under proceſs at this time, to appear at Weſtminſter ſeſſions.

I would aſk you, if I may be permitted, whether you do not, upon your oath, believe that that woman expects her husband will be diſcharged in conſequence of the priſoner's conviction?

Mr. Juſtice Gould. Though that affects her credit, it does not affect her competency.

Mr. Garrow. I am as well contented that it ſhould go to her credit.

Mr. Sylveſter to to Clarke. You have ſeen all the half guineas?—All but that of Mr. Leſtley's, which I never had in my hands.

Be ſo good to compare them.

(Clarke looks at the half guinea and the others.)

Mr. Garrow. If the half guinea which is now produced to you by that gentleman, had been produced to you by any body elſe, could you have diſtinguiſhed it from a good half guinea?—Not a doubt of it, if it had been out of my poſſeſſion for ſeven years.

Could you diſtinguiſh that one from the others that are produced to you?—No, I do not ſay that.

They are ſo much alike, that though you could diſtinguiſh them from good half guineas, you could not diſtinguiſh them from theſe?——It is too much for me to ſwear it, I would not ſwear it.

I dare ſay you would not.

RICHARD FRANKLIN *ſworn.*

I am a monier of the Mint; this is counterfeit; and the others alſo.

Court. How do you know that they are bad?—By the milling.

Is there any gold in it?—It is impoſſible to diſtinguiſh that, without an aſſay.

Mr. Clarke. Whoever made one made the other; I ſhould not like to give above ſixpence; in ſhort, they are worth nothing; I ſhould not ſuppoſe there is any gold in it.

Mr. Garrow to Franklin. You have ſaid it is impoſſible to aſcertain, without an aſſay, how much gold there is in this half guinea?—Yes; one of the reaſons that I think it is bad is, that the milling is very badly executed.

Might not a good half guinea be ſo clipped, and afterwards milled by an inexpert hand, as to produce that ſort of milling that is now on this half guinea?—It might be ſo done.

Court. Does it appear that this half guinea has been clipped?——No.

Can you tell that by your eye?—Yes, I ſpeak from the whole, but the milling is what I know by.

Mr. Clarke. You will find that the very outlines of the die is upon the money, therefore when it comes to be milled, or taken off, it muſt reduce it.

Mr. Garrow. My Lord, admitting the whole of Mrs. Levy's evidence to be true, for the ſake of argument, I humbly ſubmit that there is no evidence, that this half guinea was the half guinea that Levy uttered, becauſe Levy is not produced.

Mr. Baron Perryn. That is proper evidence to be left to the Jury.

Mr. Garrow. There is no proof that it is the ſame half guinea that he received from his wife.

Mr. Baron Perryn. Is Levy here, becauſe he is a competent witneſs?

Mr. Garrow. Levy had a great deal of falſe money about him.

Mr. Baron Perryn. He had no other gold, but the priſoner had.

PRISONER's DEFENCE.

I went to Mr. Levy's to ſee him; I knew him ſome time; he ſaid he would help me to ſome employ; he was out of town, and I called again the next day, and ſhe bid me ſtop a bit, and ſhe began telling this money over; I had no time to ſay any thing to her, ſhe had them in the room when I went in; ſhe ſaid here is ſomebody coming up; ſays ſhe, put that bag in your pocket, and ſhe had ſome ſhillings that ſhe was looking at, and there was ſomebody coming up ſtairs, it was theſe gentlemen; ſays ſhe, here is ſomebody coming up ſtairs, and, ſays ſhe, put them in your pocket; I put the ſilver in my coat pocket, and the half guineas and ſhillings I put in my breeches pocket.

Court. What do you ſay as to offering the half guinea to her?—I never ſaw that, I know nothing of it; there were four on the table, that was all that I ſaw.

Court to Jury. This is a caſe that comes directly within the act of parliament; this depends intirely on the credit you give to Mrs. Levy's teſtimony: as to the want of the evidence of Levy being produced, that does not, in my apprehenſion, make any great difference in this caſe; becaſe, if the priſoner offered to ſell any counterfeit money, he has been guilty of the offence which is within the act of parliament; it ſeems to me, that if any half guinea is now produced to you in evidence, which was uttered by the priſoner at the bar at a leſs price, it is ſufficient.

GUILTY.

Mr. Reeve. My Lord, this is a man who has had once his Clergy, it is the wiſh of the Mint, that he ſhould be proceeded againſt as Rothwell was.

The ſentence on this priſoner, which is that of **Death**, he having before had the benefit of Clergy, was not paſſed, but reſpited to next Seſſions.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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359. THOMAS TURNER was indicted for feloniouſly ſtealing, on the 13th day of February, one wooden box, value 10s. one cloth coat with ſixteen ſilver buttons, value 50s. a cloth waiſtcoat with ſilver buttons, value 20s. a pair of worſted ſtockings, value 2s. one pound and a half of worſted, value 5s. one printed book, value 5s. ſix linen ſhirts, value 30s. three muſlin neckcloths, value 7s. four guineas, value 4l. 4s. and 1l. 19s. 3d. in monies numbered, the property of Thomas Newcomb, in the dwelling houſe of Thomas Babbington.

THOMAS NEWCOMB *ſworn.*

I am a grazier; I lodged all the winter at the dwelling houſe of Thomas Babbington; I loſt a wooden box, value 10s. I ſaw it at ſeven o'clock on February the 13th, and before eight my room door was broke open, and my box and a bundle of linen was taken away, with the things mentioned in the indictment; a great part of the things have been found, and are in the poſſeſſion of Mr. Jealous.

CHARLES JEALOUS *ſworn.*

Produces a coat, ſome ſhirts and neckcloths, a new book, and a pair of ſtockings.

(Depoſed to.)

DOROTHY BABBINGTON *ſworn.*

Mr. Newcomb lodged at my houſe in February laſt; I went up a little before eight on the 13th, and I found the proſecutor's door wide open, and his box gone; I have repeatedly ſeen him wear that coat and waiſtcoat, they had ſilver buttons.

Mr. Garrow, Priſoner's Council. Who elſe lodges at your houſe?——A working man.

Any body elſe ?—Another working man, a watchmaker, very honeſt people.

Do you keep a ſervant ?—No, not theſe two months.

MARY MAVIN *ſworn.*

The priſoner lodged with me, I know nothing further of him; it is three weeks laſt Saturday ſince firſt his wife took theſe lodgings; I know nothing concerning theſe things, he always behaved to me in the character that he took it in, as a ſhoemaker; I know nothing of the things, till Mr. Jealous came into the room and took them; I never was in the room the whole time they were in the houſe; I live at No. 14, New-ſtreet-hill.

Are you a married woman, or a ſingle woman ?—A married woman, my huſband keeps the houſe; I have other lodgers; my huſband is a taylor.

This room was not taken of you by the priſoner ?—No, his wife took it.

Or, to ſpeak more regularly, a woman took it, whom you thought to be his wife; you never heard him call that woman his wife ?—No, I never ſaw him till they brought their goods.

CHARLES JEALOUS *ſworn.*

On the 18th of February the priſoner was brought to Sir Sampſon's, and he aſked him where he lived, and he ſaid he did not chuſe to tell him; I was then told immediately of a woman at a certain place, who was called his wife; curioſity led me to watch her home, and I watched her to No. 14, New-ſtreet-hill, I found there this quantity of picklock keys, ſix ſhirts, this coat and waiſtcoat, three neckcloths, and a book; they have been in my cuſtody ever ſince.

Court. Do you know who lodged there ?—Only as I was told.

But you muſt not tell us that; did you ever ſee the priſoner there ?—No, when the priſoner was brought to the Office, before Sir Sampſon, and when I produced the property in that box, Sir Sampſon aſked him how he came by it; he ſaid, he had bought them, and would tell who he bought them from, if Sir Sampſon would admit him an evidence.

Mr. Garrow. Do you happen to know how long it was after the things were loſt before you found them in this box ?—Several days.

From the 14th to the 18th ?—Yes.

Now, as to the converſation that paſſed at the office, are you quite ſure at this diſtance of time; you hear many converſations ?—If it was for ſeven years, and I ſaw your face, or any man's face, I could remember him.

I have ſeen ſo many inſtances of your recollecting faces, that I can believe that; but I ſay as to the converſation ?—Yes, I can.

Mr. Sheriff Skinner. Was there any money found on this man ?—Yes, Sir, Atkins found it.

Court to Mary Mavin. Was you before the magiſtrate ?—Yes.

Did you hear the priſoner ſay any thing ?—My memory is but bad, I cannot remember.

Mr. Garrow. Her memory is not ſo good as Jealous's.

JOHN ATKINS *ſworn.*

I am ſervant to Mr. Newport, at New Priſon, and I attend at the Office in Bow-ſtreet, to bring priſoners backwards and forwards; the priſoner was brought by a conſtable, and ſome other people, to the watch-houſe, on the 18th of February.

Do you know any thing that the priſoner ſaid before the magiſtrate ?——Yes, when Jealous came back, he ſaid he bought thoſe things, and if Sir Sampſon would admit him an evidence, he would tell who he bought them off; I took him into another room, and I ſearched him, and in his pocket I found a watch, and in his breeches pocket I found five guineas, and ſix ſhillings and ſixpence: I took him over the way, and ſearched him further, and on his taking his ſtockings off, I found twelve guineas and a half in his ſtocking foot; I brought him over again there, and Jealous was in the parlour with the box, and he owned ſome part of the property, and ſaid he found it then; I do not know what part of the property it was.

Mr. Garrow. Was this confeſſion in writing?—No.

Is not it the conſtant cuſtom of your office to take it in writing?—No, Sir, I do not know that it was.

Do you know it was not.

Court. I do not take it to be a direct confeſſion.

Mr. Garrow. Now this man had been in cuſtody of your mirmidons, and he had hid his money, for fear you ſhould ſteal it from him, that is the caſe; is not it?—You may think as you pleaſe.

The priſoner called three witneſſes to his character.

GUILTY.

Of ſtealing to the value of 39s.

N. B. This ſentence reſpited; ſee Part V. this priſoner tried and capitally convicted, but his caſe reſerved for the opinion of the Judges.

Tried by the London Jury before Mr. ROSE.

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360. JOHN SMITH was indicted for feloniouſly ſtealing, on the 19th day of January laſt, one man's cloth great coat, value 10s. the property of John Jefferſon.

GUILTY.

Whipped.

Tried by the London Jury before Mr. ROSE.

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361. WHEELER JOHN, JOSEPH GOODALL and THOMAS ROBINS were indicted, for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Manſell, on the 24th of February laſt, about the hour of eight in the night, and feloniouſly ſtealing therein, four earthen ware tea cups, value 2d. three china cups, value 1s. five china ſaucers, value 1s. one earthen ware tea pot, value 1s. two wine glaſſes, value 6d. and one other glaſs, value 1d. the property of the ſaid William.

The witneſſes examined apart at the requeſt of the priſoner.

WILLIAM MANSELL *ſworn.*

I live in Vincent's Court, Silver-ſtreet, No. 3, I have kept houſe there about half a year; the 24th of February the window was broke open, I was not at home, I loſt a ſmall globe glaſs mentioned in the indictment, the conſtable has it, I loſt nothing elſe to my knowledge.

ANN MANSELL *ſworn.*

I am wife of the laſt witneſs; on the 24th of February laſt, in the evening, about half paſt ſeven o'clock, I was up in my two pair of ſtairs room, it was quite dark, and having a lodger in the firſt floor, ſhe heard a noiſe, and we both went into the kitchen, and found the ſaſh up, and the ſhutter open; the kitchen is even with the ground; I faſtened the window about half an hour before, the ſhutter I faſtened with a couple of bolts.

Court. Was it dark at ſeven?—Quite dark; when we came down ſtairs, ſeeing the ſaſh up, we went up again, and called out from the one pair of ſtairs for aſſiſtance, and one Thomas Hamilton came, and I went down with him, and found both the bolts were wrenched half way off, I did not ſee any violence done to the windows, and the things mentioned in the indictment were removed on the window-edge, and there was a little glaſs bottle that had been a preſerver of oil, that my little boy had ſtuffed full of ſilks, pink and blue, taken away, the things were taken out of the cupboard cloſe by the window-ſeat, in the window-edge; I loſt nothing of value, only the little bottle with the ſilks, which was produced at Guildhall; I know nothing of the priſoners.

THOMAS

THOMAS ANDERSON *ſworn.*

Court. What are you ?—I am a taylor, I live in Addle-ſtreet, and have lived there years, I am a houſe keeper; on Tueſday night laſt, the 24th of February I went to my door, which is directly oppoſite this court; oppoſite my door I found three men, I watched about five minutes, there was a lamp directly over the court, at the entrance.

Court. Look at the priſoners, can you tell by that lamp light that the priſoners were the men ?——Yes.

You ſpeak to them all three ?—Yes.

Be very ſure, it is a matter that affects their lives.——Yes, I am very ſure, I ſuppoſe I ſaw them half an hour in the court; they were walking backwards and forwards, and I ſaw Wheeler John croſs the way, from the other two, and go into a green ſhop, he croſſed again and came paſt me, and went round the corner into Wood-ſtreet, and he came back to the other two, who ſtood at the bottom of the court, and then he and Robins went up the court; Goodall waited at the bottom, and preſently the other two came running down the court and joined him; and they all went to Addle-ſtreet together.

Is this court a confined court, or is it open at both ends ?——It is a confined court: as ſoon as they got out of ſight, I heard the cry of murder, and thieves! I went up the court, and ſaw the woman out of the window, who begged me to get in, for there were thieves in the houſe, I ſaw the windows were open, and the window ſaſhes thrown back, the bolts wrenched off, only hung by a nail that one might turn it round with one's finger; the woman came down and let me in, I ſearched the houſe, and below there ſtood the china, and tea pot, and ſome things ready in the window, they ſtood one in the other.

Jury. What diſtance might you be when you was making theſe obſervations ?——I do not know, two coaches can hardly paſs the ſtreet one by the other; I went out afterwards, and at the bottom of Bartholomew Lane, the corner of Whalebone Court I ſaw the ſame three men again; there is a great light there, I heard no converſation, I watched them till a coach turned up the lane, then I loſt ſight of them, I then went up Throgmorton-ſtreet, and found them at the bottom of another court, I paſſed them, and had them apprehended, I heard them ſay nothing at any time; in the court where Goodall was taken, we found an iron crow, about two or three yards from him, I did not ſee it found; the firſt that was taken was Robins, he had a ſcuffle with the man that took him.

Priſoner Goodall. The crow was brought in a quarter of an hour after I was taken.

JOSEPH STREET *ſworn.*

I am a ſoldier, I took Robins, and brought him into the Black Swan, Anderſon came there and aſked me to aſſiſt him, he pointed to Robins, and ſaid he was the man; when the conſtable was ſearching him, I ſaw him drop ſomething, I picked it up, and it was a bottle full of ſilk, they were left with the conſtable, but I do not know who took the other two, there was nothing found on them.

WILLIAM WILLIAMS *ſworn.*

I took Goodall in White Lyon Court, Throgmorton-ſtreet, I brought him to the Black Swan, I found nothing on him; both the other priſoners were brought there, Street the ſoldier brought in one, there was *found on one* a glaſs bottle and ſome raw ſilk of various colours.

Upon which was it found ?——*At the feet* of Robins.

Were the priſoners near to each other ? ——Yes, about a foot.

Then you cannot tell us *from whom* this glaſs bottle came; all that you know is, that in that room was found that bottle ?—Yes, the conſtable has the bottle.

FREDRICK MILLAN *ſworn.*

I am conſtable, I took charge of the priſoners, they ſaid nothing particular, I ſearched them, and found nothing on them, but two claſp knives; I ſaw the glaſs bottle found, I did not ſee it dropped, it has been in my poſſeſſion ever ſince.

(The bottle produced and depoſed to.)

Prisoner Wheeler John's Defence.

I ſtopped at the end of this court, and I was taken, I am innocent of the affair.

Prisoner Goodall's Defence.

I happened to go up a wrong court, which was not a thoroughfare, and I was coming back, and was taken.

Prisoner Robins's Defence.

I was coming home, and running, I turned too ſharp and my foot ſlipped, and the man took and ſtruck me; I made no reſiſtance.

Court to Anderſon. Who took Wheeler John?——I did not ſee him taken, I ſaw him after, I mentioned it at the Swan.

All three Not Guilty.

Court to Priſoners. The Jury have leaned to the merciful ſide in a doubtful caſe; but if you are ſatisfied in your own minds, that you have been guilty, I hope you will take very great care how you get into ſuch a ſituation in future.

Tried by the London Jury before Mr. Rose.

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362. DANIEL JONES (*a Black*), was indicted for feloniouſly ſtealing, on the 12th day of February laſt, one promiſory note, called a Bank note, dated No. 158, London, 9th of March, 1782, for the ſum of 10l. ſigned by Thomas Ormes, for the Governor and Company of the Bank of England, thereby promiſing to Mr. John Hunt or bearer on demand, the ſum of 10l. which ſaid note was the property of Theophilus Walford, Eſq; and the ſaid ſum of 10l. due and unſatiſfied to the ſaid Theophilus, againſt the form of the ſtatute.

THEOPHILUS WALFORD, Eſq; *ſworn.*

I live in Red Lyon Square, the priſoner was my ſervant; in February laſt, I loſt a ten pound Bank bill, about the 12th of February, the note is in Court, the conſtable has it, the number of it I do not know.

Court. Can you be able to aſcertain it when it is produced?—I cannot identify the note, it was one of ten, which I received on the 7th of February, in exchange for a check on Mr. Boldero, for the Banker, for one hundred pounds, and theſe ten notes were brought to me by Mr. Thomas Clarke, one of my clerks.

Court. Were they all in the ſame name?——They were in different names for ten pounds each, I did not remember the name that was in that note: I was dreſſing to go out to dinner, and being rather late, I did not change my breeches pocket, and in my breeches pocket was this ten pound Bank bill, (which I am ſpeaking of,) there was alſo a guinea and ſome ſilver; the priſoner came to me about two hours afterwards, where I dined, and ſaid, Sir, you have not changed your pockets, I brought your money; and he gave me a guinea, and I believe ſeven ſhillings; I had no money about me, which I diſcovered in three minutes after I went out: I told the priſoner when he came to me, that there was a Bank bill in my pocket of ten pounds value; he ſaid he did not ſee one, he had not found one; I then ordered him very peremptorily indeed not to meddle with my clothes, but to let them remain where they were, till I came home: but he acted oppoſite to that.

Mr. Garrow, Priſoner's Council. That you do not know.——Yes, I do, he acted oppoſite to this, as he told me afterwards, that he went home and ſearched my pockets.

Court. When did he tell you this?—He told me ſo that evening before he was taken up, and before I told him I ſuſpected him.

What did he tell you that evening, do you recollect the words?——In coming home pretty late in the evening, he ſaid to me, Sir, that Bank bill is not in your pocket, I replied with ſome degree of quickneſs, how do you know? did not I forbid you to touch my pockets, what have you ſearched them? he ſaid he had, aſſigning for a reaſon, that as I had ſaid it was there, he was willing to ſee whether it was there or not; when I came home I ordered my breeches to be brought and ſearched, and there was no Bank bill.

Court. Who did you order to bring them?——I think it was one of my ſervants or elſe my wife, it was not the priſoner; I ordered my ſervants up ſtairs.

Court. Before the ſervants were ordered up ſtairs, had you ſaid any thing about the loſs of this bill?——I cannot be ſure.

Recollect.——I do not think I had, for I charged the priſoner inſtantly, when I had ſearched my breeches, ſays I, you have robbed me: now I recollect one of the ſervants was there, and I ſent her to fetch the others, and ſhe might probably tell the others.

Who was that ſervant?——Elizabeth Heſter, ſhe is not here: I ordered the other ſervants to turn out their pockets, but did not order him to turn out his, which was ſomething extraordinary, but my wife ſuggeſted to me that I ſhould, Oh! ſays I, he has parted with it before this time, for he had been out all the evening, he had aſked his miſtreſs leave to go out: he told me he was out part of that afternoon: on the Saturday afternoon following he was ſearched at the lodgings of a woman that he kept, that he cohabited with.

Court. How do you know that?——She owned ſo.

You know very well, you cannot tell me that?—He told me ſo himſelf, he called her his wife, but he afterwards ſaid ſhe was not: I was preſent at this lodging when Edward Lucas a conſtable ſearched him, and took this ten pounds Bank bill out of his pocket.

(The bill produced.)

Court. Can you recollect whether you had that identical Bank bill?—I cannot, I know that this was the bill that was taken out of his pocket, but I cannot tell that this was the bill that I loſt.

Are you ſure that all the other notes you received were ten pound notes?——Yes.

Are you ſure that you had all the remaining notes at that time?—No, I had uſed two, but I took them from this parcel, they were not mixed with any other I am confident.

Can you aſcertain at all what notes you had paid away?—No, I cannot; when the conſtable took the bill out of his pocket, and ſaid, Oh! here is the Bank bill, ſays the priſoner (looking very impudently at me) why then Sir, you put it into my pocket.

Mr. Garrow. You have given your evidence as you are naturally expected to do, very candidly, Sir; you are in ſome uncertainty how many Bank notes you had uſed, perhaps two, perhaps three?—I rather think two.

Conſequently this may be one of thoſe that you had paid away?—I do not conceive it is one of them.

Court. Had you that morning that you went out this Bank note in your breeches pocket?—I perfectly well remember having it in my hand, in my breeches pocket when I came in to dreſs; that note which I loſt.

Mr. Garrow. You had taken two ten pound Bank notes from a parcel of notes, and you loſt one, but whether this note now produced in evidence, is the one you loſt out of your pocket, or one of thoſe you paid away you cannot tell?—I cannot diſtinguiſh it from one of thoſe I had paid away.

Did the priſoner attend you to the family where you dined?——No.

Where do you dreſs, in your ſtudy?——I dreſſed that day in my parlour, for I was in a great hurry.

To which parlour the other ſervants have acceſs as well as the priſoner?—Yes, they might have been in, and were in, no doubt, while the clothes lay about.

You have likewiſe ſeveral clerks that may go in if they chuſe it?—Yes.

When the priſoner came to you and brought your money, you apprized him there was a Bank note in your breeches pocket?——Yes.

He returned and ſearched your pockets?——Yes.

Therefore he could have returned it into the pocket if he had choſe?—Yes.

Did he refuſe that night to have his pocket ſearched?—Not at all.

I believe in conſequence of your ſuſpicions you diſmiſſed him your ſervice that very night?—Yes, I ordered him not to ſleep in the houſe, but to come to me in the morning.

Did he come in the morning?—He did, I was buſy, and could not talk with him then.

Then he had the whole afternoon of Thurſday, the whole day of Friday, and of Saturday to diſpoſe of the Bank note to his wife or any body he pleaſed?——Yes.

On the Saturday however this Bank note which is now produced in evidence, God knows where it came from, was found in his pocket?—Yes.

Was it found in that ſtate of care that you and I would take of a Bank note?—It was ſo *(in a careleſs manner.)*

The priſoner can neither read nor write?—I believe not.

Now I will aſk you a queſtion, Sir, that is ſometimes attended with riſk; what was your opinion of the priſoner before this?—My opinion of him before was, I thought him a very honeſt man; I had the beſt character with him when I hired him that I ever had with a ſervant in my life.

I think it was not probable that Mrs. Walford ſhould bring your clothes?——It was moſt probably a ſervant.

Do you know that when the man went home he carried the papers to a Mr. Brooks?—The priſoner told me he did go immediately from me at dinner, and took the papers out of my waiſtcoat pocket to Mr. Brooks, and ſaid, Sir, are either of theſe a Bank bill?

Did he communicate to thoſe clerks that he conſulted on the ſubject, his reaſons for aſking the queſtion?—I underſtood he did not.

Was not it known, from the priſoner's communication, before you came home, that there was a Bank note loſt?—I underſtood not, that it was not known even to Brooks; I conceive that the Bank bill was put in his pocket that day, from what happened; I told him on the Saturday, when he was at my houſe, that I ſhould ſearch his lodgings, and I bid him wait in my kitchen till I had dined.

Did he wait?—Yes.

When you diſcharged this man, or at any time, did you pay this man his wages in any ſum of money?—He has had his wages in little ſums, one guinea, and two guineas for the funeral of a child.

Within what time may you have paid him this money?—I paid him ten guineas in three or four months; he has been with me eleven months.

THOMAS CLARKE *ſworn.*

I am clerk to Mr. Walford, he is an attorney; on the 7th of February, he gave me a check on Boldero's, for one hundred pounds.

Mr. Garrow. Will your Lordſhip have the goodneſs to let the note be read, that may ſhorten this proſecution.

(The note read.)

"No. 158. I promiſe to pay to Mr.
"John Hunt, or bearer, on demand, the
"ſum of ten pounds. London, 9th March,
"1782. For the Governor and Company
"of the Bank of England.
T. Ormes."

"Entered W. Mullins."

Mr. Garrow to Mr. Walford. Have you any body here that knows Mr. Ormes?—I believe the clerk does.

Mr. BOLDERO's CLERK *ſworn.*

I know Mr. Ormes, he is a caſhier in the Bank.

Mr. Garrow. Do you know Mr. Ormes's hand writing?—I have ſeen ſeveral Bank notes ſigned by him.

But did you ever ſee him write?—I cannot ſay I have.

Court. Then you cannot prove his hand writing.

Mr. Garrow to Mr. Walford. Have you any body elſe that knows his hand writing?——Mr. Ormes told me it was his hand writing.

Court. Have you ever ſeen him write?—I cannot ſay I have.

Court. Is there any other witneſs that can prove the hand writing of Mr. Ormes?—No.

Mr. Garrow. My Lord, then my objection is this; that the indictment ſets this note out, and ſtates it as a ſubſtantive fact, that this note is ſigned by Thomas Ormes, for the Governor and Company of the Bank of England; it does not ſay, that it *purports* to be ſigned by Thomas Ormes.

Court. I conceive, whatever you chuſe to lay in an indictment as a fact, that you muſt prove that fact. I remember an indictment for the delivery of a challenge, and that challenge was ſtated to be in the hand writing of the party who delivered it; the delivery was certainly the offence, but we failed in proving the hand writing; and I remember it was fully the opinion of the Recorder, that if you ſtate a fact, you muſt prove it: I therefore think, in this caſe, as they have not laid it in the indictment, *purporting* to be ſigned by Thomas Ormes, and as there is nobody that can prove the hand writing of Thomas Ormes, that the priſoner muſt be acquitted. If that was proved, I do think there is evidence to go to a Jury, under all the circumſtances of this caſe.

NOT GUILTY.

Court to Priſoner. Priſoner at the bar; you have been acquitted on this occaſion, I may ſay, by an accidental circumſtance of a hand writing not having been proved; there certainly were circumſtances of great ſuſpicion in your caſe; you muſt know, in your own conſcience, whether you are or are not guilty of the offence; it behoves you, as a ſervant, to be particularly cautious of your conduct, for if you are guilty of offences of this kind, you may very probably come to a very ſerious end.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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363. RICHARD APPLEBY was indicted for felonioufly ſtealing, twelve hundred of ſixpenny nails, value 6s. and two hundred of fourpenny nails, value 6d. the property of Daniel Clowes.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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364. HARTY HART was indicted for felonioufly ſtealing, on the 15th day of January, two pair of linen ſheets, value 8s. one linen ſhirt, value 4s. one woollen coat, value 5s. one great coat, value 2s. one pair of white cotton ſtockings, value 12d. and a ſtriped ſilk and cotton waiſtcoat, value 12d. the property of Joſeph Stoney.

JOSEPH STONEY *ſworn.*

I am a ſilver plater; I went out in the duſk of the evening; I have a ſhop in the garret; I left my errand boy, whoſe name is Arnold; I did not return till ten; when I returned, the door was locked, and the boy was coming up ſtairs; he let me in; then I ſat down before the fire, and the firſt queſtion the boy aſked me was, whether I had been meddling with the bed; I told him, no; he went to make the bed, and there was a pair of ſheets miſſing, and then I looked, and there was; and all the clothes I had in my box, and which are in the indictment; I ſaw the ſheets on the box, and the Sunday before I ſaw the other things; the box was not locked; I miſſed them on the Wedneſday; I know nothing more.

—— ARNOLD.

Court. How old are you?——I am going of twelve.

Do you know the nature of an oath?—I know I am not to tell a falſity.

Can you ſay your catechiſm?——Yes.

——— ARNOLD *ſworn.*

I live in Crooked-lane now, No. 15; I was Mr. Stoney's errand boy when he was robbed; there was nobody in the room while my maſter was out, that I know of, but the priſoner, and when my maſter came home, the things were gone.

Court. Who firſt found out that they were loſt?——I did.

Did you find it out before your maſter came in?——No, I let my maſter in, and he took a book as he generally uſed of a night, and ſat down by the fire; he told me to make the bed, and I aſked him if he had been pulling the bed about, and he ſaid no; then I pulled the clothes off, and there was a pair of ſheets miſſing from the bed; and he looked in his box, and the other things were gone out of it; the box was unlocked, but the lid was down; I know the priſoner, he lived facing my maſter a good while; he came up ſtairs to me that evening while my maſter was out, I was in the next garret, and he came and looked into that room, where I was, and I got up; he aſked for maſter; I told him I expected my maſter in about ſeven, and that I was going down ſtairs to light a fire, and he might ſtop; he came down along with me, and I unlocked the door, and as I was lighting the fire, he ſtood by me; he aſked me if I had any aqua fortis, and I told him no.

Do you recollect whether the ſheets were on the box then?——Yes.

You are ſure of that?—Yes; I told him he might get a pennyworth at any of the druggiſts, and if he had a mind, when I went down, I would get him ſome; when I had lighted the fire, I ſtood by the fire, and he ſaid, Jack, you had better go up to work; ſo I thought I might as well, for fear my maſter ſhould be angry; ſo I ſaid, you can ſit in the dark, cannot you? and I went up to work and left him in the room; and in about a quarter of an hour, I came down, and I heard him going half way down the one pair of ſtairs, and I aſked him if he had locked the door, and he ſaid, no; I knew his voice.

Did you go into the room then?——No, I only looked to ſee if the fire was ſafe.

Did you ſee whether the ſheets were in the bed, and upon the box then?——No.

Do you think you ſhould know the ſheets at all?—No.

——— BRANNON.

How old are you?—Going of ten.

What will happen to you if you tell a lie?——I ſhall go to hell, Sir.

You know it is only bad boys that tell lies, good boys never tell ſtories?——No, Sir.

——— BRANNON *ſworn.*

I ſaw the priſoner go down ſtairs with a bundle under his arm; my father lives on the ſame floor where Mr. Stoney lays.

Did you know the priſoner's perſon?—No, I followed him down ſtairs.

Did you ſee his face?——No, Sir, I did not.

Is that ſtaircaſe a light ſtaircaſe, or a dark one?—It is a very dark one.

Are you ſure that was the man you ſaw go down ſtairs?——No, Sir, I am not ſure, I cannot ſwear to the man.

What ſort of a bundle was it?—A bundle almoſt as big as himſelf, I could not ſee the colour of it.

Not Guilty.

Tried by the firſt Middleſex Jury before Mr. Rose.

ON the 8th day of this Seſſions, a ſecond London Jury were ſummoned, as follow:

Charles Brown,
Edward Gibbs,
Saint John Barry,
Henry Birch,
Martin Butler,
William Trent,

Joſeph Cole,
Henry Buckley,
Thomas Chandler,
John Catlin,
Henry Winch,
John Langton.

364. **THOMAS DIXON** was indicted for feloniouſly ſtealing, on the 6th of February laſt, one linen handkerchief, value 10d. the property of Archibald Sinclair.

GUILTY.

Whipped.

Tried by the ſecond London Jury before Mr. ROSE.

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365. **JOHN LLOYD** and **JOHN SMITH** were indicted for feloniouſly ſtealing, on the 9th of February laſt, ſixty pounds weight of mutton, value 20s. the property of John Liverſuch.

BOTH GUILTY.

Whipped.

Tried by the ſecond London Jury, before Mr. ROSE.

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366. **WILLIAM HARRISON** was indicted for feloniouſly ſtealing, on the 14th day of January laſt, one copper boiler, value 5s. the property of John Bradbury.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury, before Mr. ROSE.

N. B. *Bartholomew Billett ſerved on this Jury, on this and the following Middleſex trials, in the room of Richmond Barker.*

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367. **TERENCE CAFFRY** was indicted for feloniouſly ſtealing, on the 18th day of February laſt, ſeventy pounds weight of lead, value 7s. belonging to Thomas William Coates, and others, then and there affixed to a building belonging to them, againſt the form of the ſtatute.

A Second Count, laying it to be the property of Benjamin Comber, and affixed to a certain other building, called a coach-houſe, belonging to the ſaid Benjamin, againſt the ſtatute.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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368. **HENRY ABRAHAMS** was indicted for feloniouſly ſtealing, on the 20th day of February laſt, two carpenter planes, value 2s. the property of William Haſlewood; two other planes, value 2s. the property of William Baylis; and two other planes, value 12d. and two iron chiſſels with wooden handles, value 6d. the property of William Guiſe.

NOT GUILTY.

Tried by the Firſt Middleſex Jury before Mr. ROSE.

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369. **ELIZABETH COOK** was indicted for feloniouſly ſtealing, on the 5th day of February laſt, fourteen pounds and a half of mutton, value 4s. and fourteen pounds weight of beef, value 4s. the property of Francis Beachey.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. ROSE.

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370. **WILLIAM GARRATT** was indicted for feloniouſly ſtealing, on the 10th day of February, twenty pounds weight of lead, value 3s. belonging to Andrew Nicoll, then and there affixed to a certain empty houſe of the ſaid Andrew, againſt the ſtatute.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. ROSE.

371. **NICHOLAS INNES and PATRICK DALEY** were indicted for feloniouſly ſtealing, on the 9th day of February laſt, three thouſand three hundred pounds weight of logwood, value 10l. the property of John Low and James Porteous.

JOHN LOW *ſworn.*

I am a dealer in foreign wood; my workhouſe is at Shadwell.

Court. Have you a partner?——No, I have a partner in that wood, but no partnerſhip.

Who is your partner in this wood?——James Porteous; we are partners now and then, by mere chance, juſt as we happen to buy a parcel.

Did you buy this wood together?—We did, the wood was bought by me, by the deſire of Porteous, we were to buy it and ſell it on our joint account; I have had it five or ſix months; I know nothing of the priſoners; but at the juſtice's, one of them ſaid he found it.

How did you know the wood?—I knew it at the juſtice's, there is no mark on it, but being ſuch a quantity of wood as that, I had not a doubt before the magiſtrate, and there is not a doubt remains with me; there was three thouſand three hundred pounds weight of it, I had taken it in different lots.

Was all the wood produced that you loſt?—No.

What time might it take to remove three thouſand three hundred pounds weight of this wood?—I ſuppoſe four or five hours, it is in logs.

JAMES PORTEOUS *ſworn.*

This wood was kept at Shadwell; half of it belongs to me; there was a waggon load of wood brought up to my houſe to be ſold by the priſoners on the 31ſt of January; I can only ſwear to it to the beſt of my knowledge.

Was not it common logwood?——Yes.

Is not there a good deal of logwood in this town?—Yes.

You are not the only man that has logwood in this town?—Not by many; I am ſure the priſoners brought it to me, they were with me an hour at the leaſt; I did not pay for it, nor bargain for it; they left it to me to give the worth of it, they knew I was a judge of it; I told them they had it out of my warehouſe, and I ſent, and the warehouſe was broke open, and the wood miſſing. Before the magiſtrate, Innis ſaid, he found the wood, the other ſaid ſomething, but I cannot tell what.

JOSEPH WILLIAMS *ſworn.*

I am a carman; about half paſt five, Daley called me up, and ſaid he had a load of fire wood; I live about one hundred yards from Mr. Low's warehouſe; I went with him, and found my waggon half full of wood; I took it for fire wood; I called up my man, and he loaded the remainder of the waggon, and theſe two priſoners went with me to Mr. Porteous's houſe; I was to have ſix ſhillings and ſixpence for the carriage of it; I ſaw none of it loaded; I drove the waggon; Daley is a neighbour of our's, a very honeſt hard working man, bore a good character; I have known him two or three years; I put my cart in an evening in an open place, about one hundred yards from Mr. Low's warehouſe.

Jury. Is it cuſtomary for people that employ you, to load your waggon without your knowledge, and then come to employ you to drive it?——God knows, I do not know.

Is it your mode of buſineſs, or did it appear to you ſingular?—I do not know.

Did you ever have ſuch a thing done before?—No.

JOHN DISE *ſworn.*

I am ſervant to Mr. Williams; I ſaw the wood loaded by two men, who did not ſpeak; I cannot ſay they were the priſoners, as it was dark; they went with me to Mr. Porteous's; then I ſaw them and remembered their faces.

WILLIAM KNIGHT *ſworn.*

I worked for Mr. Low the 31ſt of January. (*Speaks to the wood being miſſing, and the*

the warehouſe being broke open next the water-ſide.)

PRISONERS DEFENCE.

We know nothing at all about it.

The priſoner Innes called Elizabeth Bell to his character, who depoſed, that he lodged with her, and that on the Saturday morning before he was taken up, ſhe heard him go out a little after five, as ſhe pulled her curtain back when he went out, and ſaw it was juſt day break.

The priſoner Innes called two other witneſſes to his character.

The priſoner Daly called ſeven witneſſes to his character.

NATHANIEL INNIS, GUILTY.
PATRICK DALEY, GUILTY.

To be each confined to hard labour ſix months in the houſe of correction.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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372. **DAVID RICHARDS** was indicted for feloniouſly ſtealing, on the 18th day of February laſt, nine wooden caſks, value 5s. and one thouſand one hundred pounds weight of butter, value 30l. the property of John Bacon.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. ROSE.

MISDEMEANORS.

373. **JOSEPH ANGEL** was indicted for wilful and corrupt perjury, in a cauſe between Anthony Periera, plaintiff, and John Thompſon, defendant.

The record being produced and read, and examined by the defendant's Council, there appeared a variance between that and the indictment, as to the day of the trial, and the defendant was

ACQUITTED.

Court. I wiſh to obſerve, that as we have not gone into any evidence on one ſide or the other, I hope no impreſſion will be made againſt the priſoner at the bar.

Mr. Morgan, Defendant's Council. My Lord, for the ſake of the man's character, I will ſay, I have a variety of witneſſes.

Tried by the London Jury before Mr. ROSE.

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374. **MARMADUKE BROWN** was indicted for wilful and corrupt perjury in the before mentioned cauſe.

This caſe being exactly the ſame as the laſt, the defendant was

ACQUITTED.

Court. As this is a charge that affects a man's reputation very much, though he is acquitted in point of form, yet the fact is, this defendant and the laſt have witneſſes to their character.

Tried by the London Jury, before Mr. ROSE.

375. **LEAH LEVY**, otherwiſe **MARY LEVY**, was indicted for feloniouſly receiving, on the 21ſt of December laſt, one table clock, in a wooden caſe, value 5l. the property of Thomas Scott, ſtolen by a certain perſon unknown, well knowing the ſame to be ſtolen.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

The Trials being ended, the Court proceeded to give Judgment as follows:

Received ſentence of death, 14, viz.

William Martin*, otherwiſe Thomas Banks, Daniel Clarke, John Daviſon, Alexander Cullum, William Hubbard, Richard M'Donah*, Charles Manning, Daniel Gunter, John Smith, James Burne, William Proſſer*, John Jacobs, Samuel Seltſhire, and William Smith*, otherwiſe Binnham.

N. B. Thoſe four marked thus *, have ſince been executed.

Tranſported for ſeven years, 9.

James Dorren, Eleanor Hyde, James Burne, John Penny, Richard O'Brien, John Cochran, John Lloyd, Dennis Daly, and John Baylis.

Navigation for three years, 2.

William Archer and Hugh Graham.

Navigation for two years, 1.

John Pond.

be confined to hard labour twelve months in the houſe of correction, 3.

Margaret Miller, Jane Brown, Joſeph mbridge, (*fined* 1s.)

be confined to hard labour nine months in the houſe of correction, 1.

John Simpſon, (*fined* 1s.)

To be confined to hard labour ſix months in the houſe of correction, 5.

Elizabeth Warren, Mary Talbot, Sarah Davis, Nicholas Innes, and Patrick Daley.

To be impriſoned twelve months in Newgate, 1.

Philip Proſſer, *fined* 1s.

To be impriſoned one month in Newgate, 4.

Jeremiah Roſe, William Comyns, John Harrow, and John Read.

Whipped, 24.

Thomas Smith, *twice*, John Lee, *twice*, Joſeph Hewitt, Jeremiah Roſe, *twice*, William Comyns, *twice*, John Harrow, *twice*, Samuel Warner, Anthony Cairns, Robert Caſher, Thomas Turtle, Edward Edwards, William Matthews, Peter Jones, John Smith, John Stevens, Thomas Scandlin, James Bignell, William Miller, John Read, Henry Keigan, Joſeph Riddle, Thomas Dixon, John Lloyd, and William Harriſon.

Fined 1s. *and diſcharged*, 1.

Benjamin Smith, alias James Johnſon.

The following perſons who were capitally convicted at former Seſſions, and on whom ſentence of death has paſſed, received his Majeſty's pardon, on condition of being

Tranſported to Africa for ſeven years.

James Roberts, alias York, Benjamin Roberts, Robert Croſs, William Maynard, William Richardſon, George Weſt, John Harvey, otherwiſe Seagrove, Henry Horne, and Alexander Kennedy.

The following on condition of being tranſported to Africa for fourteen years.

Mary Humfreys.

The following on condition of being tranſported to America for fourteen years.

John Codd, John Jones, and Joſeph Hall.

The following on condition of being tranſported to America for ſeven years.

William Crouch and William Haynes.

And the following on condition of being confined to hard labour twelve months in the houſe of correction.

Rebecca Bidwell, Margaret Moreing, Eleanor McCabe, Ann Sherlock, and John Bond.

Michael Affney, who was ordered to be tranſported for ſeven years the laſt Seſſions, was ordered to be diſcharged.

N. B. Thomas Turner's caſe was reſerved for the opinion of the twelve Judges. ——John Seas, and Richard, alias Jonas Wooldridge, remains for ſentence next Seſſions.

The next Seſſions will begin on Wedneſday the 21ſt of April at the Old Bailey.

ERRATUM.——In the Trial of John Seas, inſtead of "*Tranſported for ſeven years,*" read, "*Remains for ſentence till next Seſſions.*"

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 27th of MARCH, 1784, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable ROBERT PECKHAM, Eſq; LORD MAYOR of the City of London; Sir GEORGE NARES, Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; Sir JAMES EYRE, Knt. one of the Barons of his Majeſty's Court of Exchequer; The Hon. JAMES ADAIR, Eſq; Serjeant at Law, Recorder of the ſaid City; and Others his Majeſty's Juſtices of Oyer and Terminer of the City of London and Juſtices of Gaol Delivery of Newgate, held for the ſaid City and County of Middleſex.

1ſt Middleſex Jury.

John Erwood
Obadiah Legrew
Joſ. Wilkinſon
Thomas Peters
Samuel Platt
Robert Caſſell
John Locke
Edmund Whitehead
Iſaac Engliſh
John Linford
James Wilſon
William Gordon

2d Middleſex Jury.

Samuel Savage
James Jervais
Thomas Miller
James Dickinſon
Stephen Bragg
William Skelton
James Winwood
Thomas Wrightſon
Samuel Patrick
Thomas Coleman
Drew Drury
*George Fielding

1ſt London Jury.

Belchier Teulon
John Prieſtly
Humfrey Jeffries
Henry Bullock
William Pickard
James Barron
Thomas Alcock
Samuel Chancellor
Benjamin Heath
William Colderoy
James Sanderſon
James White

2d London Jury.

Jonathan Kay
William White
Thomas Weſton
John Lethley
Andrew Hearſay
John Moſs
Ebenezer Davidſon
John Creſſy
Ralph Watſon
†Tho. Abbott Green
†William Andrewes.

* James Vaughan ſerved ſome time in the room of George Fielding.

† Thomas Bolton Pratt and James Chabot ſerved part of the Time in the room of Thomas Abbott and William Andrewes.

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376. THOMAS RANDALL was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Oldfield, about the hour of nine in the night, on the 1ſt of November laſt, and feloniouſly ſtealing therein, four linen ſhirts,

value 10s. one linen ſhift, value 1s. three linen frocks, value 3s. two linen napkins, value 2s. three linen handkerchiefs, value 1s. four linen aprons, value 4s. one muſlin apron, value 1s. one pair of linen drawers, value 1s. two pair of cotton ſtockings, value 3s. one other pair of ſtockings, value 6d. and one cotton petticoat, value 10s. the property of the ſaid John Oldfield.

ELIZABETH OLDFIELD *ſworn.*

I live in Fleet-row, near Coldbath-fields; I am wife to John Oldfield; on the firſt of November, between the hour of eight and nine in the evening; I went out to fetch ſome candles, I left nobody at home but my little girl, a twelve-month old; I locked the door, and after I had locked it, I tried it by the knocker, and I am ſure it was faſt, and the windows were faſt.

Court. Are you ſure they were faſt?—Yes.

How long did you ſtay out?——Almoſt ten minutes; when I returned, I perceived the door about a quarter of a yard open; I was quite ſtagnated, knowing that I had locked the door; and as I ſtood, I heard a rattling within; I was going to ſtep into the houſe, and I drew back my foot, and at that inſtant three men came out of the houſe; I ſtepped a little way down the court, and they all run out, and I run after them and cried, ſtop thief! and I ſaw one of them, which was the priſoner, had my property in a bag; I believe the priſoner to be the man.

Was he ſtopped at that time?——Yes.

Did you ſee him ſtopped?——No.

How long after he run out of the court was it, that he was ſtopped and brought back?——About twenty minutes.

Where was he ſtopped; I think it was in Hatton Garden, he was brought back to me in about twenty minutes.

Whereabouts did you loſe ſight of him?——At the corner of the court.

What light was there in the court?——There is a lamp over our door.

What opportunity had you to obſerve the faces of the men that came out of your houſe?——No further than I ſtood at the door when they all ruſhed out; I ſhould know the other two men if I ſaw them; the priſoner was the firſt that came out.

Can you venture to ſay poſitively, that the man that was brought back to you, was the ſame man that you ſaw come out of your houſe?——I believe him to be the ſame man.

Are you ſure of it?——Yes, I am ſure of it.

Did you ever ſee him before?——No, never.

Then can you, ſeeing a man run paſt you, in the inſtant when you are a good deal frightened and flurried, take upon you to ſwear to the man?—I believe him to be the man, ſo far as the light over the door enabled me to ſee him.

But you cannot undertake to ſwear poſitively that it is the ſame man?——No, Sir, I cannot.

Were your things brought back?—Yes, they were brought back with the priſoner.

Who brought him and the bag back?—The conſtable, his name is Griffiths.

THOMAS WEEDOM *ſworn.*

I took the priſoner in Hatton Garden, on the firſt of November, between eight and nine; I was coming down Hare-ſtreet Hill, and I heard the cry of ſtop thief! I ſaw the priſoner running with this bundle under his arm, I purſued him, and as ſoon as I got up to him he dropped the bundle; I never loſt ſight of him; that was about twenty yards from the end of the court where the proſecutrix lives.

Did you obſerve two other men run?—No, I ſaw none but him.

Did you ſee him drop the bag?——Yes, I ſaw him drop it, he dropped it in Summer's-ſtreet, about twenty yards from the corner; I did not ſee the bag picked up.

You are ſure that is the man that dropped the bag?——I am ſure he is.

Have you any doubt at all that he was the man that dropped the bag?——I have no doubt at all that he was the man that dropped the bag.

What did he ſay when you ſtopped him ?——He ſaid I am not the thief; I took him to Mr. Griffiths, on Hare-ſtreet Hill.

THOMAS GRIFFITHS *ſworn*.

I am the conſtable, the priſoner was brought to me by the laſt witneſs, I ſearched him, and found nothing upon him but a tobacco box, which was made uſe of as a tinder box.

Court. Was there any tinder in it?——No.

How did you know then?——By the ſmell of it; I took him down to Mrs. Oldfield's and this bag was brought to Mrs. Oldfield's houſe; it was there when I brought the man there; I deſired Mrs. Oldfield to take care of the bag while I took the priſoner to Bridewell; nothing particular paſſed going there; the proſecutrix ſaid, ſhe believed the priſoner was the man that went out of the houſe.

What did he ſay to the charge that was made againſt him?——He pleaded that he was not the man.

STEPHEN TRUSTRASM *ſworn.*

I picked up this bag at the end of Summer's-ſtreet.

How far from the corner?—About two doors diſtance from the corner, about eight or ten yards; I heard the cry of ſtop thief! and I run out of the door.

Did you ſee any body running?—I ſaw the priſoner at the bar running round the corner, under the lamp, it was light enough for me to ſee him run round the corner.

Did you ſee him drop the bag?——Yes.

How do you know it was the priſoner?—Becauſe I knew him, I had ſeen him before.

Are you ſure he is the man that dropped the bag?—He is the man.

How near was you to him?——Within ten yards.

What light had you?——The light of the lamp.

You knew him before?—I had ſeen him before about in the neighbourhood,

Are you ſure he was the man that dropped the bag?—Yes.

Jury. Was there any more men with him at the time he dropped the bag?——No.

Court. What did you do with the bag?—I gave it to Mrs. Oldfield.

Mrs. Oldfield. The laſt witneſs brought the bag to me, and I laid it on the table till Mr. Griffiths came back, and it is the ſame he brought, and they are the ſame things that are in it now which were delivered to Griffiths; this petticoat I know by an iron mould, and ſeveral things, it is my own making.

How did the door appear to be broke?—It was unlocked, and the lock ſpoiled.

PRISONER's DEFENCE.

I was running along Hatton-ſtreet, going home, I lived in the Hole in the Wall Paſſage, Brooke's Market, there was another perſon before me, and I heard the cry of ſtop thief! and a man met me and ſaid, which of them is it, and he ſtopped me; I ſtaid there, I dare ſay, a minute and better, and he ſaid again, this is the fellow, and he took me to the conſtable, and then to this gentlewoman's houſe; and then there was this other lady here, and ſhe ſaid, that is the man that broke into my houſe in May; and the conſtable took charge of me: the linen was laying about on the table, and I was taken to the watch-houſe, and to Clerkenwell, and on the Monday they appeared againſt me.

Court. Have you any body to give you a character?—I have not had an opportunity to ſend to any body.

Court. How comes this man to be tried ſo late?—He made his eſcape out of priſon, and was retaken ſince the laſt ſeſſions.

GUILTY Death.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

Priſoner. My Lord, I wiſh to be tried upon the other indictment which is againſt me.

Court. Does the priſoner wiſh it himſelf?

Priſoner. Yes, my Lord.

377. The ſaid **THOMAS RANDALL** was again indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Abraham Watt, at the hour of twelve in the night, on the 24th day of May, 1783, and feloniouſly ſtealing therein, twenty-four pair of baſe metal ſhoe buckles, value 12s. twelve pair of baſe metal knee buckles, value 6s. twelve pounds weight of tallow candles, value 6s. one pound of tea, value 6s. four pounds of tobacco, value 8s. one pound of ſnuff, value 1s. 8d. twenty pound of cheeſe, value 5s. ten pound weight of butter, value 5s. ſix pair of ſciſſars, value 2s. one linen handkerchief, value 1s. and four hundred and thirty-two copper halfpence, value 18s. the property of the ſaid Abraham.

ELIZABETH WATT *ſworn*.

Court. Relate what you know of your own knowledge againſt the priſoner?—On the 24th of May, I faſtened my door at paſt twelve at night, there was a difference between my huſband and me, and I believe the priſoner knew that I was alone; I live in Eyre-ſtreet, No. 23, I ſhut my ſhutters, and faſtened my door at paſt twelve at night; I went to bed, and ſlept very heavy, I was tired; I was awaked with a noiſe of glaſſes, as if the whole houſe was glaſs and breaking about my ears; I aroſe upon my elbow, and liſtened, I thought it was the cat; I could not ſleep again; I then thought I would get up and ſee what miſchief was done; I could not get a light; now and then I heard a little tap on the counter; when it became clear daylight, I looked towards my parlour door, and I ſaw the door move; I ſtill thought it was the cat, I prepared to throw my ſhoe at her, inſtead of that I ſaw the door continue to move; I then ſaw a man open the door about half way, he came to the bed foot and looked at me very hard; I had half a yard of flannel pinned over my face; I am no young woman; he came to ſee whether I was awake or no; thinks I, Lord, if he ſhould think I am aſleep, he will come up and choak me! he looked at me again; I was ſatisfied I ſhould know him again; I aſked him what he wanted, he looked at me, ſneered, and bid me aſk his a—e; I could make him no reply; he then turned himſelf round, and went out with his backſide firſt, looking at me; I leaped out of bed, ſlammed to the parlour door, and broke the windows; I called ſome of my lodgers, and ſaid for God's ſake come down, here is a man bids me aſk his a—e!

Court. Where were your lodgers at night when you faſtened up your door?—They were all in bed, they have a private door, the lodgers come in by the paſſage door; I am ſure they were all gone to bed; and when I came out in the morning, my ſhop door next the ſtreet was open, the ſtreet door was faſt, and the lock of the ſhop door was ſpoiled.

When you alarmed your lodgers, what became of the man?——He made off when I ſlammed the door, he put his hand to his right breeches pocket, and felt his pocket, he took nothing out of his pocket.

What did you loſe?—There were twelve pounds of tallow candles, a pound of tea, and the other things in the indictment, the till was taken away; the till and the tea canniſters were found again.

Were any of them ever found on the priſoner?——Never.

What light had you when this man came in?—There was light enough to ſee what I had to do, and I was three minutes looking at him when he came; if I was a dying I think I muſt own him to be the man.

Did you know him before?—I never ſaw him to my knowledge before.

How came you to ſay, in the beginning of your evidence, that you believed he knew you was alone?——He had been frequently about the neighbourhood, as I have been informed, I might have ſeen him, but not to know him.

How long was it after you firſt heard the noiſe of this breaking of the glaſs, before you ſaw this man come into your room?——It was a long time, it was totally dark at firſt.

Then it muſt be a long while?—Yes.

What hour did you get up?——About three in the morning, as near as I can gueſs.

Do you undertake to ſwear quite poſitively, that the priſoner was the man?—Yes.

Have you got any of your things again? ——I have got none of my property, only the man ſeemed to hang about the neighbourhood, and I wiſh he was at liberty, but I am ſure he is the man.

Jury. How was your ſhop door faſtened that night?——Bolted and locked, the lock was picked, nothing was forced, the bolts got undone by being ſhook.

Priſoner. My Lord, Mr. Akerman's books will prove where I was on the 24th of May, I was in Newgate from ſome time in March till the July ſeſſions, then I was diſcharged.

Court to Mr. Newman. Was this man in your cuſtody?—I cannot tell.

Townſend. Yes, my Lord, he was, he was left for the opinion of the twelve Judges.

Priſoner. I am as innocent of that other affair as I am of this, only through that woman perſuading the people, and I hope ſuch a woman as this will be made an example of.

Proſecutrix. Indeed, Mr. Randall, if I was a dying I think it was you.

Priſoner. My Lord, if I had not been in ſuch an unhappy place, my life would have been ſworn away.

Court to Townſend. Was that the man that lay in the priſon from March to July? ——Yes, my Lord, I am very ſure of that.

Court to Proſecutrix. You ſhould certainly be more careful in ſwearing poſitively to the perſons of men.

Mr. Reynolds. My Lord, here is the Seſſions-paper, and it appears that a man of the name of Thomas Randall, was tried for an aſſault, with an intent to rob; he was convicted, and recommended by the Jury; the ſentence was reſpited till the next ſeſſions: and it appears alſo, that in July following your Lordſhip reported the opinion of the Judges.

Townſend. This is the ſame man, and he was in Newgate from March to July.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

378. WILLIAM MOORE was indicted for feloniouſly ſtealing, on the 30th day of October laſt, twenty-one ſhillings in monies numbered, the monies of Thomas Young.

The witneſſes examined apart at the requeſt of the priſoner.

THOMAS YOUNG *ſworn.*

I am a gentleman's ſervant in place, I am ſervant to Mr. Blanchard, in Coleman-ſtreet; I loſt my money in Catherine-wheel Alley; the priſoner ſaid, he would ſwear I had taken a porter's knot from him; after that he ſent me a lawyer's letter, and he charged me four ſhillings for that, and ſeventeen ſhillings for the lawyer's fees, which I paid him; after that I thought I had done wrong, and I went to the magiſtrate, and he gave me a warrant, and afterwards I indicted him by the direction of my council.

Court. There is ſome miſtake in that; is this the whole ſtory?—Yes.

Mr. Peat. My Lord, I am Council for the priſoner, the proſecutor owed the priſoner twenty-four ſhillings and ten pence.

Mr. Baron Eyre. We have heard enough of it; you will acquit the priſoner, Gentlemen.

NOT GUILTY.

Court. How long has the priſoner been in cuſtody?—Ever ſince the 18th of March.

Mr. Peat. My Lord, we beg for a copy of the indictment.

Court. Yes, I think you ought to have a copy of it.

Tried by the firſt Middleſex Jury, before Mr. BARON EYRE.

379. RICHARD BRADLEY was indicted for felonioufly ſtealing, on the 22d day of March, one carcaſe of mutton, weight ſeventy pounds, value 30s. the property of Robert Hurdmon.

ROBERT HURDMON *ſworn.*

I am a butcher, I live in Bridge-ſtreet, Weſtminſter; an alarm being given by a young man, I found a carcaſe of mutton that hung on a hook at my door was miſſing, and he informed me that the priſoner had ſtole the ſheep; and when he was taken, there was the mark of the greaſe of the ſheep on his left ſhoulder, and his hat likewiſe; my ſervant had dreſſed it; we went after him and took him, and we found the carcaſe not far off, with the hook in it.

WILLIAM HOWELL *ſworn.*

I was going from my maſter's, and I ſaw the priſoner with a carcaſe of mutton on his ſhoulder, he was going very faſt towards the Houſe of Commons; I ſaw him at the end of Union-ſtreet, in Palace-Yard.

Which part of Bridge-ſtreet does the proſecutor live in?——The lower part next King-ſtreet; I told Mr. Hurdmon, and bid him follow me; we purſued him, I ſaw the man on the other ſide of the way, under the dead wall of the Parliament-houſe, at the place they call hell, where the pump is.

Was it the ſame man you had ſeen before?—Yes, I ſaw him go on a gentle trot, till he came to a coach that was ſtanding a few doors off; I went acroſs and caught him, he had thrown the carcaſe down into the place they call hell, where the pump is.

Did you ſee him throw it down?—No, Sir, I did not.

What time of the night was it?—A very few minutes after eight.

Court. When you ſaw the man again, when he was going on as you ſay at a gentle trot, had he then the carcaſe?——He had not, I did not ſee him throw it down, becauſe there is no lamp at hell gate; I ran after the man, and ſeeing him hiding himſelf under a coach, I went and catched him, me and Mr. Hurdmon; I took particular notice of him when I firſt ſaw him, and he did not appear to be a butcher; he had another coat on when I ſaw him; when we came to Mr. Hurdmon's the greaſe was on his ſhoulder, and on the left ſide his hat.

Jury. What coloured coat had he on at that time?—I think it was an olive green.

PRISONER's DEFENCE.

I croſſed the road to eaſe myſelf, and I ſaw two men before me, and this man ſwore I was the man; I was carrying meat in Newgate-market the Saturday before, and that was the reaſon my hat came greaſy.

THOMAS PERDUE *ſworn.*

I have known the priſoner between three and four years, he plies on the water.

Court. Has he any family?——He has a wife and one child.

What character has he borne?—I never knew but he was a very induſtrious, honeſt man; I always thought him ſuch.

Priſoner. I have more friends coming, but they are not here.

GUILTY.

To be privately whipped, and confined to hard labour ſix months in the houſe of correction.

Tried by the firſt Middleſex Jury, before Mr. BARON EYRE.

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380. SUSANNAH FOOT was indicted for felonioufly ſtealing, on the 26th day of March laſt, one leather ſnuff box, mounted with ſilver, value 10s. fourteen pieces of gold coin of this realm, called guineas, value 14l. 14s. and two pieces of gold coin of this realm, called half guineas, value 1l. 1s. the property of Roderick Mackay.

The Witneſſes examined apart at the requeſt of the Priſoner.

RODERICK MACKAY *ſworn.*

I am a cook by buſineſs; I am out of place at preſent; I loſt my ſnuff box and money,

money on the 26th of March, about two in the morning, when the priſoner went away and abſconded the room; I was coming from the King's Mews about duſk, between ſeven and eight, I was going home to my lodging, at the One Ton, in the Strand; I met this young woman, and ſhe aſked me for a glaſs of wine.

Whereabouts did you meet her?——At Charing-croſs, ſhe took me to this Naſh's houſe, in Johnſon's-court, Charing-croſs, and we had ſeveral baſons of brandy and water.

Did you go into a room by yourſelves?—Yes, and we were afterwards ſhewn to a different room, a bed room.

How long were you in the firſt room before you were ſhewn to the bed room?—I believe about two hours, drinking brandy and water.

Were you and ſhe alone all that time?—Yes, except the waiter.

What quantity might you drink!—I cannot ſay.

Had you ſeveral bowls?—Yes.

Was you ſober when you firſt met with the woman?—Yes, as ſober as I am now.

But I ſuppoſe, by the time you had drank this brandy and water, you had got tolerably drunk?——I was ſtupid, muddled, and ſleepy.

Did you go to bed?—Yes.

And the priſoner with you?—Yes.

Was the door locked or not?—No, it was not.

Where was your money when you went to bed?—In my breeches pocket, and my box in my coat pocket.

Was your money looſe, or in a purſe?—My money was in a purſe.

Was it all in one purſe or more?—All in one purſe.

Which ſide pocket?——My right ſide pocket.

Where did you put your breeches when you undreſſed?—I did not pull my breeches off.

Were you undreſſed all but your breeches?—I threw off my coat and waiſtcoat, and ſhoes.

You fell aſleep then?—Yes, the priſoner was with me, and when I awaked at two o'clock, ſhe was gone and my money.

It was dark when you awaked, I ſuppoſe?——Yes.

And you found yourſelf alone?——Yes.

How ſoon did you miſs your money and your box?——I could not ſee to reckon it till daylight; then I came down and told the landlord.

What had you left?—Five guineas and ſome ſilver, I had twenty guineas in the whole.

Was your purſe left?—Yes.

What time did you get up in the morning?——About ſeven.

How do you know it was two when you firſt awaked?—I heard the clock go; I fell aſleep again; I knew that my money was gone, but I could not tell how much till day-light.

Did you examine your pocket when you firſt awaked?——Yes, my purſe was out of my pocket, and I could not find it, but when it was daylight I found it on the pillow, and my watch along with it.

How came you to have ſo large a ſum of money about you?——I was lately come from Gibraltar; I loſt fifteen guineas and my ſnuff-box.

Have you any other reaſon for ſuſpecting this woman then her having been with you?——No, ſhe owned to Juſtice Hyde, that ſhe had three guineas and a half that was my money, that ſhe took out of my waiſtcoat pocket.

Did you hear her own that?—Yes.

That could not be true?——No, I had no money in my waiſtcoat pocket, except halfpence.

Had you taken out your purſe while you was in her company?——Yes, I believe I did, for to pay for my bed.

Had you paid your reckoning?——No, not till the next day.

What did you pay for your bed and not your reckoning?——Yes.

Priſoner. Do not you recollect giving the waiter the purſe to take the money, it was four ſhillings you paid for your bed, Mr.

Mackay, and you did pay your reckoning all but three ſhillings and ſixpence.

WILLIAM NASH *ſworn.*

I keep the Mitre Tavern, Johnſon's-court, Charing-croſs; the proſecutor and this woman came into my houſe together, and drank ſome brandy and water; the priſoner went away, and the proſecutor ſtaid all night, they had a one pair of ſtairs room.

How long did they ſtay in that room?—I believe it might be about two hours; I did not ſee the gentleman that night, till the next morning.

How much had they to drink?—Six or ſeven bowls of brandy and water.

What became of them afterwards?—The priſoner went away.

Is that a bed room that they were in?—No, the priſoner went away, the proſecutor ſlept all night in the houſe.

Did the priſoner leave him while he was in that room?——I did not ſee him that night.

Then how do you know what time ſhe went away?—I ſaw her go between twelve and one, about one.

Was ſhe with him in the bed room?—I do not know; in the morning the man came down ſtairs, and told me he had twenty guineas in his pocket, and out of that fifteen were gone, and he judged the priſoner had robbed him.

Did he take any ſteps to recover the money again?——He went after the priſoner on the Saturday, but could not hear of her, he took her ſome days afterwards, I do not know the day.

Did you take no ſteps yourſelf, for the honour of your houſe, to get this man his money again?—I went with this man over the water, where we were informed the priſoner lodged, but ſhe was gone away.

Is the waiter here?—No, Sir, I have not ſeen him for a day or two after this affair happened, he went away.

So the waiter, who is moſt likely to know ſomething of the matter, is gone?—Yes, he is.

How long has this woman uſed your houſe?——About two years, and always a very honeſt body.

I think that you gentlemen that keep theſe kind of houſes, ſhould be anſwerable for the honeſty of the women that come into them; I wonder you did not pay this money?——We never encourage any ſuch thing, it will happen ſo ſometimes.

Have you any other cuſtom for your tavern but the cuſtom theſe poor women bring you?——Yes, to be ſure.

What licence have you?——A wine licence.

——— M'KENZIE *ſworn.*

Yeſterday was eight days this proſecutor came to me, and told me he was robbed by this woman, and I told him to go to Juſtice Hyde, and I went with the proſecutor over Weſtminſter-bridge, and we went to a public houſe; we enquired for the priſoner of a girl who was going with a pint of beer, and ſhe alarmed the priſoner, and ſhe left her own room, and then ſhe went and barricaded herſelf up in a garret; I went up in the garret, and a woman took the broom to ſtrike me, and ſaid there was no ſuch perſon as the priſoner there; I went to the next room, and the door was bolted, and a perſon behind; we got a peace officer, and then the woman went up and broke the door open herſelf, and the priſoner was there behind a parcel of tables and chairs, and things of that kind; I brought her to Juſtice Hyde, and he committed her, and the next Saturday ſhe was brought again; ſhe then confeſſed to Juſtice Hyde, that ſhe took out of the proſecutor's waiſtcoat pocket, three guineas and a half.

PRISONER's DEFENCE.

I went with the proſecutor to Mr. Naſh's houſe, we had ſeveral bowls of liquor, but into the bed room I did not go; the proſecutor gave the waiter the purſe to take care of; I ſaid I did not like to ſtay with him all night, as he had given the waiter his purſe; as I came down ſtairs, I ſaw Mr. Naſh and the waiter together, ſince that the waiter has had money; I left a handkerchief

chief of mine with Mr. Naſh in the bar, I went and aſked for my handkerchief, it was not there, and the gentleman had it in his pocket; Mr. Naſh ſaid he muſt take it out of his bar. I never told Mr. Hyde any ſuch thing, and he would not ſay it if he was here; I had no more than two half crown pieces; a perſon was to have come to my character, one Mr. Ravenſcroft, who lives over the way, but I did know of my trial coming on.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. BARON EYRE.

381. **WILLIAM MARKS** was indicted for feloniouſly ſtealing, on the 14th day of March laſt, one plain gold ring, value 2s. 6d. one gold enamelled ring, value 3s. one ſilver fillagree worked windmill, value 5s. one pocket book, value 12d. one ruler, value 1s. one ſilver dollar, value 4s. 6d. and one ſilver medal, value 5s. the property of Edward Holden Cruttenden, Eſq;

EDWARD HOLDEN CRUTTENDEN, Eſq; *ſworn.*

I loſt theſe things from my houſe in Berner's-ſtreet; I did not miſs them till the priſoner was gone away; the priſoner was my ſervant, I diſmiſſed him on the 15th of laſt month, in conſequence of his ſtaying out all night; he was my under man; the Thurſday after, Ann Miles came to enquire after him, and ſaid he had robbed her, ſhe confeſſed that he had two rings, and that ſhe had changed a five guinea piece for him; I miſſed theſe two rings from my bureau, and the ſilver fillagree worked windmill was in the cloſet, that I am pretty clear in, and the pocket book, the ſilver ruler was in the pocket book, and the medal was, I believe, in the bureau.

What room did that ſtand in?——In my bedchamber; ſhe gave one of the rings to my ſervant, which I have; the other ring ſhe ſaid he had given to the boy which is here, my ſervant brought me the ring, I have the two rings and the windmill; alſo the pocket book and the ruler; the pawnbroker who has the medals does not chuſe to appear.

Court. Call him on his recognizance.

John Watts, called on his recognizance, and not appearing, the recognizance ordered to be eſtreated.

Court to Proſecutor. I ſhall order this recognizance to be eſtreated, and it will go into the Exchequer immediately, by the firſt day of the term; I wiſh you would apply at the Treaſurer's Remembrancer's Office, to have proceſs iſſue on it immediately, and in conſequence of that, you may have execution in the courſe of next week; in order to let theſe people know, that they are not to dare to trifle with the adminiſtration of Juſtice: and, Mr. Reynolds, make a ſeparate eſtreat of it, it will be a uſeful thing in point of example; this buſineſs, where it is not carried on with a hearty deſire to bring thieves to juſtice, is not to be borne, it does more miſchief as it is than any other buſineſs in the world.

Court to Proſecutor. One of the rings Ann Miles had on?——Yes.

Court to Ann Miles. Is that the ring you gave to Mr. Cruttenden's ſervant?——Yes, it is.

To Proſecutor. Now, as to the next ring, how came you by that; I got it from Charles Wathen, it was ſent me by the magiſtrate; the pocket book Ann Miles gave me herſelf before Mr. Hyde, and the ruler was taken from the priſoner, in the preſence of Mr. Hyde; I know the mourning ring, one ſide of it is remarkably flat, from another ring being worn next to it; the pocket book I believe to mine, but I cannot poſitively ſwear to it; that ruler the lad confeſſed himſelf having taken it before Mr. Hyde.

Court. How old is the lad?——About ſeventeen; the windmill was ſtopped by a man in Oxford-road, who produced it before Mr. Hyde.

ANN MILES *ſworn.*

Is this priſoner an acquaintance of your's?——He was.

How came you by that enamelled ring?——He gave it me on the Sunday before he was taken.

How came you by that pocket book?——He gave me that the next day.

Have you any thing elſe?—I changed a five guinea piece.

Do you know any thing of a medal?—No.

How long was you acquainted with the priſoner?——Two months.

How came you to go after him?——Becauſe I had loſt things myſelf from my lodgings in Soho.

CHARLES WHALEY *ſworn.*

I am a gentleman's ſervant; I have known the priſoner about three months before he was taken; I was walking along Leiceſter-fields with the priſoner one day, and he told me he had found two gold rings in a piece of paper, and one he pulled out, a plain gold ring, which that gentleman ſhewed juſt now, and he aſked me to go in and ſee if it was gold; they told me it was, and they ſaid they would not buy it; I went into another ſhop, and they told me it was not gold; upon that, he gave me the ring, and I carried it to my mother, and it was pawned by her for half a crown; I was taken up after that, and then I went with the conſtables to my mother, and ſhe brought it down in the morning, and it was delivered up to the high conſtable; he aſked me to go in and ſell the mill, and the man knew the gentlewoman that I lived with, and he ſtopped the things; it was Mr. Elliott, oppoſite Swallow-ſtreet; that was at another time.

Court. Look at that windmill, and ſee whether it is the ſame?—Yes, it was broke in the ſame manner then.

Court. How came that windmill from Mr. Elliott?——He brought it to Mr. Hyde.

Priſoner. I have nothing to ſay; I underſtood I ſhould not be tried till Saturday; the proſecutor had a character with me.

Court to Proſecutor. What was his character?—I underſtood he lived three years with Sir James Lake, but he had been ſome time out of ſervice before I took him into my ſervice.

Have you any reaſon to believe that this is his firſt fault?——Upon my word I do not know that it is not.

Court. Have you no friends, young man, that can anſwer for you, and put you into any way of living, if the Court would ſhew you any favour?—Yes, my Lord.

Then let them be brought to the Recorder in the courſe of the ſeſſions.

GUILTY.

JOHN WATTS, *one pawnbroker's man coming into Court, was ſworn.*

Where do you live?—At Mr. Newke's in Ruſſel-court.

Who came for you?——Nobody, I was gone to Mr. Cruttenden's in Berner's-ſtreet, he ſent a meſſage, and I underſtood he wanted to ſee me, I am only a ſervant; and the proſecutor ſent yeſterday; I told him I could not come, becauſe my maſter was out, but I ſent word that I would come this morning; I have ſeen nobody whatſoever that came for me.

Court. Make an affidavit of that in writing.

What things have you?——A medal and a dollar.

Where are they?—I have left them at home, Mr. Cruttenden cannot identify them.

Court. Go home and fetch them, Sir, and upon producing them, and making an affidavit in writing of what you have ſaid, I ſhall diſcharge your recognizance.

The priſoner brought nobody to his character in the courſe of the ſeſſions.

To be confined to hard labour twelve months in the houſe of correction.

Tried by the firſt Middleſex Jury, before Mr. BARON EYRE.

382. ROBERT GANLEY, otherwiſe GANBY, was indicted (with one RICHARD JACOBS, not in cuſtody) for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Edward Thomſon, about the hour of eight in the night, on the 10th of March laſt, and feloniouſly ſtealing therein, one ſilver milk-pot, value 36s. two ſilver ſalts, value 30s. one ſilver pepper caſtor, value 10s. one pair of ſilver tea tongs, value 5s. five ſilver table ſpoons, value 50s. ſix ſilver tea ſpoons, value 15s. one watch, with the inſide caſe made of gold, and the outſide caſe made of green ſhagreen, value 10l. one pair of ſtone ſhoe buckles ſet in ſilver, value 30s. one pair of ſteel ſhoe buckles, value 3s. one ſilver purſe, value 2s. one crown piece, value 5s. two half crown pieces, value 5s. and one ſilver three-pence, value 3d. the property of Edward Thomſon.

EDWARD THOMSON *ſworn.*

I live in Iſlington.

Are you in any buſineſs?—No.

When was your houſe broke open?——The 10th of laſt month, I was not at home, it was between ſeven and eight, Mrs. Thomſon and my maid were both at home, they are here.

Cour. Let us hear them firſt.

The witneſſes examined apart at the requeſt of the priſoner.

Mrs. THOMSON *ſworn.*

Somebody knocked at the door, the maid and I were in the parlour, a little after ſeven; the maid went and opened the door a little way, and a man ſaid he had a letter of importance, and ſhe looked at the directions, and ſhe ſaid it was not for her, nor any body there.

Was you near enough to hear or ſee what paſſed?—I heard it.

Were the candles lighted at that time?—Yes, ſhe was going to ſhut the door, and he ſaid, *no, hold*, and then they puſhed the door open, and in they ruſhed; they all came into the parlour firſt.

How many were there?—Six, to the beſt of my knowledge.

How many did you ſee?—O, I do not know, I was frightened, I do not know how many I ſaw.

How many came into the room where you was?—I cannot tell, there were ſeveral, I was too much frightened to count them, I was in the fore parlour.

What did they do?—They walked backwards and forwards in the room, and I ſcreamed out, and they held up a cutlaſs to my face, and threatened me if I did not hold my tongue; they did nothing but walk backwards and forwards, and guard me and my maid.

What were the others doing the while?—Only one ſtood over me.

Where was your maid?—She was in the ſame room; when ſhe firſt let them into the paſſage, they put a gag into her mouth, and hurt her very much.

After they ruſhed in, did ſhe come back again into your room?—Yes.

Was ſhe guarded in the ſame room that you was in, or in another room?—In the ſame room.

How many of them were there guarding her and you?—Only two, the others went up ſtairs.

Was there any thing rifled in the room where you was?—No.

How long did they remain up ſtairs?—I believe near three quarters of an hour.

Could you hear what they were doing up ſtairs?—I heard them very buſy, pulling out all the drawers, and they did pull them out, and did a great deal before they went away, but I could only hear them tumbling the things about, and pulling open the drawers.

Did they all go away together?—I believe ſo, I believe it was not quite eight when they were all gone.

How long had you lighted candles before they came in?——About half an hour, it might be about twenty minutes after ſeven when they came in.

Can you tell as to its being dark, did you light candles early that night?—Not earlier than uſual.

Was it dark?—O yes, it was dark, a very dark night.

Becauſe the ſun does not ſet at this time till after ſix, this was the 10th of March?—This was twenty minutes after ſeven; after they were gone, I went up ſtairs, and found all the drawers open; I went firſt into the fore room, over the parlour, that was the bedchamber.

Were the drawers that you found open, in that chamber?—Yes, they were a double cheſt of drawers, and a low cheſt of drawers beſides.

Did you miſs any thing elſe out of theſe drawers?—No, none of my clothes, they had not meddled with them, they told me they only wanted money; I miſſed one diamond ring, which was in a ſnuff box in my dreſſing glaſs drawer; I miſſed a ſilver net purſe, with a crown piece and two half crown pieces in it; I miſſed them from my dreſſing box, with a pincuſhion at the top of it, in a low cheſt of drawers.

Did you miſs any thing elſe?—I believe not.

Where were the ſilver milk pot and the other things?——The ſilver milk pot, and the tea ſpoons and tongs were in a little green baiſe bag, pinned up in the drawers in the back parlour, in the bureau drawer.

Was the bureau forced open?—They broke it open, in order to have found ſomething elſe; they broke it with a pair of tongs, they came into the parlour and carried off the tongs, and ſo forced it open.

Where were the ſalts, and the pepper caſtor, and the table ſpoons, and the watch and buckles taken from?—The table ſpoons were in a caſe with ſome ſilver handled knives and forks, that caſe was at the top of the cheſt of drawers in my bed-chamber, one of the ſalts was on the table in the room with me; I loſt nothing out of that room but that one ſalt, that happened accidentally to be in the room with me, the other was in the back parlour, and they moved the ſalt out; the pepper caſtor was in the back parlour too, and the watch was hanging up by the chimney ſide in my bedchamber, it was a gold watch in a *black* ſhagreen caſe.

Court. Look at your indictment, Mr. Reynolds.

Mr. Reynolds. My Lord, it ſays *green* in the indictment.

Mrs. Thomſon. The ſhoe buckles and knee buckles were in a black caſe, I ſuppoſe, in the low drawers.

Where were the other ſhoe buckles?—They were in the bureau, in the back parlour, which they broke open, hoping to find ſomething better.

Where was the ſilver three-pence loſt from?—That was in the little ſilver purſe, with the crown piece and two half crowns.

Did you ever find any of your things again?—No, they are found.

Look at the priſoner at the bar, and tell me whether you have any thing to ſay againſt him?—I cannot.

ANN MARTHE *ſworn.*

I have been ſervant to Mrs. Thomſon ſeven years, except two months; I have a letter in my pocket; on the 10th of March, between ſeven and eight, or about a quarter after ſeven, they knocked a gentle knock at the door, I was in the parlour with my miſtreſs at work; I aſked who was at the door; they ſaid, there was a letter of importance, upon which I opened the door a little way, and they held their thumb on the direction of the letter, and I ſaid it was not for us, becauſe it was directed for Miſs Young.

Did they thruſt the letter in?——Yes, they held it with their hand to the candle, and when I went to puſh the door with my hand and my knee, they thruſt in; they ſaid, *ſtop*, and in they all came.

How many?—To the beſt of my knowledge there were ſix.

What was the firſt thing you obſerved they did?——When they came I cried out, O, Lord Jeſus, we ſhall all be killed! and one of them immediately ſeized me by the throat, and I felt ſeveral others about me; after that, I deſired them to let me go into the parlour to my miſtreſs, who was juſt come out of a fit of ſickneſs, for I was afraid they would frighten her to death; with that, ſome cried out, cut them down, and others ſaid, gag them, and I ſaw ſeveral gags in their hands.

Do you know what gags are?——They were ſeveral pieces of wood, of different ſizes; then the child ſcreamed out violently, that they would not murder her aunt; and the waſherwoman came out of the kitchen, and a man in ſhort clothes met her on the ſtairs, and clapped her hand to her mouth, and deſired her not to make a noiſe; and ſhe ſaid ſhe would not, if he would let her go to us; and when ſhe came in, the tall man ſaid, take the child and quiet her, and be damned to you, and they let her take the child away; after that, three of them, as nigh as I can gueſs, left the room; with that, the priſoner at the bar and two others went away, and left one with a cutlaſs and another with a piſtol in the parlour, and I thought I heard another in the paſſage, or at the ſtreet door, and I ſtaid in the parlour; preſently after that my miſtreſs ſaid there was a knock at the door, and I ſaid I heard nobody, but my maſter would be home at eight o'clock; a man came into the parlour, with a ſhort jacket, and breeches buttoned in, and took the parlour tongs and opened the deſk, they ſtood all then by the ſide of the deſk. A pair of ſteel buckles of my maſter's were found on the priſoner.

How long did they ſtay in the houſe?—As nigh as I can gueſs, about three quarters of an hour; I believe they had been there about a quarter of an hour when I ſaid my maſter would be in at eight o'clock: the priſoner was the man that came in and took the candles off the table, and went to the deſk in the back room.

How was he dreſſed?—In a ſhort jacket and fuſtian breeches buttoned in, and a hat very much over his face.

Had he any thing elſe over his face?—No, Sir, I did not know that there was any thing elſe over his face.

Did not know! why you ſaw, did not you?——No, I did not ſee any thing over his face.

As his hat was very much over his face, you could not ſee his face, could you?——When I ſaw him at the Rotation Office, with his hat very much over his face, he was a ſtriking likeneſs of the man, I could ſee his noſe, and mouth, and lips.

Did he ſpeak at all?—I never hard him open his lips.

How ſoon did you ſee him after?—The perſons that took him came to me the day after, and we went the next day at eleven o'clock; this was on the Wedneſday, and on the Friday we were appointed to ſee them; I knew him to be the ſame man that was in the houſe, and went backwards and forwards in the two rooms.

When did you firſt know that the ſteel buckles had been found upon him?—The ſame afternoon the man came to us with the watch and the other things.

When the men came, deſiring you to come to the Rotation Office, did they bring the buckles with them?—I ſaw them at the Rotation Office.

Before you had ſeen the man or after?—It was after.

What dreſs was he in when you ſaw him at the Rotation Office?——He was dreſſed in a purple long coat, of a fine cloth, and a neckcloth about his neck.

Had he his hat on when you firſt ſaw him?—Not when I firſt ſaw him, but it was a new hat, lined with blue.

That was a very different dreſs?——It was, but I knew him.

You go before me all the way, you will have it you know the man, and perhaps you do, but anſwer my queſtions; did you know him to be the ſame man when you firſt ſaw him?—I knew him to be the ſame man before his hat was put on; I immediately ſaid, that was the man that was in the houſe, and that went into the back parlour; I ſaw him afterwards with his hat on twice, the Juſtice made him put it on; he would not have it put over his face, and he gave one of the runners a knock; it was put over his face, and I knew him perfectly well before it was put over; when it was put over his face, he appeared to be the ſame man.

Court. Remember, child, here is a man's life at ſtake, and when you ſaw him at the Rotation Office he was very differently dreſſed.—I am very ſure he is the man that was in the room, and that went into the back parlour, for he ſtruck me the moment I ſaw him.

After they were gone you found the houſe had been rifled?—After they were gone out of the parlour, I thought they might be in the houſe, and I called out of the window; I found all the drawers entirely broken, and the cabinet broke open.

(The letter produced, being a blank ſheet of paper, directed to Miſs Young, Iſlington.)

JOHN SAYER *ſworn.*

On the 10th of March, about nine in the evening, M'Donald, Charles Young, Charles Grubb, and myſelf, were going along Broad St. Giles's, and turning into Drury-lane, I met the priſoner and three other men, they walked two by two, the priſoner was behind along with Jacobs, I paſſed them, and ſtopped again to ſee if M'Donald or Grubb ſtopped them; they did not; on the off ſide, by the light of the tallow chandler's ſhop, I ſaw a bundle in Jacobs's right-hand, the priſoner was on the left hand ſide; I immediately run and caught hold of Jacobs, and aſked him what he had got there? immediately he flung the bundle round to give it to the priſoner; I let go Jacobs, and called out to lay hold of the others; Jacobs jumped out of the road, but the bundle the priſoner had not got as I thought he had; Young and M'Donald caught Jacobs in about a dozen yards; I took the priſoner, and they brought Jacobs into the Brown Bear, in Broad St. Giles's; then M'Donald and Grub ſearched Jacobs, and took the plate from him.

Did you ſee him ſearched?—Yes, they took the plate out of his hand in the ſtreet, and ſome pieces of money out of his pocket in the public houſe; theſe ſteel buckles I took out of the priſoner's breeches pocket; I aſked him how he came by them? he ſaid he found them in a coach.

The buckles produced and depoſed to by the Proſecutor.

Proſecutor. They were in my deſk in the back parlour, which was broke open; I did not wear them, I had ſeen them about a week before.

Priſoner. What dreſs was the man in that got away?—To the beſt of my knowledge it was a brown under coat.

Priſoner. What waiſtcoat and breeches?——He had a white great coat, a kind of a bloſſom coat, and a purple coat under it.

What kind of breeches?—Fuſtian, and a white waiſtcoat.

What ſort of a hat?——A round hat.

Was the upper coat a long coat, or a ſhort one?——A long coat.

And that white great coat that the priſoner wore came down pretty low?—Yes.

And a purple coat under it?——Yes.

CHARLES YOUNG *ſworn.*

I was along with the laſt witneſs, and M'Donald and Grubb; coming along juſt by Drury-lane, there were four men, and the priſoner and Jacobs were ſide by ſide, and Jacobs next the wall, the other two were walking ſide by ſide, by them.

Could you judge by their manner of walking, whether they ſpoke to another or not?——They were talking very loud as they went by, they ſeemed to be all in one company; Sayre went by them, and turned round and came up to Jacobs and the priſoner; and Jacobs had this bundle in his hand, and I ſaw him move his hand towards the priſoner, and Sayer caught hold of the priſoner, and Jacobs run on; we purſued him, and M'Donald caught hold of the ſkirts of his coat, he had the bundle in his hand; then he run about twelve or fourteen yards; I took the bundle out of his hand; this is the bundle, I have had it locked up up ever ſince; here is a watch, a pair of ſalts, half a dozen tea ſpoons and a pair of ſugar tongs.

How came you to let Jacobs get away? —He broke out of the round houſe while we were gone to Iſlington to look for the proſecutor. (*The things depoſed to by Mrs. Thomſon.*) Here are five table ſpoons, and ſix tea ſpoons, one pair of ſalts, a cream jug, and a watch, a little box, and a little ſilver bell, and one ſtone buckle.

Court to Mrs. Thomſon. Have any of them your mark on them?—They are all marked.

Priſoner. What kind of waiſtcoat and breeches had the man on when he got away? —I cannot remember.

Priſoner. When they advertiſed him they could remember every individual that he had on then.

CHARLES GRUBB *ſworn.*

The priſoner and Jacobs were walking together and talking, I ſaw Jacobs have a bundle; we followed them, and Jacobs went to throw the bundle to the priſoner, he did not get it, and Jacobs run away with it, Young and M'Donald run after him and took him with the bundle, and I ſtaid with this man: I found in Jacobs's pocket that crown piece, and two half crown pieces, and a ſilver three-pence; I aſked the priſoner how he came by the buckles, and he ſaid he found them in a hackney coach, the priſoner and Jacobs were both very dirty as if they had been in the country, I think they both were in boots.

Priſoner. What time of night was this? —It was exactly nine, when we took them into a public houſe to ſearch them.

PRISONER's DEFENCE.

I lived in Drury Lane, and was going out to get ſome ſupper, and there were five or ſix men going along, I was coming along, and they were ſhoving one another about; and as they were ſhoving one another about, I picked up theſe buckles; theſe men took me, and took me into a public houſe, and ſearched me.

Sayer. My Lord, the buckles were in this paper and tied with a bit of ſtring, and it was a very wet night, and there was no dirt on the paper.

Court to Proſecutor. Were your buckles when you loſt them tied up in a paper or were they looſe?—I really forget whether they were looſe, or in a paper, but I rather think in a paper.

Court to Priſoner. What way of life have you been in?—I am a heel maker by trade.

Have you worked at your trade till you was taken?——Yes, Sir, till I was taken bad, theſe men know when I was taken, I was not able to lift my hands to my head.

Grubb. He pretended he was lame that night.

Court. Can you prove where you was at this time?—I had nobody at home but my wife, I worked at the widow Barnes's, at Barbican, I had not been at work for almoſt a fortnight, I was not able to work.

Have you any body to ſpeak for you?—No, Sir, I was taken at ſuch a diſadvantage, that I had no time to get any body to come up.

Court to Jury. Gentlemen, this is a burglary of a kind rather unuſual, though very atrocious; the entry was obtained by artifice and by management, therefore there is no direct breaking; but inaſmuch as the miſchief is preciſely the ſame, whether the entry is obtained by artifice, when the intention is to commit a felony in the houſe; as if they had actually broke open the door with a ſledge hammer: the law conſtructs the obtaining the entry by a trick and artifice for the ſame purpoſe, to be preciſely the ſame crime as breaking into the houſe: as to the miſtake of the watch being in a green ſhagreen caſe, that might have been material if he had been charged with ſtealing nothing elſe. If therefore, the priſoner appears to you upon the evidence before you, to be one of the parties concerned in this burglary, which is a very daring and atrocious one, it will be your duty to find him guilty; but however daring and atrocious the outrage is, unleſs the evidence is ſuch as to bring home conviction to your minds, that the priſoner was a party concerned in it, you will alſo think it your duty to acquit him.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

383. **WILLIAM SNALEHAM** was indicted for burglariouſly and felonioſly breaking and entering the dwelling houſe of Thomas Jackſon, Doctor in Divinity, about the hour of eight in the night, on the 27th of March laſt, and burglariouſly ſtealing therein fourteen linen ſhirts, value 7l. ſix linen ſtocks, value 12s. three muſlin neckcloths, value 12s. fifteen linen handkerchiefs, value 20s. one cotton night-cap, value 12d. two other cotton night-caps, value 4s. eight pair of ſtockings, value 20s. one thread ſtocking, value 12d. four leather gloves, value 2s. and one pair of worſted garters, value 2d. the property of the ſaid Thomas.

Rev. THOMAS JACKSON, D. D. *ſworn.*

I live in Somerſet-ſtreet, Portman-ſquare; on Saturday the 27th of March I dined out at Groſvenor-ſquare, I returned home about ten in the evening, and I aſked my ſervant, which I generally do the firſt queſtion, whether all my children were well; he replied the children were all well, but there had been rogues in the houſe.

MICHAEL HARRIS *ſworn.*

I am ſervant to Doctor Jackſon, on the 27th of March near eight in the evening, my fellow ſervant was going up ſtairs, and ſhe thought ſhe heard ſomebody pull the door gently after them, ſhe called me up and we went to the door, and found the ſtreet-door open, I had put the chain up about a quarter after ſeven; two lads and a boy were in the houſe.

Were they all at home at the time you found the door open?—Yes, I went directly into my maſter's room the back parlour, and there were three of the drawers of the bureau drawn out, and the linen taken out.

What things were uſually kept there?—Shirts, ſtockings, handkerchiefs, and ſo on, we could not find which way they got in, I went into the fore parlour, and the ſaſh was down, and I ſaw a little print of dirt cloſe by the fore parlour window.

Have you any reaſon now to know how they got in?—No other than that the ſaſh was not faſtened, I ſuppoſe they got in that way, and took the chain down and let themſelves out. The things were found, and are in Court.

JAMES RANDALL *ſworn.*

I am a carpenter and joiner by trade, I ſtopped this man with a ſack about nine, or a quarter after, on the 27th of March, I firſt met him in Henrietta-ſtreet, I was coming down Oxford-road about nine o'clock, and I met him with this ſack, and this man that is by, Clifford, ſays here is a man that has a ſack, and I think it is ſtolen things; ſays he, go along with me, and I went with him, and we *dogged* him into Oxford-road, and he pitched it down near the Golden Horſe, at an apothecary's ſhop upon the pavement, upon the curbſtone, we paſſed him and went to the corner of Berner-ſtreet; ſome time after he took up the bundle again, and croſſed over the corner of Bond-ſtreet, and pitched it on the pump, I croſſed over and aſked him if it was his property, ſays he, Mr. Randall are you going to ſtop me? Yes, ſays I, if it is not your property I will; he run away immediately, and he was ſecured.

Did you know him?—Not then, not till the next morning, then I knew him, he called me by my name.

Was he the ſame man you ſaw firſt with the ſack?—O it is the ſame perſon, I am very particular in it.

CHARLES CLIFFORD *ſworn.*

I am a ſhoe-maker, I was going home with my goods, I firſt ſaw the priſoner in Gray-ſtreet with a bundle, he aſked me to liſt it upon his back, he was ſtanding there with the ſack on the ground, as I was lifting it up he ſaid it was a few ſhavings and rags; I had a ſupicion it was ſtolen linen by the weight of it, I went to the corner of Henrietta-ſtreet, and I happened to meet with Randall, and deſired him to follow him with me, and we followed him into Bond-ſtreet, and there he let it down, and he took it up again, and carried it to the pump.

ROBERT HUTCHENSON *ſworn.*

I ſtopped the priſoner, I was coming along and I heard the cry of ſtop thief, I met him right in the face, and took him.

Was he running?—He run very faſt, I ſaw him run but a very little way.

(The things depoſed to.)

Court to Priſoner. What do you ſay for yourſelf, how came you by all theſe things?

PRISONER's DEFENCE.

About half paſt eight I came from the pay-table, then I went to my mother's, for if I have any thing to ſpare I give it to her, ſhe was not at home, ſhe chared at Lady Byron's in Somerſet-ſtreet; there was a man ſtood againſt the wine vaults with this bundle, he aſked me to give him a hand with it to Bond-ſtreet, and he would pay me any thing I required, I immediately took it on my back, and when I came to the corner of Bond-ſtreet I put it down as the man told me, then came up Mr. Randall, and he ſaid, what have you got here, chips or ſhavings? I ſaid, be it which it will, it does not belong to you. I have no friends here at preſent, I did not think my trial would have come on ſo ſoon.

Court. Gentlemen of the Jury, As to breaking there is a difficulty which is not explained to your ſatisfaction or mine; nobody knows how they got into the houſe, there are no marks of violence any where; there is a ſmall circumſtance that goes to make it more probable that it ſhould be at the parlour window, but that I rather think falls ſhort of ſatisfactory proof that they did get in that way; they might have got in by ſome way which excludes the idea of force uſed to obtain admiſſion; as for inſtance, if a garret window was open, and they got in by the leads, or if they got in at any other open window by a ladder: it therefore ſeems to me upon the whole evidence, if you ſhould be ſatisfied that the priſoner was concerned in this robbery, the ſafeſt and propereſt verdict for you to give will be, that he is guilty of ſtealing the things, but not guilty of breaking and entering the dwelling houſe.

GUILTY

Of ſtealing the goods, but **NOT GUILTY** *of breaking and entering the dwelling houſe.*

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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384. The ſaid **WILLIAM SNALEHAM** was again indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Goodrick, Eſq; about the hour of eight in the night, on the 27th day of March laſt, and feloniouſly ſtealing one ſilk gown, value 20s. one linen gown, value 1s. one flannel powdering gown, value 3s. one petticoat, value 2s. two ſilk petticoats, value 10s. one cotton gown, value 7s. one bed-gown, value 5s. one dimity bed-gown, value 5s. four petticoats, value 20s. one ſilk cloak, value 10s. one ſattin cloak, value 20s. one linen apron, value 5s. one handkerchief, value 12d. one pair of pockets, value 6d. one pair of linen ſheets, value 10s. one window curtain, value 3s. one toilet cover, value 3s. one cotton and worſted check cover, value 2s. and two yards of muſlin, value 5s. the property of the ſaid Thomas, in his dwelling houſe.

JANE GOLIGHTLEY *ſworn.*

I live with Mr. Goodrick, on the 27th of March, about nine o'clock in the evening, I heard a noiſe as of the lamp breaking over the door, the lamp was broke at the top of the door on the outſide, I went into the area, there were ſome children picking up the glaſs, there was a woman ſtanding by them, I aſked her who had done it, ſhe ſaid ſhe ſaw nobody, I got the candle and went up ſtairs, with one of my fellow ſervants, which was John Spencer, and in the drawing-room the bottoms of ſome chairs were pulled out, they were lapped up in a large cloth, there was one of the little cabinets half out of the window; we went up one pair of ſtairs higher, the drawers was all open, and all the things taken out of them out of the two pair of ſtairs back room.

Court. Were the things taken quite away?—Yes, there was the ſheets taken off the bed, and the quilt; we came down and told the people below ſtairs.

Court. Was any purſuit made after the thieves?——Not by our family.

When had you been in the drawing room before?——About one o'clock in the day.

Was the windows then ſhut down or open?—Shut down.

Was there any appearance of any body having got in?——There was no appearance of that, but both the windows were very much dirtied; I do not know whether any of the family had been in ſince.

Priſoner. The gentleman ſaid it was about nine, I was in the watch-houſe about half after eight.

JOHN SPENCER *ſworn.*

I was the firſt that gave the alarm, I ſaw the lamp broke, that was about a quarter before nine o'clock.

Court. Did you go out?—I went to the door immediately, but I did not ſee any body but ſome children picking up the glaſs; I went up ſtairs, and in the drawing room there was a little cabinet removed, and ſome chair covers; we went up ſtairs, and we ſaw ſome ſheets taken off the bed; we looked in every room about the houſe before we acquainted the gentleman of the houſe with it, and there was a great deal of dirt about the window, and there was a flint and ſteel found dropped in the area.

JAMES RANDALL *ſworn.*

I took the priſoner with this ſack upon him a little after nine, he was carrying it along Oxford-road, he had the ſack on his head, and we *dogged* him; I am ſure he is the ſame lad that had the ſack.

CHARLES CLIFFORD *ſworn.*

I ſaw the priſoner with the ſack as I was going to carry home a pair of ſhoes; the priſoner aſked me to lift it up; that was the ſame ſack.

——— HUTCHENSON *ſworn.*

Coming up Oxford-road, I heard people cry, ſtop thief! and I took him.

(The gown depoſed to by Jane Golightly.)

PRISONER's DEFENCE.

I have nothing more to ſay of this than the other, they were given to me to carry, and it is very hard I ſhould ſuffer for what I am not guilty of.

Court. What may be the value of theſe things?

Golightly. I ſhould think they muſt be worth five pounds.

Court. Gentlemen of the Jury, with reſpect to the burglary, there ſeems to be no preciſe evidence to bring that part of the charge home to the priſoner, or any body elſe; there is ſtrong preſumptive evidence, that whoever committed this robbery, got in at the drawing room window; but in order to make it a burglary, you ſhould have preciſe proof that the window through which the thieves entered was ſhut at the time; of that there is no preciſe proof. She has valued the whole of the things at five pounds, but you will judge of the value; the gown only is depoſed to particularly.

GUILTY

Of ſtealing to the value of 39s. but Not Guilty of breaking and entering the dwelling houſe.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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385. JOSEPH LORRISON was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Richard Collett the younger, about the hour of four in the night, on the 7th day of April laſt, with intent the goods and chattels of the ſaid Richard, then and there

being, burglariouſly to ſteal, take and carry away.

JOHN JORDAN *ſworn.*

On the 8th of this month, about five in the morning, or a little after, we were alarmed with a knock at the door of Mr. Collet's houſe, I got up, and I heard ſomebody walking about the paſſage, but I thought it was my maſter got up, which he frequently did on particular occaſions.

Where do you ſleep?——Up one pair of ſtairs; I heard ſome perſon go half way down the paſſage, and then down the kitchen ſtairs; I did not ſee who it was; then after that I came down ſtairs, and went to my maſter for the key of the door, and he gave me the key, I went down to open the door, it was ſhut at night, and when I found it, the bolts were undone; I let in ſome people and examined every room, and I found the priſoner in the neceſſary; I found the office window open, and the bolt of the outſide ſhutter broke off, taken off, and it has not been ſeen ſince, and the inſide ſhutter was wrenched off the hinges; I heard ſomebody go down the kitchen ſtairs, and I heard him walking about, about a minute or ſo before.

Court. Was it daylight then?——Yes.

You know nothing farther?——No, I found a dark lanthorn in the office where he broke in, and this piece of wax candle.

RICHARD COLLETT *ſworn.*

When did you firſt hear any alarm?——Not till paſt five o'clock.

Did any of your family hear any alarm?——I do not know that they did.

Have you any evidence that tends to fix the time of the priſoner's getting into your houſe at an earlier hour?——No, Sir.

Was there any thing taken away?——No.

Court. Then, Gentlemen, upon this indictment I find it is impoſſible to convict the priſoner; this is an indictment for burglary, which you know conſiſts of breaking and entering the houſe in the night, with intent to ſteal; the whole eſſence of the charge conſiſts of breaking and entering the houſe in the night, and there is nothing in this indictment which we can ſeparate or diſtinguiſh, it is one ſimple charge, and there is not, nor there cannot be, any evidence to ſhew that this was done in the night.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

N. B. The remarkable Trial of William Walker, for the wilful Murder of his Wife, will be in the next Number.

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ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 27th of MARCH, 1784, and the following Days;
Being the FOURTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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386. **JOHN LEWIS, WILLIAM DUFF, and ROBERT READ,** were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Jacob Kirkman about the hour of two in the night, on the 28th day of March laſt, with intent his goods, chattles, and monies, then and there being, burglariouſly and feloniouſly to ſteal.

JACOB KIRKMAN, Jun. *ſworn.*

My uncle's houſe was broke open the 28th of laſt month, I was alarmed between two and three in the morning by the watchman's rattle at the knocker of the door; I got up inſtantly, and aſked what was the matter, and the watchman anſwered, get up, there are thieves in your houſe; upon that I put on my clothes, and went up ſtairs into the garret to awake the coachman; it was very dark; I afterwards came down in the firſt floor into my uncle's room, who was ill of the gout, and when I had lighted a candle, I went to the ſtreet door, and let in the watchman and ſome others that were with him; the ſtreet door was ſhut, we examined the kitchen and there was nobody there; I opened the area door, and the watchman and the others proceeded to examine the houſe, and in the cellar where the coals were put, there they found the three priſoners at the bar.

Court. Is that coal cellar within the houſe?——There is an area about four or five feet wide between the houſe and the coal cellars.

Can they get into the coal cellar without coming into the houſe at all from the area?——Yes, the coal cellar opens into the area.

Were any of the doors of the houſe broke?——No, there were two holes made in the door, and another in the poſt to which it is faſtened, but they had not got it open, they had not got into the houſe.

Court. Gentlemen of the Jury, this is an attempt to commit a burglary, but it was diſcovered before it was committed, certainly we cannot conſider the coal cellar on the other ſide of the area as a part of the dwelling houſe, there is therefore no proof of the burglary, though there was a clear attempt to commit it.

ALL THREE ACQUITTED.

Court to Priſoners. Young men, you have by your conduct on this occaſion brought yourſelves to this bar, to be tried for your lives upon a capital indictment, and you have had the good fortune to eſcape, through being, (as I hope it will turn out happily for you) interrupted in the commiſſion of an offence, which there is too much reaſon to fear, from the evidence, you have attempted to commit; I ſhall abſtain from ſaying all I think on the ſubject, therefore, there being no other charge againſt you, and no intention of further proſecuting you, you will be diſcharged; and, I hope, the riſk you have run of your lives on this occaſion, together with the diſgrace of being brought into this Court of Juſtice, will be a warning to you, and that you will be thankful to God for having eſcaped the puniſhment due to ſuch a crime.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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387. ARCHIBALD BURRIDGE and DANIEL BEAN were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Henry Lord Stawell, about the hour of ſeven in the night, on the 28th day of March laſt, and burglariouſly ſtealing therein, one oak tray, value 6d. three ſilver caſtors, value 1l. 10s. three caſtor covers, value 6s. three caſtor ſpoons, value 3s. two ſilver cruets, value 7l. one ſilver cruet frame, value 5l. ſix ſilver cruet ſpoons, value 12s. ſix ſilver labels, value 6s. two cruet boxes, value 50s. two French plate waiters, value 2s. two French plate ſalts, value 12d. and two ſilver labels, value 3s. the property of the ſaid Henry Lord Stawell.

The witneſſes examined apart at the requeſt of the priſoners.

STEPHEN RING *ſworn.*

Mr. Sylveſter Council for the Proſecution. Tell your ſtory to the Court concerning this robbery.

Ring. I am a baker; I was going through Hanover Square, about half after ſeven in the evening of the 29th of March, in company with George Logan, I ſaw the priſoner Burridge ſtand with one foot on the iron bar that goes acroſs the area, and another on the parlour window of Lord Stawell, he had a tray in his hands, handing it to the man on the other ſide; the other man was ſtanding againſt the rails, Bean ſtood ready to receive it, with his hands againſt the bar.

Court. Did he ſtand in any poſture that was in the act of receiving it?—He ſtood in the act of receiving it; when I came up to them, Bean ſtepped down to me, and aſked me the way to Charterhouſe Square.

Court. How do you mean ſtepped down to you?—He walked off the ſteps, he was upon the ſteps before the door; then the other that had the tray dropped it down the area; then my companion catched hold of Bean, and ſaid to me, theſe are thieves; I ſaid, ſo they are, let us purſue them; Bean got from him, and Burridge jumped over the bars and run away; I and Logar purſued them.

How ſoon did you take them?—We took them between fifty and ſixty yards off.

Did you loſe ſight of them?—Not at all,

Did you ſee any body elſe there?—Yes, three men ſtood at a diſtance.

Did they aſſiſt you?——No, they ran away.

Mr. Chetwood, Council for the Priſoner.

Was it quite light, Sir?——It was not dark, nor was it quite light, I could ſee at a great diſtance.

Had he hold of the rails?—No.

He was in the ſtreet then?—Yes, up againſt the door.

You did not ſee him do any thing whatever?—No, Sir.

Or receive any thing?—No.

When theſe priſoners were taken, were they taken running or ſtanding ſtill?——When they found they were purſued cloſe they ſtood ſtill.

They were ſtanding ſtill?—Yes.

There was nobody but you and your friend?—No.

Are you ſure it was Burridge that had his foot on the rails?——Yes.

Did you charge him with it directly?—Yes, they ſubmitted to be ſearched, but nothing was found.

Did you or your companion make uſe of this expreſſion, that you had loſt ſeveral loaves, and you ſuppoſed theſe were the thieves that had ſtole them?——I did not, my companion did.

Did not you or your friend expreſs that you laid hold of them on ſuſpicion at that time?—No, Sir, not at that time.

Your companion was along with you?——Yes.

Did he ſay, he believed theſe were the men that robbed the houſe or that ſtole the loaves, which was it?——He did not mention then, that he believed theſe were the men that had been in the houſe.

Did not a tall gentleman interfere for them?——He ſaid, they ſhould be taken and examined.

Then there was ſome doubt even upon your own ſtory at that time, whether they were the real identical people or no?——Yes, Sir.

Did you ever loſe ſight of the men?——No.

Court. Are you ſure upon your oath that they were the men?——Yes.

What did they appear to you to ſtop for?——We purſued them ſo cloſe that they found they could not get away.

GEORGE LOGAN *ſworn.*

I ſaw Burridge ſtanding with one foot on the window and the other on the rail, Bean ſtood with his hands to receive a tray of plate, the plate fell, juſt as it fell he aſked my friend the way to Charter-houſe Square, I ſaid they were thieves, and we purſued them and took them, I never loſt ſight of them, I am ſure theſe are the ſame men that were there.

Was it day-light?——No, Sir, it was duſk.

Court to Ring. Did you mean that there was any day-light, or that there was other light?—It was not very dark.

Was there any day-light at the time or not?—It was not very dark, we could purſue them ſixty yards.

Was that by the day-light?—Yes, Sir.

Then you mean to ſay, that there was day-light enough to diſcern their faces?—Yes.

Court to Logan. What do you ſay to that, was there any day-light left?—No, Sir.

WILLIAM HORACE *ſworn.*

I was coming by this evening, the firſt time, I took notice of theſe young men one of them was inſide the rails, and the other was, ſtood cloſe by the door on the ſteps, the other let the tray out of his hands.

Are theſe the two men?—Yes, Sir, they are.

Priſoner's Council. How far was you from them?——About twelve or fifteen yards.

Did you follow them?—I ſtood oppoſite the door till my Lord's ſervants came out, and then we went after them.

Did the ſervants join the purſuit?—Yes.

They were out of ſight from you?—Yes, for a little while.

MARLBOROUGH HARDY *ſworn.*

I am houſe ſteward to my Lord Stawell, we were alarmed by the tray falling down into the area, I ſaw it the beſt part of an hour before, it was in the front part of the parlour, between the windows on a table, when I was alarmed I went out with a candle there, and I found the tray upſide down, with the principal part of the contents that are here under it, I looked up then to the windows, and the ſaſh was up to the top.

(The things depoſed to.)

Court. Was any body in the room after you ſaw the things on the table?—Yes, the under butler.

What time was it when you heard this tray fall?——About twenty minutes paſt ſeven.

Mr. Sylveſter. What may be the value of the plate?—The value of the whole is twenty-five pounds eight ſhillings and one penny.

Court. Was it day-light?—No, it was dark.

Was there no day-light left at all?—I cannot ſay there was, my Lady had had candles ſome time, and we had candles below.

Priſoner's Council. It was an under ground room where you ſit?—Yes.

And where your Lady ſits there were curtains?—Yes.

TIMOTHY CLINT *ſworn.*

I am under butler, I was in the parlour ten minutes before the alarm, and the plate was there then, and the window was ſhut, I am ſure of it, I purſued the men till they were taken; after the alarm I ſaw the window open.

Priſoner's Council. Had you any particular reaſon to take notice whether the window was open or ſhut?——It was not open.

Do not you think it might have been open and you not have ſeen it?——No, I ſhut the blinds that got half way up the window.

PRISONER BURRIDGE'S DEFENCE.

I had been at Kenſington after ſome work, I ſaw a mob lay hold of this man, and I went, and they ſaid, that is one, they ſaid I ſhould go back, they took me back to the houſe, and kept me upwards of two hours, and they put me in the watch houſe.

The priſoner Burridge called one witneſs to his character.

The priſoner Bean made no defence, but called two witneſſes to his character.

ARCHIBALD BURRIDGE, }
DANIEL BEAN, } GUILTY.

Of ſtealing the goods in the dwelling houſe to the value of 25l. but not guilty of the burglary; **Death.**

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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388. WILLIAM WALKER was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the Devil, on the 5th day of March laſt, with force and arms, in the pariſh of Harefield, in and upon Ann Walker his wife, in the peace of God and our Lord the King then and there being, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault, and that he the ſaid William Walker, with a certain claſp knife of the value of twopence, which he in his right-hand then and there held, in and upon the breaſt of the ſaid Ann did ſtrike, ſtab, and thruſt, giving to the ſaid Ann, in and upon the breaſt of the ſaid Ann, with the claſp knife aforeſaid, one mortal wound of the length of one inch, and of the breadth of three inches, of which ſhe inſtantly died, and the jurors ſay that the ſaid William, her the ſaid Ann, feloniouſly, wilfully, and of malice aforethought, did kill and murder: the ſaid William Walker was likewiſe charged with the like murder on the Coroner's inquiſition.

JOSEPH BRANCH *ſworn.*

Court. What is your name?——Joſeph Branch.

Where do you live?—In Harefield, in the county of Middleſex.

What buſineſs do you follow?—A day labourer.

Where did the priſoner William Walker live?—The next door to me.

What buſineſs did he follow?—A day labourer.

Who did he work with?—With one Mr. Horne the laſt.

Was he in regular work?—As far as I know, I cannot ſay.

But you might happen to know whether he was in conſtant work or not?——Yes, he was.

In what way?—In thraſhing in a barn.

Was you much with him?—No, otherwiſe than as neighbours.

Was you in his houſe?—I never was in his houſe twice in my life.

How long did you live next door to him?—I lived there before he came.

When did he come?—I cannot ſay upon my life.

As near as you can tell?—I cannot ſay.

My friend, cannot you tell me within a twelvemonth ?—About two years as near as I can gueſs.

What did his family conſiſt of ?—A wife and two children.

What age were the children ?——They were young children.

Can you gueſs how old the eldeſt of them might be ?—About five years old.

What aged man was he ?——I cannot ſay.

What aged woman might the wife be ?——I cannot ſay, they were not born in the place.

Did any body elſe live in the houſe with them ?——No, Sir.

Do you remember the death of this woman ?——Yes.

When did that happen, what day ?—The 5th of March.

Tell me now what you know with reſpect to it ?—This woman came to aſk me to come and ſit in the houſe in the evening about nine o'clock, I was going to bed.

She came to your houſe did ſhe ?—Yes; and ſhe aſked me to come and ſit in the low room.

For what ?—She did not give me any account for what, only ſhe ſaid there was another man in the houſe, and if I would come and ſit there ſhe ſhould be glad, ſo I went home with her.

Did ſhe tell you how long ſhe wanted you to ſit there, all night, or how long ?—No, ſhe did not mention all night.

Had ſhe ever aſked you to come and ſit there before ?—Never before.

Did not you aſk her what ſhe wanted you to come for ?——She ſaid then ſhe thought her huſband would not meddle with her, if there was ſomebody in the houſe, and ſhe ſaid then ſhe would go to bed, ſhe had not had any reſt a good while; I went with her, and found another man in the houſe, one Francis Jones.

In what room was he ?——In the ſame room ?—the lower room.

Where was the priſoner ?—Up ſtairs in bed.

As you underſtood; you did not go up ſtairs did you ?—No, Sir, I did not, I underſtood he was there, I aſked her to ſit down, but ſhe would not, ſhe ſaid, ſhe would go to bed, ſhe had not had any reſt for ſome time, ſhe went and laid there for ſome time, and very ſtill they were for ſome time, I cannot ſay how long; by and by I heard her ſay to him, are you going to get up.

Where was it they ſlept ?—Up ſtairs.

Over the room were you was ?—Yes.

What anſwer did the priſoner make to her ?—He anſwered her, no; and ſhe aſked him whether he wanted the pot, and he ſaid, no; and in about a minute after they were very ſtill, and ſhe ſcreamed out, and the man and I jumped up and run towards the ſtairs; they come down upon us both together, and I laid hold of the priſoner's right-arm.

Did they come walking ?—No, they came tumbling down together.

Undreſſed ?—Only their ſhirt and ſhift; I caught hold of the priſoner's right-arm, and with my pulling him off the woman, ſhe tumbled down, I caught hold of his right-hand, and he had a knife in his right-hand.

Did you ſee the knife before you laid hold of his right arm ?—No.

At the time you laid hold of his right-arm where was ſhe ?—Laying down at the foot of the ſtairs, ſhe fell down.

How near the foot of the ſtairs was it that you laid hold of his right-arm ?—As near as could be, he tried to ſtamp upon her, and we pulled him off of her like.

Did you obſerve him try to ſtamp upon her before or after you laid hold of him ?—When we laid hold of him, ſhe jumped up and run out of doors, and tumbled down on the left-hand ſide of the door, and with our pulling him about, he got rid of his knife out of his hand ſome how, I cannot ſay how.

Dropped it, I ſuppoſe ?——I ſuppoſe ſo, when I found the knife was out of his hand, I run to call Edward Trumper the conſtable and Samuel Woods, and when I came back ſhe was on the other ſide of the door laying bleeding, and then Francis Jones got her in doors, and got ſomething over her, and there came a couple of women there, and I left her under the care of them; I ſaw no more.

Did you hear him ſay any thing to her at the time ſhe ſcreamed?——No, Sir.

Did he ſay any thing at the time he endeavoured to ſtamp upon her?—No.

When you ſeized his arm, did he ſay any thing to you?—No.

Did you never hear him ſay any thing at all?—No, not then, when they came down together they ſaid nothing.

Did not you aſk him what he had been doing?——No.

Is it poſſible that ſuch a ſcene as this ſhould paſs, and that you ſhould not aſk him what he had done, or what he was doing, or why he had done it?—— I laid hold of his arm, but I aſked him no queſtions, and he ſaid nothing to me.

How long before this happened had you ſeen this man?—The day before.

Had you ſeen him in the courſe of that day?——I ſaw him in the morning going to work, about ſix o'clock.

You do not work very near him?—No.

Did you meet him in the courſe of that day?——No.

Did you ſpeak to him in the morning?—No.

Had you ſpoke to him within a week before? Yes, but I cannot ſay when.

Had you within three days?——I cannot ſay.

Now, my friend, did it not ſtrike you as ſomething odd, that the woman ſhould come and deſire you to ſit in the room below?—As my wife ſat with me, and I was going to bed, I did not aſk her nothing, and ſhe told me nothing what it was for.

When ſhe went up ſtairs to go to bed, did not you aſk her how long you was to ſtay there?——No, ſhe ſaid nothing about how long I was to ſtay or nothing.

Did Jones ſay any thing to you how long you was to ſtay?——I ſuppoſed no longer than the morning that we went to work.

Did not you aſk her, why ſhe ſuppoſed her huſband would hurt her?——No.

How did they live together before?——I do not know, I never was acquainted with them, I never was at their houſe above once or twice in my life.

Would not you have thought it a very odd thing, if your wife had ſent for a man to have come and ſtaid in your houſe all night, while ſhe and you were above ſtairs?——I do not know, it was ſomething odd to be ſure, I could give no account about it.

Had you obſerved any thing remarkable about the man or the woman before that time?——No, the woman was always a very good ſort of a woman.

What ſort of a man was he?——A very good ſort of a man all that I ſaw.

Was he a ſober man?——I never heard that he was given to drinking, I was not acquainted with them any otherwiſe than living neighbours by them.

It ſeems to me, by your account, you might as well have lived a thouſand miles off?——I never go to any body's houſe but my own, and that is beſt.

Did you and he never meet at an alehouſe?——No.

Is there any alehouſes in your pariſh?—There is two.

Which houſe did you frequent?—Sometimes I had a pint of beer at the Goat.

And did you never meet him there?——No.

Court. I think you ſay this man's maſter's name was Horne?——Yes.

Can you tell how long he worked with him?

Priſoner. Mr. Horne is no maſter of mine.

Jury. Did the woman ſay ſhe was afraid of her huſband's beating of her.

Court to Priſoner. Who did you work for at the time your wife died?—Nobody at all.

FRANCIS JONES *ſworn*.

I am a day labourer.

Court. How near did you live to William

Walker?——Cloſe to him till near a fortnight before the accident.

What do you know of the accident?—On the 4th of March I was in Samuel Wood's, and William Walker's wiſe came in.

What time of the day?—Between ſeven and eight in the evening, as nigh as I can gueſs; ſhe ſaid to Samuel Wood, will you be ſo good to come and ſit in our houſe, ſhe ſaid ſhe had ſent to the overſeer, and there was nobody come; Samuel Wood ſaid, he had not had his ſupper, and another thing, ſays he, I do not chooſe it; I was ſitting in Samuel Wood's corner, and I got up, and William Walker came in after his wife, and he ſaid, Nan, what do you mean by leaving me to myſelf? ſays he, you be not afraid of a man, you never uſed to be afraid of a man.

What anſwer did ſhe make to that?—She ſaid, no; he then ſaid, come along and go to bed; ſo I got up, and ſaid, neighbour, how do you do; and he ſaid the ſame to me, how do you do; then ſhe aſked me to go along with them into their houſe.

He being preſent?——Yes, he ſaid come along and go to bed, let any body come, I do not care who comes; ſo I went along with them.

Is that all he ſaid at that time?—Yes; when we came to their houſe, there was another woman at the door, and we went and followed Walker and his wife in doors.

Did any thing paſs between that other woman and them before you went in?——As ſoon as we were in, he locked one door and faſtened the other, and he ſaid, ſays he, I want to ſettle affairs with my wife, and ſhe will not reſolve me; ſhe ſaid ſhe would reſolve him any thing that lay in her power.

Do you recollect the very words that ſhe ſaid?—Yes, them were the very words.

Cannot you tell it me in the manner ſhe ſpoke it?——She ſaid ſhe would reſolve *him* any thing that lay in her power.

I want you to put yourſelf in her place, and tell me the words that ſhe ſaid?——I do now; ſhe ſaid ſhe would reſolve any thing that he aſked her.

But you know ſhe muſt have ſaid, I will reſolve *you*?——Yes, ſhe ſaid, I will reſolve you as far as lays in my power.

Did ſhe ſay huſband, or my dear, or any expreſſion of that kind?—No, ſhe did not; ſo he wanted to go to bed, and ſhe took the coals up, and he went to bed, and ſhe went up ſtairs with him, and warmed his bed, I believe.

Leaving you and the woman below?—Yes, ſhe came down again when he was in bed, and told this other woman and us, that how he had drawn his knife upon her ſix weeks ago in bed, before that time, and on the Wedneſday night before that in bed.

That is the laſt Wedneſday night you mean before you was there?——Yes, and he had drawn his knife on her on the Thurſday morning following, and ſaid he would give her time to ſay her prayers, and then he would kill her; then Samuel Woods came to the ſame houſe.

Was that all that ſhe ſaid at that time?——Yes.

Did not ſhe ſay how it happened he did not kill her?——No.

Did not you aſk her how ſhe ſaved herſelf?——No.

Did not you aſk her what they had quarrelled about?——No, I aſked her no queſtions at all concerning the affair ſhe told me about.

Had you no curioſity to know what ſhould make the man draw his knife upon the woman?——No; then Samuel Woods came, and ſhe aſked him if he would be ſo good to go down to the overſeers, becauſe they had promiſed her that they would ſend ſomebody, and they had not ſent any body to put in the houſe.

For what?——Becauſe ſhe was afraid to be in the houſe when there was nobody elſe in the houſe but they and the children.

Why was ſhe afraid to be in the houſe, did ſhe ſay?—I cannot tell, ſhe did not reſolve me any thing about that.

Why did ſhe ſend to the overſeers, why

did not ſhe ſend to the conſtable to come and take him away, if he drew his knife upon her?——That I cannot tell any thing at all about; ſo Samuel Wood he went to one overſeer, and he was not at home, then he went to the other, and he ſaw one of them, I cannot tell which, and came back, and brought word, that if ſhe could get any body to be in the houſe, they would ſatisfy them; then ſhe went and aſked Joſeph Branch if he would be ſo good to come and be in her houſe, and he came, and was in the houſe along with me.

What became of the other woman?——She went home.

When did ſhe go home?—I cannot ſay juſtly how long ſhe ſtaid, ſhe went juſt as the woman went to bed.

Then the woman went to bed you ſay?—Yes, and in about two hours and a half after this, Walker came down ſtairs in his ſhirt, and ſaid, what, my lads! to the other man and me; ſo I ſaid, what do you come down ſtairs without your clothes for; he never ſpoke no more, he went up ſtairs again, and in about two hours and a half after this, as nigh as I can gueſs, he ſays to his wife, Nan, who is to pay theſe two men?

Did not you drop in ſleep in all this time?——No.

Did you ſit talking to one another, or what?——I cannot ſay that we did not ſpeak to one another, but we heard every word that was ſaid; ſhe ſaid, do not make yourſelf uneaſy, they will be paid I warrant you; ſo Walker ſays to his wife, ſays he, Nan, you muſt ſatisfy them; ſays ſhe, do not make yourſelf uneaſy, go to ſleep if you can, you have not had any a good while; Mr. Morton will ſatisfy them; and in about a minute or two before the accident happened, he ſays, Nan, where is the pot?

How long did they lay after this before he ſaid that?——About two hours.

What two hours more?—Yes, and ſhe ſaid, ſhall I reach it you, and he ſaid no, and there was not another word more ſpoke, till ſhe began ſcreaming out, and from the time ſhe began ſcreaming out, they were down ſtairs in a very ſhort time, and this other man and I went to the ſtairs foot, and they both came down directly upon us, ſo I laid hold of his left hand, and ſaid, Walker, what are you at, what is the matter with you? he never ſpoke, and when we releaſed him from her, ſhe dropped all along upon the ground.

How was he holding her then?—With his arm round her neck that I laid hold on, ſo ſhe dropped, and he ſtamped his left foot on her.

Deſcribe the manner of his ſtamping his left foot upon her?——So, (*a ſort of ſtamp*) then ſhe got up and run out of doors, and tumbled down on the left hand ſide of the door, and he ran out after her, and I had hold of his left arm, and he pulled me along after him, then ſhe got up.

Did he ſpeak to her, or do any thing to her out of doors before ſhe got up?——No, he did not touch her then as I ſaw, ſhe got up and fell down again; there is a hurdle on the right hand ſide of the door, and Joſeph Branch went away to call the conſtable, and call aſſiſtance; the priſoner went in doors, and I ſtood between the door place and the woman.

So you did not follow him in?——No.

Did you obſerve whether he had any thing at any part of that time in his right hand?——No, Sir, the priſoner went in and came back again to the door, and I ſaid, Walker, do not come nigh your wife no more, you have killed your wife, look at the blood.

Did you ſee any blood?——Yes.

The woman was bleeding?—Yes.

Could you obſerve from what part the blood came?——No, not at that time; he ſaid, ſays he, I meant to kill her, now I am eaſy, now I ſhall be hanged, and I wiſh to die; he ſaid, do not let her lay there, bring her in doors, ſo I had her in.

How did you carry her in, or did ſhe get up and walk in?——No, I picked her up and carried her in, ſhe never ſpoke, then I ſet her down upon the ground in the houſe.

Where was he then?—In the houſe.

Did he ſpeak to her?—No, not then.

Did ſhe ſpeak to him?——No, ſo I ſtood againſt her till ſuch time as ſomebody came.

And in that time ſhe neither ſpoke to him nor he to her?——No, Sir, not in that time.

Was he ſitting or ſtanding?——He was walking about the houſe, he went up ſtairs and down again, I cannot ſay how many times.

Was he dreſſed or undreſſed?—He fetched his clothes down, ſome of them at a time, and dreſſed himſelf down in the houſe; the firſt perſon that came in afterwards was Martha Branch, and I aſked her to come and ſtand againſt the woman as I was, while I lighted a candle.

About what o'clock might this be?——Between two and three, I believe.

Was it a moon-light night or dark?——Very light, the moon ſhone, I lighted a candle, and the priſoner came and took it out of my hand, and went into a place where the candles were hanging, and burnt another off, and lighted that.

What did he do with it when he had lighted it?——He went and looked about the houſe, and looked in the drawers for ſomething, I cannot ſay what.

Did he give you the other candle?——I am not ſure whether I took it out of his hand, or whether he hung it up ſomewhere.

Did you obſerve whether he took any thing out of the drawers?——Yes, a handkerchief and keys, and ſuch as that, and put into his pocket.

Did he ſay any thing when he had lighted the candle, or when he was looking into the drawers?—He walked about the houſe, and came and looked into his wife's face as ſhe ſat on the ground, and, ſays he, Nan, what *beeſt* dead? he ſaid, ſays he, I told thee how I would ſerve thee, but thee wouldſt not be ruled; ſays he, you naſty dirty huſſy, and he called her in that manner, ſays he, you meant to kill me, now I believe I have killed you.

Was ſhe able to ſpeak?——Yes.

What did ſhe ſay?——She made no anſwer, but in two or three minutes after, ſhe ſaid, O Lord have mercy upon me! where be I a going, what is the matter with my head, what have I done? and ſhe never ſpoke any more.

She made no anſwer then to what he ſaid about her trying to kill him?——No, Sir, I never heard any anſwer to that, that was the laſt that ſhe ſaid.

When ſhe ſaid that, did he ſay any thing?—No, he was not by her then.

How long was it after he had called her naſty dirty huſſy, and ſaid you meant to kill me?—It might not be above three or four minutes, I be not ſure.

Then he had turned from her before ſhe ſaid this?—Yes.

She made no anſwer at all to him?—No.

Where was he when ſhe ſaid this?—He might be about the houſe looking after his things, his handkerchief he pulled out of the drawers, and keys and things.

He did not offer to go away?——No.

He did not ſay any thing to you, or threaten you for being there?——No, Sir.

He ſaid nothing uncivil to you?——No, Sir, nor to nobody as I heard.

What happened after ſhe ſaid this, what have I done?——Then another perſon and I lifted her up in a chair, and ſhe lived about three quarters of an hour from the accident.

Where was he when ſhe died?——In the ſame room.

Was you in the room when ſhe died?—Yes.

Did you tell him ſhe was dead?——Yes.

What did he ſay?——He aſked for ſomewhat himſelf to tie her jaw up, I gave him ſomething, and he lapped it round and tied it up; ſo then the conſtable came, either after that, or a little before, and a great many people, then he was confined and taken care of.

At the time the conſtable came, what did he ſay then?——I cannot tell what he ſaid then.

Did he ſay nothing?——I cannot ſay as he did not, but I cannot recollect what he ſaid.

Did you ſee any alteration in him when the conſtable came?——No, he ſaid he would not give them any trouble, let them do juſt what they would.

What did they do with him, did they lay hold of him?——Yes.

Did they handcuff him?——Yes.

Did he ſubmit quietly to that?——Yes.

At the time they were handcuffing him, do you recollect whether he ſaid any thing?——No, Sir, only that they might do juſt what they pleaſed with him, he would interrupt nobody.

Then they had him up to the conſtable's houſe?——Yes.

Did any thing paſs there?——I cannot ſay that nothing paſſed, but I did not take notice of any thing.

How long did you ſtay with him at the conſtable's houſe?——From four o'clock till about eight or nine.

Was there any refreſhment had at that time?——Some victuals and ſome drink.

What time was that had?——About five.

At the conſtable's houſe?——Yes.

You had none at Walker's houſe, had you?——No, Sir.

Did the priſoner eat and drink with you?—Yes, Sir, he eat and drank very hearty.

Did he talk with you?——Yes, Sir, he might talk, but I cannot ſay I knew any thing what he ſpoke.

It was nothing particular or extraordinary?—Not as I heard.

Did he talk like the reſt of the people?——He might talk, but I did not take notice of any thing he ſaid.

Nor he did nothing extraordinary?——No.

He eat and drank like other people?——Yes.

And he behaved orderly?——Yes.

Were his handcuffs taken off when he eat?——No.

Did he appear to you, during all this time, to be ſober?——Yes.

When you firſt ſaw him that evening?—Yes.

Had you any ſtrong liquors?—No, only a little ale and bread and cheeſe.

How much might he drink?——I cannot tell, he drank ſeveral times, as much as the reſt.

How much was drank amongſt you all?——I cannot ſay.

How much do you apprehend you drank to your own ſhare?——I cannot tell.

Were you all ſober?—Yes, I ſtaid there till eight o'clock, and then he was taken to Uxbridge.

Who was he taken to there?——Mr. Fellows.

Did you go along with him to Uxbridge?——Yes.

What became of him after he went to Uxbridge?—Then he was brought back up to the conſtable's houſe, and there kept.

How long was he kept there?——Till the Tueſday morning following.

What became of him then?——Then he was brought to London.

Did you ſee him at the conſtable's houſe after he returned from Uxbridge?——Yes, Sir, I was with him all night, the Sunday night, and the Monday following.

How did he behave?——Very well.

Was he very quiet and orderly?——Very quiet, and did not offer to interrupt any body or any thing.

Did he talk to you much?——No, Sir, the landlord of the houſe fetched him a bed down ſtairs, and he laid down upon it, and ſlept, as far as I know, all night, only in the middle of the night he wanted to get up.

Did he talk at all about what had happened?—No, Sir, not in the night.

Well, in the next day?—Yes, Sir, people aſked him how he did, and he anſwered to them and ſaid, not half bad enough.

What did he mean by that?—I cannot tell.

Did you aſk him what he meant by it?No.

Did any body talk to him about what he had done?——Yes, a great many people, they aſked him if he was not ſorry for what he had done, and he would not ſpeak to a great many.

Did you hear him anſwer any body to that queſtion?—No, Sir, I cannot ſay that I did.

Did you ever hear him ſay, in anſwer to that, whether he was or was not ſorry for what he had done?——No, Sir.

How long had you known the man before this thing happened?——About two years.

Have you been often in his company?—Yes, ſeveral times, I cannot ſay how many.

At his houſe?—Yes, ſeveral times.

What aged woman was his wife?—I cannot tell, I have not been in the place above four years.

How did they live together?—They lived together very well, as far as I know.

Did they ſeem to live in friendſhip with each other?——Yes, Sir, as far as ever I ſaw.

You know it is eaſy, if you was often at his houſe, to ſee whether either of them was of a quarrelſome temper, or whether they quarrelled with each other, or were upon good terms?——I never ſaw them when I was in the houſe, but I have heard her cry out many times when I was in my own houſe, I lived next door to him till within a fortnight.

What ſort of cries?—Cry out, O Lord, her head, or her arms, or her ſhoulders, or ſuch a matter as that.

Did you live nearer than Branch?—Yes, their chimney-piece and mine were cloſe together, and the two doors were not above three yards apart.

Then you was near enough to hear a great deal that paſſed between theſe people when you was not in their houſe; did they live in bad terms, quarrelling, or in friendſhip together?—Whenever I was in their houſe I never heard them have a word amiſs.

I am not aſking you that you know, I aſk you when you was not in the houſe?—I never heard any words paſs, only ſhe would cry out.

Did you hear nothing before that that led to it?——No.

What did ſhe complain of?——I never heard her ſay.

But at the time that ſhe cried out, could not you underſtand from her expreſſions what it was ſhe was complaining of?—No, Sir, not at all, ſhe was a woman that was very ſtill woman, and hardly ever went to any body's houſe but her own, as far as I know.

Kept company with nobody, I ſuppoſe?—Nobody at all, as far as I know.

Did ſhe take care of her children?—Yes, Sir, as much as any woman did, for all that ever I ſaw or knew.

Was their houſe well taken care of and kept clean?—Yes, Sir, as clean as moſt poor people's houſes are.

Did ſhe ſeem an induſtrious ſober woman?—Yes, no woman more ſo, I believe, as far as I know.

Are you a married man or a ſingle man?——A married man.

Your wife lived the next door?—Yes.

How many children have you?—One.

How long have you been married?—Little better than twelve months.

Was he a ſober man?—Yes, Sir, a very ſober man, as far as ever I heard, any further than having a pint of beer and away.

What tempered man was he?——I cannot ſay what his temper was.

Was he a quarrelſome man?——I never knew nor ſaw any ſuch thing.

Cannot you tell whether he was a good tempered man?—No, Sir, I cannot indeed.

Have you any notion what it was he took amiſs of his wife?—No, Sir.

You cannot gueſs what it was?——No, Sir.

Had any thing paſſed before this happened that could give you any gueſs what it was he took ſo ill of his wife?—No, Sir, I know nothing at all of it any further.

How long before this happened had you ſeen him?—This was the Thurſday night, I had not ſeen him ſince the Saturday night before.

Had you ſpent any time with him?—No further than we ſpoke together.

How long before this accident happened was it that you heard her cry out of her head or her ſhoulders?——It might be a quarter of a year, or it might be more, or it might be leſs.

Where did you ſee him the Saturday night before?—At his own door.

Did you ſpeak to him?—Yes.

Did he appear to you to be in health then?——Yes, Sir, as well as ever he was, as far as I ſaw.

You took no notice of any thing extraordinary about him?—No, Sir, not at all.

Had he ever talked at any time that you have obſerved, in any thing of a wild way?—No, Sir, I never heard him talk no other ways than as another man does.

Then by your account I do not find that you had any ſuſpicion that he was not in his right mind?—No, Sir, I had no ſuſpicion as any thing was the matter with him not before the accident was.

It is wonderful to me, my friend, when the woman talked of ſending for the overſeer, to deſire that he would ſend ſomebody to be with them, as you know they had lived upon good terms, and had not quarrelled, that you did not aſk the cauſe?—No, Sir, I could not think any thing about it.

What could you ſuppoſe the overſeer ſhould be applied to for?——God knows, Sir, I do not know.

They did not want money?—I cannot tell.

Then according to your account you had no ſuſpicion that the man was out of his mind?——No, Sir.

You had never ſeen any thing to lead you to ſuppoſe ſo?—No, Sir, nothing at all.

Court to Jury. Does any thing occur to the Jury, I ſhould be glad to have all poſſible aſſiſtance in this caſe, it is one of the moſt extraordinary caſes I ever met with.

Jury. Did you go out of friendſhip or did you expect to be paid?——The overſeer ſent word down by Samuel Wood, if ſhe could get any body to ſit up they would ſatisfy them, I went out of good nature into the houſe for the woman, I did not know what was the matter.

Mr. Recorder. What is the name of the overſeer?——Mr. Morton.

Is he here?——I cannot tell.

Court. The coroner ſeems to have had no notion what the true queſtion was, his inqueſt was wilful murder, therefore he has not bound over the overſeer.

EDWARD TROMPER *ſworn.*

I was conſtable at that time; on the 5th of March, between two and three in the morning, I was called up.

You know nothing of it earlier than that?——On the Monday before this happened, the woman, Walker's wife, ſpoke to me as I was going by the door, the miſchief happened on the Friday, and ſhe deſired me to come over and ſpeak to her huſband, ſhe ſaid, ſhe did not know what was the matter with him, and I came over and aſked him, ſays I, Walker, what is the matter with you, and he replied, I do not know, I am very much troubled, but I do not know what is the reaſon of it; I aſked him, if he did not know what troubled him? and he ſaid, no, he had never done any body harm, and he did not know what was the reaſon of it; I told him to go to work, and ſee if he would not be better, and I afterwards ſaw him and his wife go together.

Where?——They ſet out I imagined to go to work, I ſaw his wife return in about half an hour afterwards without him, and I aſked her if he was gone to work, and ſhe ſaid, yes; and I never heard any more of them till the morning I was called up, which was on 5th of March, between two and three o'clock, I was in bed, and I was called up, I came to the window, and Joſeph Branch called me, and I aſked him what was the matter, and he replied get up directly, Walker has killed his wife, and I got up immediately, and went to the priſoner's houſe, and his wife was ſitting in a chair bleeding, ſupported by Ann Prieſt, and I ſaid to the priſoner, Walker, what have you done? you have killed your wife, and the priſoner replied, ſhe deſerved it, ſhe has uſed me ill, I am not ſorry for it, now I ſhall be hanged, but I do not mind that; he had a candle in his hand looking about the houſe, lifting the things up about the houſe, and a woman that was there, (Martha Branch) ſaid, here is a knife, upon which I turned round and took it out of her hand, and it was open, and a little matter bloody.

A claſpknife open and a little bloody?–Yes, the deceaſed was not dead at that time, and I ran home for a horſe to go for a ſurgeon, and while I was getting that and returning, the deceaſed was dead; I immediately got aſſiſtance and ſecured the priſoner, and took him up to the other conſtable's houſe, and kept him there till about eight o'clock in the morning; then we took him to Uxbridge, to Mr. Fellows's, and he ſaid, he could not commit him till the Coróner's inquiſition, the other conſtable took him Uxbridge, and I went for the Coroner, he was not at home, but he came on the Monday following, the 8th of March, and he took the inquiſition, I was examined there and bound over, I took the priſoner to Newgate on the Tueſday morning.

Did any thing paſs between you and him at any time that was remarkable?—When I ſeized him with another man, he ſaid, I will not hurt you, you may do what you pleaſe; I had not the handcuffs with me, but I got a cord and pinioned his hands, and I went home for the handcuffs.

Did you hear him ſay any thing about it afterwards?—Not that day, but the day I was going to Uxbridge with him, I aſked him if the handcuffs pinched his hands, and he replied, it is no matter about my hands, if they were pulled off, after what I have done; I heard no more, I went down from Uxbridge to the Coroner's, I went to ſee him once at the other conſtable's houſe, and told him to think of his latter end, and he aſked me for a book that was down at his houſe, I aſked him what book it was, and he ſaid it was *The Sincere Word of God*; I went down to his houſe, and found the book, and carried it to him, and he thanked me; the other conſtable brought him in the chaiſe to Newgate.

Had you ſeen him often before this thing happened?——Yes, as paſſing by him; I ſaw him at work about a fortnight before.

How was he then?——He ſeemed very well.

When the thing happened, did not that converſation that the wife had with you before, come into your mind?——Yes, at that time it did, but I never thought of that converſation till the accident happened.

Did you mention that converſation to any of the people at the time?——No, I do not remember that I did.

Did you ſee Morton the overſeer?—No, my Lord, I do not remember that I did.

Did you mention to any body, when you came to take him into cuſtody, that there had been that ſort of converſation a week before?——I do not remember that I did.

Did you intimate to any body your ſuſpicion, that the man was not in his right mind?——No.

The man behaved quiet and orderly that Monday, when he talked to you of being troubled in mind?—Yes, he anſwered very properly.

How did he look?—He looked very well, but rather diſturbed that ſomething troubled him.

Did you take notice of his countenance, his eyes, whether there was any wildneſs?—I did not take notice that there was any wildneſs.

Did he look paler than ordinary, or redder than ordinary?—No, my Lord, much the ſame.

Have you judgment enough to know when a man has a fever?—No, my Lord.

I ſuppoſe you have had one yourſelf?—A very ſlight one, I never had much of a fever.

Or your family; or agues, or any thing of that ſort?——I had the ague once, but it is a great many years ago.

You did not happen to take hold of the man's hand?——No.

If it had happened to you to have thought of calling upon the overſeer, and ſent an apothecary to this man, probably the loſing of a little blood, and a little medicine would have ſaved all this?——Yes, my Lord, but I did not think that there was any thing, but ſomewhat had troubled him; I did not know whether it was in his family, nor he did not ſay what.

Did you obſerve any coolneſs between him and his wife?——No, my Lord, they ſeemed very agreeable.

Jury. During the time that you had the priſoner in your cuſtody, did he ſhew any marks of inſanity?—No, I was very little with him.

Court. There is ſomething a little ambiguous in that, he might not ſhew marks of violent inſanity, yet there might be a great deal more to be collected from that, than this man could obſerve; they are apt to think no man inſane that does not do outrageous things; but we muſt collect his inſanity from the facts—his mind ſeems to have turned to one object.

SAMUEL WOODS *ſworn.*

I am a neighbour, I lived about twenty yards from the priſoner.

How long have you known him?——Known him, Sir! I cannot ſay how long, I believe as much as eleven or twelve years, ever ſince he has been in the country.

What do you know of the fact?—I was called up on Friday the 5th of March, and when I got up, I found his wife bleeding in the houſe, with her head laying lolling againſt a woman's breaſt, and the priſoner, with a candle, ſearching about the houſe.

Could you diſcover what he was ſearching for?—He was looking about, as if he had loſt ſomewhat, and he went out of the houſe into the yard, with the candle in his hand.

Can you tell whether the knife had been found at that time?——I cannot my Lord, I went out into the yard with him, I ſays to him, Walker, what are you ſearching after, and he made me anſwer, what he could not find; then from that I went down to the overſeer, Mr. Morton, to call him to go to ſee for ſome aſſiſtance for the woman, and he ſent me to the governor of the workhouſe, which is one John Round, and coming back down to this Mr. Walker's houſe, I met Mr. Tromper the conſtable coming down on horſeback; I went down to the priſoner's houſe, and ſaw ſhe was nigh upon death, and the governor of the workhouſe, or Mr. Tromper, I cannot be ſure which, ſaid, that the church-warden ſhould be there, I aſked for a horſe, and I would go and fetch him, and I went on Mr. Tromper's horſe to the church-warden and called him up between three and four, and told him what had happened, and he told me to ſecure the man, and he would come up in the morning; when I returned from there I found the woman was dead, and carried up ſtairs, and the priſoner was taken care of, and carried to the King's Arms; when they took him away, the officer took an inventory of the goods, and aſked me to go to ſee for ſome of the deceaſed's friends, and I went to her brother, and he came with me up to the King's Arms, and went into a room where William Walker was; this was on Friday morning after the accident happened.

What did her brother ſay to him?——I do not know, Sir, there was very little diſcourſe, the man ſeemed to cry mightily, they both cried one againſt the other, Walker and his wife's brother; I did not remember her brother ſaid any thing, I ſat by him, and I ſaid, Walker, are not you ſorry for what you have done? you have taken your wife's life away, and your own will be taken away, and your two children will be left deſtitute to the world; he cried very much, but made no anſwer.

You had ſeen ſomething of the woman before the accident happened?——Yes.

What time was that?——She came to me on the Thurſday evening, as nigh as I can gueſs, about ſeven, to my own houſe, and ſays, Mr. Wood, I ſhould be glad if you would go in doors and ſit along with me, for my huſband wants to go to bed, and ſhut up the doors, and I am afraid to go with him; ſhe ſaid Mr. Morton had promiſed to ſend ſomebody to be with her that night, but they were not come, I ſaid I had not had my ſupper yet, and another thing, ſays I, I really do not chuſe it, for to tell you the truth, I am afraid, and then the priſoner Walker came into my houſe after his wife.

That was all that paſſed till the priſoner came in?——Yes, when he came in, he ſays, Nan, what do you mean by ſerving me in this form, you ſeem to be afraid of a man, you did not uſe to be; and he made her anſwer again, that he would not hurt her.

What did ſhe ſay to him?——I do not remember ſhe made any anſwer to him, and I ſaid, Walker, if you hurt your wife you hurt yourſelf, and I entreated him to ſit down and make himſelf eaſy, but he was not willing; and he ſaid to me, I want her at home, I have got ſome buſineſs to ſettle with her; ſo I ſays to this Jones that was in my houſe, go along with them, and I will come to you as ſoon as I have had my ſupper; when I had had my ſupper, I went, and when I came to the houſe the ſtreet door was ſhut faſt, but Jones or ſomebody let me in, I cannot ſay which; when I came in, they told me he was gone to bed, and I went to the foot of the ſtairs and called to him, and ſaid, Walker, what be you in bed, and he ſaid, yes; then I went down to the overſeer, Mr. Morton.

How came you to go to the overſeer, who ſent you?—The woman told me that ſhe had been to him, and he had promiſed her to ſend ſomebody to her; he was not at home, then I went to the governor of the workhouſe, to aſk him if he had ſeen Mr. Morton, or had got any body to be along with Mrs. Walker; he ſaid he did not know that he had; Mr. Morton had been about the village to try to get ſomebody to ſit up with him in the houſe, and that he would ſatisfy any body that would ſit up with him; then from there I went back to the priſoner's houſe, and the woman met me at the door, and aſked me if I had done any thing for her, that was, whether I had got any grant for any body to be with her that night; I told her, yes; and ſhe ſays to me, I wiſh you would ſit up with Francis Jones, and I made anſwer, I had rather not, I did not chuſe it, ſo I did not ſtay but a very little while after in the houſe; and ſoon after I went home, Joſeph Branch came and told me he was going to ſit up; I heard no more till morning, I was called up about two o'clock.

Had the woman ever aſked you before to come and ſit up in the houſe?——No, my Lord, ſhe never did.

What was you to ſit up for?—I do not know, there was ſomewhat I imagined.

What did you underſtand to be the matter?——It ſeemed from what I thought, I cannot ſay any further, that this man muſt certainly have made ſome attempt to do ſomething that he ſhould not do with this woman, or elſe ſhe would not be afraid to be with him by herſelf.

If he had made any attempt upon her, the conſtable ſhould have been ſent for rather than the overſeer, and ſhe ſhould not have been left in the houſe along with him.——That would certainly have been the right way; I was with Walker on the Tueſday before the accident, I heard he was not well, and I went to his houſe, when I came into his houſe, there was nobody but a young lad beſides himſelf, and I aſked him how he did, and he ſaid he was very poorly, that he was in a very poor way; and I aſked him what was the matter, and he ſaid he could give me no account; and he went about the houſe trembling, the man ſeemed in a great flurry in his behaviour, as far as I could ſee, he walked backward and forwards; I aſked him the reaſon, he ſaid he was in a great flutter, and it came upon him at times, and then he got better when the fluttering went off, and he cried, and told me that he ſhould be hanged, and that the neighbours ſaid he bewitched people, and ſo he went on in that form in that diſcourſe; and I told him there was no ſuch thing, he muſt not fill himſelf up with ſuch fancies, and he cried, and ſaid that he had never done nobody no harm, and his wife was to have him away in a cart, and he was to be hanged; I tried to perſuade him off of any thing of the kind of ſuch nonſenſical talk; his wife was gone to Mr. Morton's, I believe, at that time, and he ſeemed to be in a great flurry becauſe his wife was not in the way; and he aſked me if I would go and fetch his wife, I told him to make himſelf eaſy, ſhe would not be long before ſhe was back again, and he ſtill ſeemed to be very uneaſy; at laſt I ſaid, well, Mr. Walker, if you are willing, I will go and ſee for your wife, and I went out into the yard which comes into the ſtreet, and I ſaw her coming down the ſtreet, and I went and told him ſhe was coming, and ſhe came in while I was there, into the houſe, with a man with her, which ſhe had been up to get to be with him that night.

What man was that?——His name was William Provender.

What time of the day or night was this?—It might be, as nigh as I can gueſs, between eight or nine o'clock at night; then I went home.

Did he ſpeak to her when ſhe came home?—I do not recollect that he did.

Becauſe you have told us he was uneaſy and impatient becauſe ſhe was not at home; did not he aſk her where ſhe had been, or what the man was brought for?—To the beſt of my knowledge he never ſpoke at all; then I went away.

Can you tell whether any body had ſat up with them before that night?——No, I do not believe any body had.

Did any body on the Wedneſday night?——I believe nobody, only that night and the Thurſday night, I believe nobody ſat up on the Wedneſday night.

Was this the firſt time you ever knew of the man's being ill?—Yes.

Before that time, how did he and his wife live together?—I never lived nigh enough to know any thing of their affairs in their living way.

What ſort of a man was he, was he a quiet man?—As nigh as ever I knew in my life, I never knew any miſbehaviour of the man.

What character did ſhe bear?—As good a character as any woman, a quiet, ſteady, harmleſs woman.

And you do not know of any thing that ſhould have occaſioned any unhappineſs between them, do you?—None at all, my Lord.

Did he ever drop any thing of being jealous of her?——I never heard any thing of that in my life.

Do you know any thing more?——No.

Was you examined by the coroner?—No.

Jury. When you was applied to ſit up, you ſay you refuſed becauſe you was afraid, what was you afraid of?—I tell you, Sir, I had been with him on the Tueſday before, and I ſaw him run on talking a heap of ſtuff, and I thought that he ſeemed like a man not fit for me to be with; and another thing, I knew he was a ſtrong powerful man.

Court. That is ſpeaking more ſatisfactorily to you, Gentlemen, than if he had ſaid he was mad.

ANN PRIEST *ſworn.*

I live near the priſoner.

How near?—In the neighbourhood, not very near.

Did you uſe to be much at Walker's houſe?—Very little.

What do you know then of this unhappy affair?—I heard the murder cried out in the morning, and I got up and run down, and ſhe was ſat in doors, and Martha Branch was by her, and Jones was lighting the candle, and the priſoner came down ſtairs in his ſhirt and his night-cap, and I ſaid to him, O Walker! you wicked man, to go to lay your revenge upon your poor wife! he ſaid he ſerved her right, ſhe ought to die; he ſaid, if he had not killed her, ſhe would him; then he went up ſtairs, and came and brought his breeches down, and put them on, and lighted a candle, and went about ſearching the houſe.

For what?——I did not know for what; one aſked him and another aſked him, and he told them he did not know for what, for that he could not find, he was out of doors then, and as he came in doors, he ſaid, damn her, ſhe had ſwallowed it; and as he was going up ſtairs he ſays, damn the knife, where is it gone, I cannot find it; then he went up ſtairs and dreſſed himſelf.

Above or below?——Some above, and ſome below; then I aſked Francis Jones to go up and fetch me ſomething to put on her ſhoulders, as ſhe was in her ſhift; then we lifted her up in a chair, I and two men, and then ſhe died; Martha Branch and I was with her four nights in the houſe after ſhe was dead.

Did you ſee any thing of the knife?—I ſaw it in Mr. Tromper's hands.

Was it found before he ſaid damn the knife, I do not know where it is?—No, it was not picked up then.

Who picked it up?—Martha Branch, I ſaw the man the night before in his own houſe, I went in for a bit of fire.

Was you at Wood's?—No.

Who was there at the time you was there?——They were going to ſupper.

Did they go to ſupper while you was there?—No, ſhe was going to fry him ſome mutton chops.

You did not ſtay then?—No.

Did you take notice of any thing that paſſed between them at that time?——No, there was no words between them at that time.

When before?—None that I heard of.

Had you ever heard any thing of his being ill?—No.

There was nobody in the houſe with him and her, at that time?—No, and he had got the little girl upon his knee.

I ſuppoſe you ſaw the body after the death?—Yes, I was there from that morning between two and three o'clock, till ſhe was buried.

Where was the wound?—He had ſtabbed her in three places on the ſtomach, and one on the ſide.

There were four ſtabs, were there?—Yes, when we came to ſtrip her.

Did it appear that blood had come from all of them?——Yes, a little matter from all, but where the knife went in about three inches the blood poured from there, but a little from the other.

Which was the deepeſt wound?—This in the middle.

Was there any ſurgeon ſent for?—Yes, at the time the Jury ſat.

Is there any ſurgeon here?—Not that I know of.

When the Jury ſat, did you ſee the ſurgeon probe the wound?——Yes.

How deep was it?——It went in about three inches.

MARTHA BRANCH *ſworn.*

How near do you live to theſe people?—The next door.

Are you the wife of Joſeph Branch?—Yes.

What do you know of this?—Between two and three in the morning, Joſeph Branch was crying out, murder! and I put on my coat and my gown, and went to their aſſiſtance immediately, and when I came into the houſe, ſhe ſat down on her backſide a bleeding.

Sitting upon the ground?—Yes, in nothing but her ſhift, and that was tore all down the back, and hanging by her two arms, and her cap off, and her hair all down her back, and her cap hanging by one pin, juſt at the top of her head, and Jones had hold of her, and I ſaid, where is the candle; he ſaid, if you will lay hold of her, I will light one; I helped her up, and the priſoner came down ſtairs in his ſhirt and his night-cap, and he called her a naſty whore, and a naſty jade, and he ſays, what did you do with theſe two men in the houſe; ſays he, could not we have ſlept in the houſe as we have done, by ourſelves.

Did ſhe make any anſwer?—Yes.

What did ſhe ſay?—She ſaid, O my poor head, Lord have mercy upon me, what have I done, and where am I a going; then the priſoner gave Jones a petticoat down ſtairs, and I put it over her ſhoulders, then we took her up and ſet her in a chair, then I went up town to call the overſeer and the other conſtable, and then I ſaw no more.

Did not you ſee ſomething of the knife?—Yes, that was before we took her up.

Tell me how that was?——The other woman, Ann Prieſt, picked the knife up in the houſe, and it was bloody, and I took my apron, and was going to wipe it, and Mr. Tromper the conſtable took it.

Whereabouts did ſhe pick it up?—By the ſcreen in the houſe.

Is that near the ſtairs?—About a couple of yards from the ſtairs.

Right forwards from the ſtairs?—On the left hand from the ſtairs.

Was it in ſuch a place, that if it had fallen on the ſtairs, it might have rolled there?—No, it was as if it had been thrown out from a perſon's hand.

You lived very near theſe people?—Yes, I never heard any diſpute between them in my life, ſhe was as extraordinary a good ſort of a woman as ever was in the world I believe.

What ſort of a tempered man was he?—I cannot ſay, I never had no great talkings with him, I never heard him in a paſſion in my life.

Not a quarrelſome man?—No Sir, not that I ever heard.

You ſaid you ſaw him on the Thurſday morning?—I ſaw him come home, and he went in doors.

Did any body ſit up on the Tueſday night?—Yes, William Provender.

How came he to ſit up?—I do not know Sir, I did not know that he ſet up till ſhe told me.

Did ſhe tell you the reaſon?—No, ſhe did not tell me, ſhe ſaid ſhe was rather fearful of being in the houſe by herſelf.

Why, what was ſhe afraid of?—She did not tell me.

Did not you aſk her?—No Sir, I did not aſk her.

Do you know whether he had uſed her ill?—She told me that he had uſed her ill of the Wedneſday night, I went in of the Thurſday morning after a bit of fire.

Did ſhe deſcribe in what manner?——Yes, ſhe ſaid he got up an end in his bed about twelve on the Wedneſday night, and he pulled his knife out of his pocket, and he opened it, and he took hold of her arm, and pulled her up an end in her bed, and ſaid, damn you, you bitch, I will give you time to ſay your prayers; then I never heard any more of them till the morning that he had killed her.

Did not you tell her then, that he was mad?—No Sir, I did not think he was mad, I never ſaw him any ways mad, he ſpoke as well as any man in the world, and was digging in the garden the day before he killed her in the night.

Did not you aſk her what ſhe had done to offend him?—No Sir, ſhe ſaid he was jealous of her.

Did ſhe ſay how long he had been jealous of her?—No, ſhe did not tell me how long.

You did not ſee any thing in her behaviour, that gave you any reaſon to ſuppoſe he had cauſe to be jealous of her?—No, Sir, nor nobody elſe in the neighbourhood, ſhe was as ſtill and quiet a woman as ever was in the world, and always kept herſelf vaſtly cloſe.

Have you any reaſon to know how long he had been jealous of her, had ſhe ever talked to you of his being jealous of her?—No Sir, nor never made any complaint before, as I heard, to any body.

Court to Jones. Do you know any thing of the circumſtance of a cat being killed?—I do not know Sir, ſhe ſaid as how he had killed the cat.

When was that?——On the Thurſday night.

What did ſhe ſay?——She ſaid he had killed the cat, and ſhe had not ſeen the cat, ſhe ſaid he went out of doors with his axe, and followed her into another old houſe, and had killed the cat.

When did ſhe tell you that?—On the Thurſday night, the 4th of March.

How came the converſation to be about the cat?—On the Thurſday morning ſhe ſaid he drew his knife upon her, and then ſhe ſaid he went out of doors, and took his axe, and followed the cat into this old houſe.

Where did ſhe ſay he had drawn his knife upon her?—On the Thurſday morning in the houſe.

Court. Let the priſoner ſtand up if he is able.—Is Morton here?—No, my Lord, I believe not.

Who is the other pariſh officer?—James Hunt was the overſeer.

Who was to manage the proſecution?—I do not know.

Who paid for the indictment?—One of the pariſh officers, I was lately choſen.

Did he advance money to you, or did he pay it himſelf?—He paid it.

Who pays the charges of theſe people being here?——I paid it.

Court. Morton himſelf ought to be here, it is aſtoniſhing to me, how ſuch a caſe could paſs without the coroner calling for Morton and examining him, and binding him over, he was the propereſt perſon of all.

Court to Priſoner. This is the proper time for you to make your defence, againſt this charge for killing your wife.

PRISONER's DEFENCE.

I am not ſenſible as I did kill my wife, and pleaſe you my Lord.

Have you any thing more to ſay?—No, my Lord.

Is there any of your friends here to ſpeak for you?——No, my Lord, none at all.

Do you refer to any of your neighbours to give you a character?——No, without it is Mr. Tromper.

Court to Tromper. I believe I aſked you before?—Yes, my Lord, he bore a very good character whatever I knew of him, I was not much acquainted with him.

He had not the character of being an ill-natured, malicious man?——No my Lord.

Court to Jury. Gentlemen of the Jury, the priſoner ſtands indicted for the wilful murder of Ann his wife, by ſtabbing her in the breaſt with a claſp knife, giving her thereby a mortal wound, of which ſhe inſtantly died; he is alſo charged on the coroner's inquiſition: and the reſult of a very long examination is, that unqueſtionably, this man has been the occaſion of the death of his wife, and that it has happened in the manner deſcribed in this indictment, by his giving her not one only, but no leſs than four ſtabs in the breaſt and body, one of which proved mortal, and of which ſhe did in effect inſtantly die; and the fact being thus clearly proved againſt him, unleſs it is eſtabliſhed in his favour that he did this under ſuch an impreſſion, and in ſuch a ſtate of mind that ought not to make him anſwerable for what he has done, unqueſtionably he is guilty of the crime of wilful murder imputed to him; for he that intentionally, with a degree of deliberation, uſes ſuch a weapon in ſuch a manner, muſt do it for the purpoſe of depriving the party of life, therefore it is wilful in the ſtrongeſt ſenſe of that word; therefore the crime ſtands fully proved againſt him, unleſs there can be collected from the circumſtances that are in the evidence, ſomething which will amount to a defence for him, by ſhewing that though his hand was guilty of the crime, his heart was free from it; and the whole caſe is brought to turn upon a ſingle point, whether this man, at the time he committed this outrage upon his wife, was in his right mind or no, whether he did it from motives of wickedneſs and malice towards her, or whether he did it under the impreſſion of ſome diſtemper of mind which had deprived him of the uſe of his reaſon; in which caſe, though his hand committed the offence, in the conſideration of law as well as upon the plain principles of reaſon and juſtice, no crime can be imputed to him in doing it.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 27th of MARCH, 1784, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, *&c.*

Continuation of the Trial of William Walker.

I ſtate this to you on the outſet, that I may turn your attention to that which is really the queſtion, becauſe there can be no queſtion that he gave theſe wounds, and if in his right mind, that he has been guilty of a very foul murder, for which he is juſtly anſwerable to the laws of his country; on the other hand, if you ſhould really ſee reaſon to collect from the evidence, that at the moment he committed the act, he was not in poſſeſſion of himſelf, that he was not in poſſeſſion of his right ſenſes, and of his right mind, but that it was done under the preſſure of ſome diſorder of mind, occaſioned by ſomething that you and I cannot get to the bottom of, that will make him nothing more than a mere inſtrument in the hands of Providence, and he not at all anſwerable to the laws of God or man for what he has done, any more than the ſimple knife could be anſwerable that gave the fatal blow: the general outlines of the caſe led one to have a conſiderable degree of ſuſpicion, that there would ſome ſuch point as this ariſe in the cauſe, and after I have ſtated to you the particular evidence, I will endeavour to collect for your uſe, what thoſe circumſtances are that ſeem moſt ſtrongly to bear to this point, upon which you are to exerciſe your judgment, whether the man was in his right mind: the firſt witneſs examined was Joſeph Branch, and he ſays [*here the learned judge ſummed up the evidence of Joſeph Branch, and then added*] as far as the narration went, he told the ſtory pretty well, but when I came to examine him to the circumſtances, which the ſtory told by him naturally led me to enquire after, I never found a man either ſo perfectly uninformed, or from whom it was ſo impoſſible to extract any thing; it was a ſingular circumſtance related by him that this woman ſhould come to him the firſt time in her life, to aſk him to come and ſit up in the houſe, but it did not ſtrike him as at all extraordinary, he did not aſk a queſtion at all about it, when aſked he was contented to go, and when there he was contented to ſtay; in ſhort, nothing could be got from him; however that which could not be got from him, has been got from the other evidences; the next is a more intelligent man by far, one Francis Jones, he ſays [*here the learned judge ſummed up the evidence of Jones and the reſt of the witneſſes, and then added*] Gentlemen, this is the whole of the evidence; the priſoner contents himſelf with ſaying he was not at at all ſenſible that he had killed his wife, that he did it in a ſtate unconſcious of what he was doing; and it is from this evidence, and ſome of the circumſtances that are ſtated in it, that you will be to collect as I told you, the only point which remains in any degree doubtful on this inquiry, and upon which the fate of this man depends; that is, whether at the time he gave theſe mortal wounds, he was in his right mind or no; againſt the man, the general tranquility of his behaviour, his converſing with the people like another man, and eating and drinking, and appearing to be conſcious of what he had done, endeavouring to juſtify it, and accuſing her of having behaved ill to him; theſe are all of them circumſtances that ſeem to denote that he was in poſſeſſion of himſelf, that he knew what he was doing, that he meant to do it, and that he did it on motives of malice urging him to revenge, for ſome injury that he had received, or was to receive from her; and there is one circumſtance beyond that againſt him, namely, the circumſtance that one of the witneſſes had frequently heard her cry out O my head, or my ſhoulder, or my arm; but whether that was owing to any ill uſage received from him, or to an accidental hurt, or to pains in her head or her arms, which might make her cry out, the witneſs could not tell; however, they all agree in his favour, that ſhe was a very extraordinary good kind of a woman, not likely to give him any cauſe of a quarrel, and he not a quarrelſome man, and that they lived in a ſtate of good underſtanding together; this leads one to expect to find, that this unfortunate event did ariſe from ſomething ſingular and extraordinary, and not to be accounted for in any way in which people ordinarily account for thoſe dreadful acts of violence, which are committed either from deep malice, or revenge for injuries ſuppoſed to be received, or at leaſt from ſome ſudden tranſports of revenge, for ſome ill uſage received: you find it is moſt certain from this ſtate of the evidence, that for ſome days before this woman came to her end, the man had not been ſo well, and in the ſame orderly ſtate that he uſed to be; it is a fact that is beyond all contradiction I think, that the woman was conſcious that there was ſomething amiſs with him, that ſhe had made complaints to the overſeer that there was ſomething wrong, that it was dangerous for her to be in the houſe with him; and theſe were not complaints expreſſive of reſentment for ill-uſage offered by him to her, for brutality, or any thing for which he ſhould be puniſhed; for ſhe ſeemed to have tenderneſs to him to the laſt; ſhe choſe on the laſt night to go to him, to ſleep with him, but if he had treated her as brutal men do women that they have in their power, one would have thought, having men in the houſe, ſhe would not have gone to bed to him. The conſtable Tromper ſeems to me to be an evidence of great credit, and he ſays, on the Monday at the deſire of the woman, he went to talk with the man, ſhe having told him he was not well; there was ſomething the matter with him, ſhe did not know what!—She found him not well, and ſhe had been alarmed with him before: Tromper ſpoke to him and found him in a condition which ſhould have alarmed him; he complained he was troubled in his mind, he did not know why, but he was, he could not tell what was the matter, but he was troubled and uneaſy; I am ſatisfied that if at that time the ſtate of the man's body had been examined into, he would have been found to have had a fever upon him; I have not a doubt but it was a nervous fever that had ſeized his ſpirits: Tromper adviſed him to compoſe himſelf, and go to his work; accordingly the man did. The evidence of what paſſed on the Tueſday, which is given to you by Samuel Wood, is ſtill more particular; for, on the Tueſday between eight and nine, Wood had heard that the man was not well, he went to his houſe to ſpeak to him, and at that moment you find the woman was gone to the overſeer; therefore at that time the woman muſt have a very ſtrong impreſſion on her mind, that he was not well, and not fit for her to be in the houſe with alone, and ſhe actually brought ſomebody with her. The converſation he held with the man that night, was the converſation of a man whoſe brain was touched, that his neighbours ſaid he had bewitched them, and he ſhould be hanged, and then he talked of his wife's fetching him away in a cart, and that he ſhould be hanged, and all the man could do would not pacify him; he was very uneaſy becauſe his wife was not then at home, and ſhe came in with Provender, and he went away without ſaying one ſingle word; that ſtrikes me as a very ſingular circumſtance: On the Wedneſday the woman complained of his having frightened her, and again on the Thurſday; and I am ſorry to obſerve that the overſeer did his duty very ill, for after theſe alarms he ought to have done more a great deal than leaving a blind meſſage with the governor of the work-houſe; his duty would have been to have gone inſtantly to have ſeen the man; his duty would have been to have employed a perſon of ſkill to have looked at him; the man might have been ſaved, the woman might have been ſaved, and all this miſchief prevented. In that manner, however it was, and this poor woman gets the two men to ſit up, and in the courſe of that night this fatal accident happened, and it ſeems to me, as far as I can judge from the reſult of the evidence, to have happened under the effect of ſome diſorder that had ſeized the man, and affected his ſpirits, and deprived him to a certain degree of reaſon, and that particularly rendered him ſuſpicious, among other people, of his wife; ſhe had been driven to take ſome care of herſelf by applying to the overſeer; and nothing alarms a man, who has any ſymptoms of inſanity about him, ſo much as the idea of being taken care of as an inſane man; there is nothing that impreſſes them with ſo much terror, and there being no medical man preſent that I know of, I take upon me to ſay ſo, it having fallen within my own knowledge, nothing alarms them ſo much, nothing irritates them ſo much, as the idea of being treated as inſane: I account for the ſulky manner in which the man went away when Provender came, and on the next night he followed the woman, perſuaded her to go back, but ſubmitted in a a ſulky way, and ſaid ſhe might have who ſhe would, and went to bed in a kind of ſullenneſs. If having his mind diſtempered, affected, diſturbed, and deranged; if his madneſs was pointed againſt his wife in conſequence of their having taken theſe meaſures which were fit for her to take, but which he was not in a humour to bear; if he conceived rage againſt her under that impreſſion of mind, and under that impreſſion did this fatal act, he certainly ought not to be conſidered as a man in his ſober ſenſes; but it is the unhappy effect of the diſtemper that was upon him; and I think we ſhould not do juſtice to the caſe, conſidering the character of the woman, conſidering the manner in which they had lived together for a long while; the woman an extraordinary woman; the man, a quiet, ſober, inoffenſive man, if we did not look for ſomething extraordinary to account for this tragedy; and if you do find ſymptoms of diſorder, of diſeaſe, by which the man was apparently affected on the Monday, and on the Tueſday, by which that fatal act was committed; and if thoſe expreſſions of rage and reſentment againſt the woman is to be accounted for moſt naturally by his conceiving a wild prejudice againſt her, for her having brought people into the houſe to guard her and her children; that is a very different thing to that wilful and deliberate thing which the law calls murder:—Where men ſuffer their paſſions to get the better of their reaſons, and do in tranſports of rage commit this crime, they muſt anſwer for the conſequences; but rage which is the effect of diſtemper, is brought upon them by the act of God, and not by themſelves, and they are not anſwerable for what they do in thoſe moments. Gentlemen, upon the reſult of as careful an examination as I could make, it appears to me, that this was the unhappy effect of rage againſt this woman, conceived in conſequence of diſtemper of mind, brought on by diſeaſe, and that under that impreſſion the violence was committed. The man's afterwards coming to his ſenſes will not alter the nature of the caſe, if it was committed under the impreſſion of inſanity, and the mind diſturbed and deprived of its powers of governing the man: he is not anſwerable, and you muſt find your verdict, Not Guilty: Indeed he is either guilty of the crime of wilful murder, or he is a mere machine; but if you think that this was all artifice, and there was no diſorder, that he did it cooly and deliberately, to ſatisfy ſome purpoſe of his mind, then he is guilty of the murder; but if it is, as I confeſs it appears to me to be, the effect of inſanity, you muſt then find him not guilty.

NOT GUILTY.

NOT GUILTY *on the Coroner's Inquiſition.*

Tried by the firſt Middleſex Jury, before Mr. BARON EYRE.

Court. This man muſt not be diſcharged, unleſs the pariſh officers, to ſave the expences, come and take him away; he muſt be carried before a magiſtrate, confined, and taken proper care of.

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389. PATRICK BIRMINGHAM, and SAMUEL HALL were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Robert Gray, about the hour of eight in the night, on the 2d day of April, with intent the goods and chattles of the ſaid Robert, in the ſaid dwelling houſe, burglariouſly and feloniouſly to ſteal.

The Witneſſes examined apart at the requeſt of the Priſoner.

ROBERT GRAY *ſworn.*

I live in Dean-ſtreet, Red Lion-ſquare.

What is your buſineſs?——An organ-builder, I know nothing of the robbery, I was out at the time.

CHRISTOPHER IBBETSON *ſworn.*

On the 2d of April, about eight o'clock, me and another perſon were riding down Leigh-ſtreet, Red Lion-ſquare, and we ſaw a young fellow come out of Mr. Gray's parlour window, I ſpoke to the gentleman that was along with me, and as I ſpoke, Hall opened the window, and the priſoner Birmingham jumped out; there were palliſadoes before the window, Hall was in the ſtreet and had hold of the ſhutters, Hall opened the window ſhutter, and then Birmingham came out.

Court. Was it dark?—Yes, it was candle-light.

How near was you to him?—About three yards.

How did you diſtinguiſh their faces?—It was quite a moon-light night, I could diſtinguiſh them by the light of the moon; Hall did not attempt to run away.

Mr. Sylveſter, Priſoner's Council. Did Hall ſtop?—I croſſed over to him, and bid him ſtop.

And he ſtopped immediately?—Yes.

How many minutes might it be?—Not many.

Priſoner Hall. He ſwore that I had hold of the ſhutter the firſt time, and the ſecond time he ſaid I was near it, but I had not hold of it.

When you was before the Juſtice of Peace, did not you ſwear that he ſtood near the window, not that he touched it, or much leſs that he opened it?—If I did I muſt ſay falſe, for he opened it, and held it for the other man to come out.

Was you examined twice?—Yes.

Did the Juſtice admit him to bail?—Not when I was preſent.

SARAH WOOLLEY *ſworn.*

I live with a gentlewoman that has Mrs. Gray's firſt floor, Mrs. Gray came up ſtairs to ſit with the gentlewoman that is ill, and brought a young child about two months old, and I took it down ſtairs, and gave it to the maid to give it ſome victuals, and then I heard the alarm.

Court. Do you know how the houſe door was?—I cannot tell, it was ſhut when I heard the alarm, I did not hear any body in the houſe.

MARY HARROW *ſworn.*

I was in the houſe, my maſter was not within, my miſtreſs was, the door was ſhut, it is with a ſpring lock, and it is generally ſhut, it cannot be opened on the outſide without a key.

Was the parlour window open or ſhut?—I ſhut it in between ſix and ſeven, puſhed it in, but not faſtened it, and the ſaſh was down, I am ſure of it.

Did you ſee or hear any body in the houſe?—No.

Mr. Sylveſter. What does your family conſiſt of?——Maſter, miſtreſs, and five children.

What are the ages of thoſe?—The eldeſt is thirteen.

A boy or a girl?—A boy.

Is he at home?—He is put out to ſchool.

Was he at home then?—I cannot ſay where he was, he was not in the houſe at that time, he was out with other boys.

When did he go out?—After he had had his dinner.

How long did he ſtay out?—Till after it was over.

What age is the next child?——About nine, that is a girl, ſhe is at home.

Were was ſhe that afternoon?—She was in the parlour in the mean time with me.

I ſuppoſe you was going backwards and forwards in the houſe was not you?—No, I was in the parlour with three of the children, I did not leave the parlour till we heard the cry of thieves.

How came you not to ſhut the window ſhutters?——I juſt puſhed it to with my hand, and a little child in my arms, I meant to get a light to faſten it.

Did you puſh it too from the outſide or the inſide?——The outſide, that was between ſix and ſeven, I cannot ſay whether any body had been in from that time till the alarm was, I do not think they had.

What do you know?—I know for certain that nobody had been in that room, my miſtreſs was above ſtairs with a lady that was ſick, ſhe was but juſt gone up ſtairs, ſhe drank tea in the parlour, but not in that parlour.

When your miſtreſs got out; do you not know which way ſhe went?—No.

Do you know what time the boy came home?—No.

What is the age of the next child?——About ſeven, a girl, ſhe was all the time there.

Do your children always ſit ſtill my girl?—She was not out of the room I am ſure, becauſe I was with her, we have no lodgers, only a lady in the firſt floor, I pulled the door after me, it is a catch lock.

You are not carcleſs I ſuppoſe at all?—No, I am not careleſs, I went out in the ſtreet, and coming by with a child in my arms, I thought it was time to have the door ſhut, they could not open it without a key on the outſide.

Did you try it?—No, I ſhut it in the uſual way.

Court. You ſay your miſtreſs went up to the ſick perſon, what time was that?——Between ſeven and eight.

She does not go through the parlour?—No, the ſtairs front her as ſoon as ſhe comes out of the door, and ſhe goes directly up.

You are ſure the ſaſh was ſhut down?—Yes, I ſhut it down in the morning, and it was not opened at all, it ſticks out when it is not faſtened, any body can tell that it is not faſtened.

Was the ſaſh faſtened down?——It was faſtened down, it was not ſcrewed down.

PRISONER HALL'S DEFENCE.

I was coming down the ſtreet, and the ſhutter was a wide ſhutter, it projects right over the pavement, and I might run againſt the ſhutter once, but no more; it is a ſingle ſhutter to the whole window, I might touch it with my ſhoulder.

Court to Ibbetſon. The priſoner ſays he only might touch it with his ſhoulder, as it ſtood upon the jar?—No, he had hold of it with his hand.

Court. Had he hold of it with his hand, did he ſhut it too with his hand?—He ſhut it too with his hand, and opened it again.

Did you take notice at the time, whether the ſaſh was up or not?—I ſaw the ſaſh up, and ſaw the man come out of it.

PRISONER BIRMINGHAM'S DEFENCE.

I was coming from Grays-Inn-Lane about half after ſeven, and I ſtopped to make water oppoſite the houſe on the other ſide of the way, I ſaw a man ſtanding at the window, and the window was up, I thought the man was about no good, ſeeing the room in darkneſs, I went on towards the place, and the man run away, and another man came and ruſhed out right againſt me, with that my hat fell down, he thought I was going to lay hold of him, he puſhed me as I was ſtooping for my hat, and this gentleman came up and thought I was the man that came out of the window, there was one man ſtanding outſide, and when he ſaw I took notice, he made off as faſt as ever he could, and when I went over to the window, a man came out right againſt me, I never was in the houſe in the world, nor never knew a half-penny worth of any thing diſhoneſt.

Court to Gray. How high is this window?—I believe about three foot.

Court. Then Hall might run againſt it, there is no doubt.

WILLIAM OWEN *ſworn.*

I have known Hall two years, he has lodged with me that time, I am a butcher in Cannon ſtreet, I had a very good character with him, and I know nothing to the contrary, it was ſuch a character, that I would take him in again.

What buſineſs is Hall?—A carpenter.

WILLIAM BARNES *ſworn.*

I am a corn chandler, I live at Clapton, near Hackney, I have known Hall better than two years, he was at work for Mr. Hilton, and he being ſlack of work, told him he muſt lay by for a week or more, then he came and worked for me, and built a granary, it is in hand now, he is at work for me now, I will employ him now, no man ſooner, he has always done me juſtice, more people would have come to his character, but we thought it not neceſſary to trouble our neighbours.

Court to Birmingham. What are you?—A gentleman's ſervant, I came from Ireland three months ago, I have no friends but an aunt that I kept with, ſince I left my maſter.

Court to Jury. Gentlemen this is a capital offence if proved, the facts muſt be either actually breaking the houſe by violence, or a conſtructive breaking, which will be conſtrued, in point of reaſon and juſtice, the ſame as if there was an actual force and breaking of it; for no man has a right to ſay you have not ſecured your houſe in a proper manner, if your door is only upon the latch, lifting that up is as much a burglary as breaking the door to pieces! for the ſame reaſon it is determined that if a ſaſh be ſhut down, the lifting it up is burglary, for no man has a right to ſay, you ſhould have faſtened your houſe better, if you do not I will come in at every room in your houſe; another thing is, if a burglary is committed, or intended to be committed, if perſons are not in the houſe, but go there with intent to help and aſſiſt, they are equally guilty of the burglary with the perſon that gets into the houſe: I cannot help thinking but this girl's going out of doors and puſhing the window ſhutter too, might be a lure and temptation for getting in, as there was nothing but a ſaſh to throw open to obtain acceſs into the houſe: there is no evidence to ſhew you, that after the time this girl puſhed this window too, and ſhut the outſide door, that any body went into that room. If the priſoner Birmingham was in the houſe, then the matter for your conſideration is, with what intent he went in there; it was night and the candles were lighted, it was about eight o'clock; the ſun is down about thirty-two minutes after ſix, but then there is an hour for the twilight, and if you could diſtinguiſh men's faces by the day-light or the twilight, it is not ſo completely night as to conſtitute the crime of burglary; but Ibbetſon does poſitively ſwear that all the light that enabled him to ſee the faces of the priſoners was the moon-light: with reſpect to Hall he never was in the houſe, and the only conſideration is, whether he was there as an accomplice with, and joining in the felonious intent, ſuppoſing you think there was one, and whether he was aiding and aſſiſting in carrying that intent into execution; if you believe Ibbetſon, Hall certainly muſt be conſidered as a principal in aiding and aſſiſting Birmingham to attempt to carry their illegal proceedings into execution, for if he opened the window for one, or ſhut it again, and opened it for another, in order that they might make their eſcape, and if ſo, though not in the houſe, yet aiding and aſſiſting, he is as much guilty as if in the houſe himſelf; but as he was not in the houſe, you muſt have the ſtronger evidence to ſatisfy you that he was an accomplice; he has called two people to his character, and has a very good character; if you are ſatisfied that Birmingham got into this houſe through the window, or broke the houſe to get in, then he is guilty of the burglary, and if you think the other man was there aiding and aſſiſting him, then he is guilty alſo; but if you think he was not there as aiding and aſſiſting the priſoner Birmingham, in that caſe you will acquit him.

Pat. Birmingham } Guilty Death.
Samuel Hall }

Tried by the firſt Middleſex Jury, before Mr. Justice Nares.

The priſoner Hall was humbly recommended to mercy by the Jury.

390. JOHN BOYLE was indicted, for that he, well knowing that one John Frazer had lately ſerved our Lord the King on board the L'Hector, and ſuppoſing that certain wages and pay were due to him for ſuch ſervice on board the ſaid ſhip, on the 25th of March laſt, with force and arms feloniouſly, willingly, and knowingly, did perſonate, and falſly aſſume the name and character of the ſaid John Frazer, the ſeaman aforeſaid, ſuppoſing him to be entitled to certain wages and pay, in order to receive the ſame, againſt the ſtatute.

A Second Count, for perſonating the ſaid John Frazer, ſuppoſing him to be entitled to certain wages and pay, in order to receive the ſame, due from our Lord the King to the ſaid John, againſt the ſtatute.

JAMES SLADE *ſworn.*

I am clerk of the Navy Office for the payment of ſeamen's wages, the priſoner applied to me for the wages due to John Frazer, who had ſerved on board the L'Hector man of war, which was a French prize that we had taken, he ſaid his name was John Frazer; when the man opened the books, it appeared the man was dead on the books, I told him this, he ſtill perſiſted that he was the man, and that his name was John Frazer, and that he went by the name of John Frazer the ſecond, in the Marborough; there was two on board the Marlborough, and he was turned over from the Marlborough, and to prove that he was John Frazer, he ſaid he had received pay at our Office on ſuch a day for the Marlborough; now the wages had been paid for the Marlborough a few days before; I aſked him what ſhip he was of, he ſaid the Porteous; there was no ſuch name to be found as John Frazer on that ſhip's books; I aſked him what other ſhip he belonged to, he ſaid he was paid off in the Hind armed tranſport; I looked in this book, and could find no ſuch name there; he perſiſted all along that his real name was Frazer; upon examining the Hind armed tranſport's books I could find no ſuch name there, I ſaid then to him, you muſt have went by ſome other name in the Hind armed tranſport, for there is no ſuch name as Frazer in that book; he then ſaid he went by the name of Charles Boyle; I told him at the beginning, that Frazer was dead in America, he ſtill perſiſted, and even before the ſitting alderman he ſaid his name was Frazer.

Court. Was he on board the Hind by the name of Charles Boyle?——There was a Charles Boyle on board that ſhip, and by the money he ſaid he received for that tranſport, it may be the perſon; the money againſt the name of Charles Boyle for that tranſport agreed with the money which he ſaid he had received; he brought a certificate from a young gentleman who ſigns his name John Smith, who ſigns as a midſhipman on board the L'Hector, in order to ſhow his name was John Frazer.

Did you know him?——I did not know him at that time, he is in Court.

(*The certificate read.*)

“ Theſe are to certify to whom it may
“ concern, that John Frazer ſerved on
“ board the L'Hector.

“ John Smith, Midſhipman.”

Priſoner. Mr. Smith wrote me the certificate.

WILLIAM WADE *ſworn.*

I am clerk in the Office, theſe are the L'Hector books, here is ſuch a name on the books as John Frazer, entered on the 14th of July 1782, and appears to be dead on the 2d of October following, at ſea.

Court. There are not two Frazers on board that veſſel?——Only one.

Was there any wages due to him on board the L'Hector?—Frazer's wages are unpaid, he being dead.

Mr. Fielding, Council for the Proſecution. Was you in the Office with Mr. Slade, when the priſoner applied to him?—I was.

What did he ſay of himſelf?—Upon my word I cannot charge my memory with what paſſed, I know no more than that he came in, and ſaid his name was John Frazer, he ſaid he came for the wages of Frazer, and on my turning to the books, I ſaw John Frazer, dead, therefore we ſuſpected him.

JAMES AUSTEN *ſworn.*

I was a ſailor on board the Marlborough.

Do you know the priſoner at the bar?—Yes.

What is his name?—John Boyle.

Did he ſerve along with you?—Yes.

Did you know a man on board the Marlborough of the name of John Frazer?——Yes.

They were turned over to the L'Hector together?—Yes, I continued on board the Marlborough till it was paid off.

How long was you on board together?—We came on board in the year 1782, and continued till July 1783.

JOHN SMITH *ſworn.*

You was midſhipman on board the L'Hector?——I was.

Do you remember the priſoner?—I do.

Do you remember the name of John Frazer?——Yes; the priſoner met me in Tooley-ſtreet, on the 24th of March, I was in a hurry, going upon ſome buſineſs in the ſtreet, and he ſtopped me; he ſaid Mr. Smith, how do you do; I ſaid I was very well; he ſaid, Sir, do not you remember me; ſays I, I do your face, but not your name; God bleſs me! ſays he, do not you, my name is Frazer, I was caſt away with you on board the L'Hector; I recollected the face of this man, and I knew there was a man of the name of Frazer on board.

Did he ſay his Chriſtian name?——He ſaid his Chriſtian name was John, he told me that he was come up from Portſmouth, and I think he ſaid he belonged to the Ganges, and that he could not get the wages there of the L'Hector, and could not find any of the officers to give him a certificate, that he was ſtarving in the ſtreet, he lay with an old ſhipmate at Deptford, and had not money for a pint of beer; I told him he muſt go out to the captain, for he lived at Richmond, he ſeemed to be very willing to go, and walked with me as far as the end of Tooley-ſtreet; I directed him the way to Richmond, and he told me, Sir, ſays he, I have not a halfpenny in the world, and the boatſwain and other of the warrant officers have given the people certificates, and they have got their wages, and if you give me a certificate it will be the ſame thing; I ſaid, no, they will not pay it on my certificate any more than on your word; he ſaid, Sir, for God's ſake give me a certificate, and if they will not pay me on that, it is only going to the captain at laſt; from my own good nature and humanity together, and the man's being caſt away with me, his requeſt being ſo very ſmall, I went into a ſhop, and I wrote him that certificate.

Court. You thought him to be John Frazer at that time?——I did.

Was he caſt away with you?—Yes, Sir, he was, he belonged to our main top in the L'Hector.

Was Frazer alſo?—Yes, he belonged to the ſhip too; I know no more of him till I got a letter from Mr. Slade, deſiring me to go to the Office to identify the man; the moment he mentioned the name, I recollected the perſon of the man immediately.

Then you are now ſatisfied that this is not Frazer, but Boyle?—That he went by the name of Boyle; the perſon of Frazer I do not recollect, he was wounded in the action with the frigates, after he was wounded, he was incapable of duty, therefore, in the middle of our diſtreſs, I ſaw nothing of him, but this man I perfectly remember.

JOSEPH DENTON *ſworn.*

I am boatſwain of the L'Hector, I remember the perſon of John Frazer, I knew the priſoner, his name on board the L'Hector was John Boyle.

What became of John Frazer?—He was wounded on the 5th of September, and died in the ſame month of his wounds.

Priſoner. I have nothing to ſay, I have no friends, I leave it to the mercy of the Court, and your Lordſhip, I have no witneſſes.

GUILTY, Death.

Tried by the ſecond London Jury, before Mr. Juſtice NARES.

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391. CHARLES CRESWELL was indicted for that he, well knowing that Charles Creſwell had lately ſerved our Lord the king, on board the Lizard as a marine, and that certain wages and pay were due to him for ſuch ſervice, on the 4th of March laſt, feloniouſly, wilfully, and knowingly, did perſonate, and falſely aſſume the name and character of the ſaid Charles Creſwell, the marine aforeſaid; in order to receive the wages and pay due from our Lord the King, againſt the form of the ſtatute.

A ſecond count, for perſonating on the ſame day the ſaid Charles, ſuppoſing he was intitled to certain wages and pay, in order to receive the ſame.

JAMES SLADE *ſworn.*

The priſoner applied to me either on the 4th or 5th of March, but I cannot charge my memory which day, he brought me this diſcharge of a marine from head quarters upon a reduction, after the peace took place; he applied to me for the wages of Charles Creſwell, belonging to the Lizard as a marine; upon the books being looked into, it was found that the wages had been paid to his father as adminiſtrator; upon finding the man's wages had been paid, made me look more minutely into the diſcharge which I now have in my hand, and I found the name of Charles Creſwell was wrote on an erazure, which made me aſk him ſome further queſtions; I aſked him what company he belonged to, he ſaid the twentieth, now his own diſcharge ſays the fourteenth, I aſked him what diviſion he belonged to, he ſaid to Portſmouth, now on the ſhip's books he is marked to belong to the Chatham diviſion; I then diſcovered to him that his name had been wrote on an eraſure, I deſired to know who did it, or whether he did it himſelf, he ſaid he did not do it himſelf; he prevaricated a little while, but at laſt he confeſſed that his name was Charles Creſwell, but that this did not belong to him, but was given to him by one M‘Dermont; I aſked him if he knew where M‘Dermont was, he ſaid he did not, I aſked him whether he was about the office, he ſaid he believed he might, I ſaid ſhould you know him again, he ſaid yes; with that he was taken out of the office where he was to have received the money, out into the court yard, he could not find him there, we then went into Wincheſter ſtreet, and there was M‘Dermont and one Haddock in company with him, and he being in company with him, we took them both into cuſtody on ſuſpicion, we brought them all into the office, and then the priſoner was aſked, if Haddock had any concern or knowledge of this matter, he ſaid no, not to his knowledge, that he had it from M‘Dermont; we then ſent for a conſtable, and took him before the ſitting alderman, he then ſaid he had it from Haddock and not from M‘Dermont; upon which M‘Dermont was diſcharged by the ſitting alderman.

Mr. Sylveſter council for the proſecution. When he came to you firſt, did he pretend to be the identical Creſwell?—The identical Creſwell, and demanded his money as Charles Creſwell; ſome time after I was looking on the certificate, and I found here a receipt, which is always given on the back at the time of the diſcharge in full of all arrears, and there is the name which appears to have been Michael and an H. the real Charles Creſwell was loſt in the Ville de Paris.

WILLIAM WADE *ſworn.*

This is the Lizard's pay book, here is the name of Charles Creſwell, a marine from the 1ſt of July, appears to be diſcharged the 13th of March 1782, into his Majeſty's ſhip the Formidable.

STEPHEN MILLS *ſworn.*

I ſerved with Charles Creſwell in the marines.

Is that the man?—No Sir.

PAUL GAVITUS *ſworn.*

I belong to the diviſion at Chatham, I knew Charles Creſwell, he went on board the Lizard frigate with me, I was on board from the 6th of April 1781, to the 13th of March 1782.

Look at that man, is that him?—That is not the man.

PRISONER's DEFENCE.

I was led into it innocently by a man that belonged to the ſhip; I was made a priſoner, and they let the other men go.

GUILTY Death.

He was humbly recommended to mercy by the Jury.

Court. I do verily believe that this man's name was a very unfortunate thing to him; I think there may be circumſtances of alleviation in this poor man's caſe.

Tried by the ſecond London Jury, before Mr. JUSTICE NARES.

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392. JOHN MOSELEY, otherwiſe called John Shore, *(a black)* was indicted for that he well knowing that Amos Anderſon ſerved our Lord the King on board the Loyaliſt, and that certain wages and pay was due to him for ſuch ſervice on the 30th of December laſt, feloniouſly, wilfully, and knowingly, did perſonate, and falſely aſſume the name and character of the ſaid Amos Anderſon aforeſaid, in order to receive the wages and pay due to him from our Lord the King, againſt the form of the ſtatute.

A ſecond count for perſonating on the ſame day the ſaid Amos Amos Anderſon, ſuppoſing he was intitled to certain wages and pay, in order to receive the ſame.

JAMES SLADE *ſworn.*

I know no more of the matter than the priſoner acknowledged the whole when he was taken up by Amos Anderſon, the perſon whom he perſonated, he confeſſed in the office that he had received the pay belonging to Amos Anderſon.

Court. Did he do this of his own accord, or did any body intimate to him, that it would be better for him?—Nothing had been ſaid to him in our office, what had been ſaid to him before I cannot ſay.

Then tell us how the converſation was introduced?—Amos Anderſon applied to us for his wages, and on examining the books, it appeared, as far as we knew, that his wages had been received by him, upon which Anderſon afterwards brought the priſoner before the Commiſſioners and charged him with receiving his pay for the Loyaliſt, and he acknowledged that he had received ſo much money in town, and ſo much money in Portſmouth, he was aſked how he came to do it, he ſaid he was put on to do it by a butcher down at Portſmouth, whoſe name I have forgot.

To do what?—To perſonate this man, there to receive the pay belonging to Amos Anderſon, which is perſonating.

Court. There is no ſuch thing as receiving the wages, but by perſonating and aſſuming the name?—No, my Lord, only by letter of attorney, but there was nothing of that kind ever produced or ſpoke of.

Captain WILLIAMS *ſworn.*

I am Captain of the Loyaliſt.

Did you know the priſoner?—Pefectly well, he came on board as John Moſeley.

Do you know any man of the name of Amos Anderſon?—Perfectly well.

Is this the man?—No, he is a Mulatto.

Did Moſeley at any time apply to you for a certificate?—He did ſometime in November laſt.

For what purpoſe?—He came with Amos Anderſon, he called on me and ſaid, that Amos Anderſon was ill in ſome part of Wapping; I thought it improper to ſend Amos Anderſon's certificate by that man, and deſired him to let Amos know he muſt come for it himſelf, he ſaid he was ſo exceeding ill that he was not able, but that his landlord, whom he lodged with, by virtue of my certificate, would give him his wages, he ſhewed me a certificate of Amos Anderſon, who ſerved in the Janus, and as I thought ſigned by Captain O'Hara, who commanded the Janus; I had ſome thought then by his preſenting that certificate that Amos Anderſon was in Wapping, as he had already mentioned it; I gave him a certificate, that which he ſhewed me, and which I thought to be ſigned by Captain O'Hara induced me to ſign it; he called in a few days after, and ſaid that there was an R againſt Amos Anderſon's name in the books, and begged I would alter the certificate, I took that certificate and gave him another, recommending Amos Anderſon to the Commiſſioners of the Navy as a perſon deſerving of clemency, as during his ſervice in the Loyaliſt, I found him a very good ſeaman, and a very extraordinary cooper, which was expreſſed in the certificate; upon which I believe the R was taken off; I perfectly well knew the two men, about three months afterwards Anderſon applied to me, I told him I had ſent his certificate by Moſeley, who informed me he was very ill in Wapping; he ſaid, Sir, I am juſt come from America, I was ſold at Martinico, and I got on Rhode Iſland, and I came to London in a Rhode Iſland ſhip; by his appearance and dreſs I thought he told me truth, and I gave him a certificate; on application to the Navy Office, the money had been received and paid; the man called upon me, he recollected the figure of Moſeley, and after ſearching Wapping he found him; he immediately waited upon me, I went with the man, or juſt after, when I found that was the very perſon who came to me for a certificate as from Amos Anderſon.

Did Amos Anderſon charge Moſely with any thing in your preſence?—He ſaid he had confeſſed he had received his money; and when I was preſent in the Poultry Compter, the priſoner ſaid he received the money; I aſked him where he got the certificate as from Captain O'Hara, he ſaid that Mr. Fleet a butcher at Portſmouth gave him the certificate.

How did he ſay he received the wages?——He ſaid he received it for Amos Anderſon.

Mr. Sylveſter. As his agent, or perſonating Amos Anderſon.

Court. Did you underſtand that he received it as an agent for him, or that he perſonated Amos Anderſon himſelf?——I underſtood that he perſonated Amos Anderſon himſelf.

How did you underſtand that?——He went and received the money as for Amos Anderſon, and he had a certificate from me as to Amos Anderſon.

Mr. Baldwin, Council for Proſecution. There are but two ways of receiving the money, one in perſon and the other by letter of attorney.

WILLIAM WADE *ſworn.*

He entered the 14th of December 1779, and he run away the 25th of November 1780; the R was taken off by the Commiſſioners of the Navy; whoever came was Amos Anderſon the party, it was not by letter of attorney; whenever it is paid in perſon it is marked party, whenever it is received by attorney, it is marked attorney.

CAPT. AARON SHEFFIELD *ſworn.*

I was captain of the Enterprize; I know Amos Anderſon, we ſailed from Rhode Iſland the 29th of December, we ſhipped on board the 6th of December, and ſailed from Rhode Iſland the 29th of the ſame month.

PRISONER's DEFENCE.

I did not receive the money; I have nobody to call.

GUILTY **Death.**

Tried by the ſecond London Jury before Mr. Juſtice NARES.

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393. PETER HARLETT, otherwiſe called EDWARD VERULEY, was indicted, for that he, well knowing that one James Howard had lately ſerved our Lord the King on board the Pallas, and that certain prize money was due to him for ſuch ſervice, on the 5th of January laſt, feloniouſly, wilfully, and knowingly, did perſonate and falſly aſſume the name and character of the ſaid James Howard aforeſaid, in order to receive the ſaid prize money, againſt the form of the ſtatute.

A Second Count, for perſonating on the ſame day the ſaid James Howard, ſuppoſing he was entitled to certain prize money, in order to receive the ſame.

CHARLES PINKSTON *ſworn.*

I am clerk to Mr. Hooper, he is a navy agent, on the 5th of January the priſoner at the bar came to our office with Thomas Brady, he ſaid he had an order to receive ſome prize money, and deſired me to draw an order, which I did; he made his mark, and I witneſſed it.

(The order produced.)

Mr. Sylveſter, Council for Proſecution. Did you afterwards pay him any prize money?——Yes, I received three pounds ſeventeen ſhillings and ſixpence, and afterwards paid it, there is a receipt for the money.

(The order read.)

"*The mark of James Howard.*"

"London, the 5th of Jan. 1784.

"Sir,

"Pleaſe to pay the money due to me for "prize money on the Pallas, James Howard, and you will oblige your humble ſervant."

"Pallas prize money, £3 17*s.* 6*d.*

"Received the 17th of January 1784, "three pounds ſeventeen ſhillings and ſixpence, being ſo much received by me as "abovementioned; I ſay received by me."

Do you know any thing elſe?—On the day Brady was taken up, this man at the bar came into the office towards the evening, and aſked me if there was any more prize money money for him; knowing Brady was in cuſtody, I informed my maſter, who was in the kitchen, that Howard was come to know if there was any more prize money; Mr. Hooper came into the office, and aſked him what his name was; he ſaid his name was James Howard, and he came after more prize money; he then deſired him to go with him, and he would acquaint him ſomething of it; he took him to the public houſe cloſe by where Brady was; when we took him to the public houſe he ſaid his name was Peter Haſlett, juſt come from Ireland to receive the wages of his brother, James Haſlett, deceaſed.

Mr. Sylveſter. Is this the ſame man who received the prize money in the name of James Howard?——Yes.

You are ſure as to his perſon?——I am poſitive.

Was Howard entitled to prize money? ——Yes.

Mr. WADE *ſworn.*

I have James Howard from September 1778, to 1783.

Have you any of the name of Veruley, or Haſlett?—I have Edward Veruley.

WILLIAM LIVINGSTONE *ſworn.*

Mr. Fielding. Did you ſerve on board the Pallas?——Yes.

Did you know the priſoner?——Yes.

What is his name?——Edward Veruley.

Did you know James Howard?—Yes.

Were they two men?——Yes.

JAMES MITCHELL *ſworn.*

You were a ſeaman on board the Pallas? ——Yes.

You know the priſoner?——Yes.

What is his name?——Edward Veruley, at the time I ſerved on board the ſhip.

Do you know James Howard?——Yes, that is not the man at all.

Was you at Mr. Hooper's when the priſoner was there?——Yes.

What happened?——He trod upon my toes, and pinched a piece out of my finger; he aſked me what I called him by his name for.

What did you call him?—I called him Veruly, he aſked me what I called him by his name for; I thought he was in liquor, I went in to aſk a queſtion about the prize money, I ſaw him in Hooper's office.

Did you ſee the clerk of Mr. Hooper?—I ſaw him ſitting at the deſk.

—— M'INTOSH *ſworn.*

Did you know the priſoner?—The day that I apprehended Thomas Brady, in conſequence of what had juſt paſſed, the priſoner came with him, and this Brady ſaid he wanted ſome buſineſs done in the agency line; this man applied to me in the name of Peter Haſlett, as adminiſtrator to his brother that he had on board the Pallas.

PRISONER's DEFENCE.

My name was James Howard on board the Pallas five years, and I got my own prize money that was due to me in that name; that man has ſwore my life away wrongfully; when Mr. Hooper firſt took me, he ſaid he would hang me without Judge or Jury.

Court to Livingſtone. Did he go by the name of James Howard?——Never.

Mitchell. He never did, my Lord, while I was in the ſhip, which was two and twenty months.

The priſoner called one witneſs who gave him a good character.

GUILTY **Death.**

Tried by the ſecond Middleſex Jury, before Mr. Juſtice NARES.

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324. PATRICK BURNE and CHARLES BARTON were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Delport, on the 14th of April laſt, about the hour of eight in the night, and burglariouſly ſtealing therein one linen ſheet, value 3s. two yards of linen cloth, value 3s. one linen ſhirt, value 3s. three ſilver teaſpoons, value 2s. his property.

The witneſſes examined apart at the requeſt of the priſoners.

JOHN DELPORT *ſworn.*

Mr. Sylveſter, Council for Proſecution. Where do you live?——I live in Staining-lane, I am a working Jeweller, my family conſiſts of my wife, my wife's couſin Miſs Radford, who was upon a viſit, and children: on Wedneſday the 14th of April I had dined with my next door neighbour, after dinner the ladies went to take a walk, and they returned at duſk, and we ſat down to tea at eight, and I ſaid to my ſon about half after eight, let us go to ſee whether every thing is ſafe, and we went up two pair of ſtairs, the door was ſhut, and every thing ſafe at that time.

When you left the houſe how was it faſtened?——It was faſtened, my ſon pulled the door to him and put the key in and double locked it, I ſtood by him and ſaw him puſh againſt the door, to ſee if it was locked, we returned to our friends again.

What hour did your wife go home with the children?—About a quarter before nine, ſoon after which I was alarmed by my ſon giving me information that the ſtreet door was open, I immediately run and ſtopped at the door, I heard a noiſe up ſtairs, and directly I ſaid what raſcal is that in my houſe, and immediately the two priſoners came down ſtairs as faſt as they could, I ſtood ſtill at the ſtreet-door, and one of the priſoners, Patrick Burne, was the firſt that came out, when he thought he was at my reach to take hold of him, I received a blow on my head with a bit of iron, but I could not diſtinguiſh what bit of iron it was, immediately I went back towards the ſtreet, and I thought to take hold of them, but by being obliged to hold my head, it was not in my power to take hold of them when they ruſhed out; I think the other priſoner had a light coloured coat on, but I cannot ſwear to him.

Had you any opportunity of taking notice of the other man at that time?——No, my Lord, I know the other, Patrick Byrne was one but I could not ſee the other, though I think I could ſwear to him by the colour of his coat; they ran as faſt as they could to make their eſcape; Burne run down Lillypot-lane: here is the hat which I was cut with *(The hat produced which was bloody)* I could not go any further, the blood run ſo faſt down my neck, when I returned I found the bureau open, and ſome things on the carpet.

Mr. Fielding, Priſoner's Council. Mrs. Delport went out with the children?—Yes.

You cannot be ſure as to one of their perſons?——No.

CLEMENTINA DELPORT *ſworn.*

I am wife to Mr. John Delport, I went home with my children from the next door, about half after eight, or a quarter to nine, I found the outward door open, I went to the parlour door and found it open, and ſome things taken out of the bureau, and laid on the carpet, ſome new cloth, and a ſheet and a ſhirt.

Out of the bureau drawer?—Yes.

Where had you left them when you went out?——In the drawers, I left the drawers ſhut but not locked, the parlour door was locked, and I had the key in my pocket, the ſcrew was broke, and it was forced open; I miſſed three ſilver tea-ſpoons with our name on them, that were upon the mantle piece in the parlour; at the ſame time I heard a noiſe on the one pair of ſtairs, and I ſaid to my couſin, I am ſure there are thieves in the houſe, I came immediately and called Mr. Delport, he ſtood at the door, I went over the way to make room for my huſband to take hold of them, and I ſaw the two fellows come out, one in a light coat, and one in a dark coat.

LEWIS DELPORT *ſworn.*

What age are you?——Fourteen.

You had dined with your father at the next door neighbour's Mr. Whittingham's?——Yes, I went with my father to the houſe about a quarter before nine.

Who ſhut the door?—I did, I pulled it

by the knocker, then it was only on the ſingle lock, then I put the key in and double locked the door, and puſhed againſt the door afterwards.

Are you ſure that you double locked the door, and the door was faſt?—Yes.

Mr. Fielding. What time was it when your father and you firſt went home from where you dined?——It wanted a quarter of nine.

How came you to ſay a quarter before nine, did you ſee any clock, or take any particular notice of the time?——The gentleman next door looked at his watch juſt before we went out.

What gentleman was that?——A gentleman at the houſe where we dined; I carried the key with me, I got it from my mother, I kept poſſeſſion of the key till I came out again.

Court. How long after you came back with the key was it when your mother and the children went home?——Soon after, I only drank my tea before they went home.

What time did you go out to dinner?—About a quarter after one.

You did not ſhut up the houſe I ſuppoſe on the week day at dinner time?—No Sir.

JOHN WHITTINGHAM *ſworn.*

I live next door to Mr. Delport, I went out after the alarm, juſt after Mr. Delport, being near Mr. Delport I ſaw two men run out, the one run down Lillypot-lane, the other down Staining-lane, they both run into Noble-ſtreet, I gave the alarm of ſtop thief, and one of the men that run down Lillypot-lane was ſtopped in Noble-ſtreet, or in Falcon-ſquare, I cannot be ſure which, he was preſently brought back, I followed him ſome little way at ſome diſtance, I firſt ſaw him in Noble-ſtreet, I went into Noble-ſtreet, and there I found him in cuſtody.

In whoſe cuſtody was he then?——I believe Cox was the man who had hold of him.

Was the man that you found in cuſtody of Cox, the ſame man that you ſaw come out of the houſe, and run down Lillypot-lane?——I ſtrictly believe it was him, I cannot ſay to the identity of the perſon, I particularly remember he had a brown great coat on, and the man that was taken had a brown great coat on; when I firſt came down to ſee them in cuſtody, there was rather a diſpute which way they ſhould bring the priſoners, I told them to follow me to the proſecutor's, the proſecutor was aſked if that was the man that ſtruck him, he immediately anſwered it was the man, he could ſwear to him.

Mr. Fielding. Had you lighted candles at your houſe when your gueſts went away?—Yes, before that.

You loſt ſight of the perſons who ruſhed out of Mr. Delport's houſe?—Yes.

How far is Noble-ſtreet from the entrance of Mr. Delport's, forty or fifty yards?—More than that.

One hundred perhaps?——More than that: there are about ſix houſes I believe in the lane.

WILLIAM COX *ſworn.*

On Wedneſday the 14th of April I ſtopped the priſoner Burne; there were three of us coming together, James Robinſon, and William Ward, and myſelf, and I heard the cry of ſtop thief, I then ſaw no one, I run immediately towards the report, and ſeeing a perſon running, I laid faſt hold of the priſoner, which was then there, he made uſe of an expreſſion which I well remember, I have done nothing at all, he made a draw back as if to give a blow, he fell down and threw ſomething down, I ſaid to the other man, he has thrown ſomething down, we looked for it, and it was a poker.

Court. How near is Falcon-ſquare to Staining-lane?—It is I believe ſix or ſeven hundred yards.

Do you know Noble-ſtreet?—I cannot ſay I do.

How long before you laid hold of the priſoner, had you ſeen him running?——I had hardly ſeen him time enough to notice any thing, the alarm being ſo great, I laid hold of the firſt perſon that approached towards

wards me, I did not ſee him running any diſtance, I am ſure he was running, he ſaid I have done nothing, it was rather dark, I believe I might rather run before him, and ſlip in ſideways, but the firſt that approached me proved to be the man at the bar.

JAMES ROBINSON *ſworn.*

Mr. Sylveſter. You was in company with Cox, on the 14th of this inſtant?——Yes, we came from the Caſtle and Falcon in Alderſgate-ſtreet, Cox, Ward, and myſelf, we heard the cry of ſtop thief! we all ſet off.

Where were you?——About fifty yards from the ſquare, going out of Alderſgate-ſtreet; we ſet off and run into the ſquare, and we ſaw ſome people running, and Cox ſtopped a man, and they fell down together; I ran up, and Mr. Ward came directly after, and puſhed me right over them down; I got up, and Cox ſaid to the man, keep your hands of your pockets, and immediately he threw an iron crow out of that pocket, and it hurt my leg, the crow was taken up; Cox ſaid to me, he has thrown ſomething out of his hand; ſays I, I have got it, it is a poker, but I carried it down that night to the Compter, and it was a crow; Ward knows no more than I do.

Mr. Fielding. There were ſeveral people running, you ſay?—Yes, but this man was the firſt.

Court. You ſay that the priſoner threw an iron crow againſt your leg, did you ſee him throw it?——Yes.

THOMAS MEERS *ſworn.*

I am a carver and gilder.

Where was you on the evening of the 14th of this month?—I was at the end of Fitches Court, Noble-ſtreet, and I was leaning againſt a poſt, and between eight and nine, I heard the cry of ſtop thief! and I ſaw two men, one with his hat off, and there ſeemed to be a piece of iron in his hand; and the other was in a round hat and a light coloured great coat, and there ſeemed to be a ſtick in his hand, they were upon a ſlight run, I kept up with them very well, they run into Falcon-ſquare, I followed and laid hold of the coat of the man in the light coloured great coat, till a gentleman came up and ſtopped him; I laid hold of Barton, the other man ran acroſs the ſquare; I ſaw a man before, and I let go his coat, a gentleman ran him up againſt the wall, and ſaid, I will be damned if I let you go, and I ran up and collared him; and the priſoner ſaid he was no thief! then I let go his coat, and ran to look at the other.

Do you know the other man?——Yes, I know him by his *ſhocky head*, I was not five minutes with the priſoner.

Did the mob bring back the other man the ſame way that you ſaw the other man run, or another way?——Yes, the ſame way.

The Rev. RICHARD FREER *ſworn.*

On Wedneſday evening, I believe it was the 14th of this Month, I was coming out of Silver-ſtreet, going into Wood-ſtreet, I knocked at Falcon-ſquare for a perſon, one Mr. Davis, I heard the cry of ſtop thief! and I heard the ſound of feet coming down from Noble-ſtreet, and we croſſed the way, and againſt the dead wall I met the priſoner Barton; I immediately collared him, he aſked me what I ſtopped him for; I ſaid I apprehended he was a thief; he ſaid he was in purſuit of a man; he ſtrove to get away, and I held up my ſtick, and told him I would knock him down; I obſerved another man come down after him, and he turned to the right where we were ſtanding, and ſeveral people after him, and I heard ſomebody cry out, damn him, the other is taken; I then proceeded with him after the other people to Staining-lane, where they ſaid there had been a robbery committed; when I came there, I was behind the other priſoner whom two people had in cuſtody, and I heard that gentleman who was wounded ſay, that is the man who ſtruck me, and he then looked into the other man's face, but I do not believe he ſaid any thing of him; I proceeded with him to the compter, nobody elſe went with him there; I ſaw him ſearched by a man that is a Jew I believe, he firſt ſearched the other priſoner, and I ſaw the ends of ſome keys, which appeared to be picklock keys, taken out of his pocket; they then ſearched the priſoner Barton, and he pulled out ſomething, the man that ſearched him did, and put into his coat pocket, then he pulled out a japanned tobacco box, and the priſoner Barton ſaid, that is only my tobacco box; I ſaid you had better open it, and ſee what is in it, which he did, and it contained tinder and two or three matches; I then heard ſomebody cry, go for a conſtable, which I believe was the man who examined them; then I ſaw an iron crow.

Did you aſk the man what it was that he put into his pocket?——No.

What was the name of the man that ſearched them?—I do not know, he appeared to be a Jew.

When did you firſt ſee the boy Thomas Meers?——I believe at the compter, not before.

Where did you firſt ſee the boy lay hold of the flap of the man's coat?—I believe it was the corner of Staining-lane.

Court. Becauſe this boy has been telling us he had hold of his coat before you laid hold of him?——The priſoner was upon the full run, and from his running ſo faſt, I rather conceived him to be the thief.

Was there at that time any boy near him?——I did not ſee any boy, I have had ſome talk with the boy after he told me he was near him and put up his ſtick, or ſomething, and he he was frightened and let go his coat.

Priſoner Barton. Did you ſee any ſtick in my hand?—I cannot ſay I did.

Did you make uſe of any imprecation? ——I made uſe of no imprecation, I told you, I apprehended you was the perſon.

Court. Did you uſe any ſuch expreſſion as this, I will be damned if I let you go? —No, my Lord, that I am conſcious I never did; when I firſt met the priſoner, I am confident there was no boy laid hold of him, the boy mentioned the circumſtance to me, and I was rather uneaſy in my mind, I went to the boy's maſter and had ſome converſation with him, and the boy then ſaid he believed he was at ſome yards diſtance when I ſtopped him, but prior to my ſtopping him when he was coming down the lane, he caught hold of his coat.

Mr. Fielding. You did not ſee any boy till ſome time afterwards?——I ſaw a boy have hold of the priſoner Barton's coat, when I came to the corner of Staining-lane.

MOSES HARVEY *ſworn.*

I am a priſoner for debt in the Compter.

Do you remember theſe two men being brought there?—I do, it was the 14th of this month, I ſearched them both.

What did you find on each of them?—On Barton I found three pick-lock keys, and on the other I found a tobacco box which contained tinder, ſeveral pieces of matches, and three ſilver ſpoons.

Court. Where were the ſpoons?——In another pocket.

In what pocket?—In his coat pocket, but which I do not recollect exactly.

What did you do with theſe ſpoons as ſoon as you found them?——I put all the things in my pocket together, there was no conſtable came in with the priſoners.

When did you produce theſe ſpoons afterwards?——The next day.

Not till the next day?—No.

Did you tell any body that you had found ſpoons in his pocket?——No, I did not know that there was any occaſion.

One of the gentlemen has told us that when you had taken ſomething out of his pocket, you put it into your pocket without ſhewing it?——I put every thing elſe in my pocket in the ſame manner.

Were not the matches in the tobacco box? ——No, nothing but tinder, I gave the things to the conſtable, Mr. Fletcher; there was a crow when I ſearched them, I delivered the crow and the reſt of the things to Mr. Fletcher.

Mr. Freers. I beg leave to know if he delivered up all the things, it is a ſatisfaction to my mind?

Harvey. I delivered up every thing excepting the ſpoons, knowing they were the only pieces of property belonging to the proſecutor, and as there was no conſtable brought in with them, I did not deliver them to any body, I carried the ſpoons to my own apartment in the compter, there they were ſafe, when the conſtable came I did not deliver them to the conſtable the next day, but the perſon came that ſaw me take them, and I went immediately and fetched them.

Court. Did you deliver up every thing to the conſtable that you took from the priſoner?——I delivered up every thing.

I aſk you whether now you have delivered up every thing that you received from the priſoners?——I have moſt certainly.

Becauſe it looks very much like a manœuvre, when they were diſcovered to deliver them up?——It was no diſcovery at all, there were ten or twelve people that were preſent at my ſearching them, that ſaw me take the ſpoons and every thing elſe from the priſoner.

Court to Mr. Freer. Have you any more reaſon for ſuſpecting that man's conduct?——I was conſcious I ſaw him take ſomething elſe out of his pocket, but I could not aſcertain what.

Court. He ſays the other people ſaw what it was?——I ſaw him take ſomething out of the pocket, but I could not aſcertain what it was, I did not aſk him, it ſeemed to be cloſe claſped in his hands, I ſaw every thing but the ſpoons.

WILLIAM BUTT *ſworn.*

You received ſome ſpoons from Moſes Harvey?—I gave them to Mr. Kirby my maſter.

——— KIRBY *ſworn.*

I am keeper of Woodſtreet Compter, I received three ſilver tea-ſpoons from my ſervant, Moſes Harvey had marked them, and a Mr. Ward that was preſent when the man was ſearched, he mentioned it, I took them from my man, and delivered them to Fletcher the conſtable.

JOHN FLETCHER *ſworn.*

I am conſtable, theſe are the ſpoons that were given to me before the ſitting Alderman, here is the tinder box and matches, the crow and pick-lock keys, one of theſe keys opened Mr. Delport's door, but I cannot tell which it was.

To Proſecutor. Look at theſe ſpoons?—They are my own.

PRISONER BURNE's DEFENCE.

My Lord I was that evening in St. Martins Le Grand, it was my way home to go down Monkwell-ſtreet, coming down I ſaw two men run ſwiftly by me down Noble-ſtreet, and I ſaw theſe three keys drop, I picked them up and run after them, and one turned up a court in Noble-ſtreet, and I thought I ſaw the other man by him, and I run after him; in Falcon-ſquare a man came up and ſtopped me, I ſaid I did not know any thing about the matter, he jumped upon me and threw me down, be got up again and ſaid he would ſecure me for a thief, ſo he brought me back to this man's houſe, as for that iron crow I know nothing about it, I never had it in my hand, I have friends here.

Court. What are you?—I am a weaver.

The priſoner Burne called two witneſſes who gave him a very good character.

PRISONER BARTON's DEFENCE.

I came from Richmond with a barge that evening, I came to Queenhithe and I made the barge faſt to go to Finch-lane, coming along I heard the cry of ſtop thief, and that gentleman accoſted me and ſaid he believed I was the thief, becauſe I was the foremoſt perſon, that is all that I know.

How came you by theſe ſpoons?——I know nothing at all concerning the ſpoons,

Nor the tobacco box?——Yes, I own to that, I had it in my pocket.

How came you by tinder in your tobacco box?——It is a neceſſary that I make uſe of on board the barge, I had witneſſes laſt week and yeſterday, I had two when I was called up laſt night on my trial, and they went away, and are not here now, I know nothing of this priſoner, I never ſaw him before; as to that man ſwearing that he ook the ſpoons from me it is falſe.

Court. He is a witneſs who is above all ſuſpicion, who ſays he ſaw the man take ſomething from you which he concealed and put into his pocket.

Court to Jury. Gentlemen, for the boy I am afraid he has been inſtructed that it would be of ſervice to him to go ſo far as he has done, with reſpect to ſome future expectation.

Court to Jury. Gentlemen, that there was a burglary by two men is proved to a demonſtration, I think, becauſe the door was ſafe at half paſt eight, or a quarter before nine, and very ſoon afterwards the ſtreet door and parlour door were open, and the parlour door forced, and things taken out of the drawers of the bureau in that parlour, and when three ſpoons were actually miſſing, there can be no doubt but ſomebody had found means to enter that houſe by ſome falſe key, for the purpoſe of plundering the houſe, and had gone ſome length towards doing it, for the ſpoons were actually taken away, and the moving the things but an inch is a feloniouſly taking; the taking the things out of the drawer, and laying them down with intention to convey them away, is a felonious taking, and there is no doubt but the two men who run down ſtairs, one of whom ſtruck Delport, were the thieves; the only queſtion is, whether the priſoners are the men; Burne is ſworn to by the proſecutor as the man that ſtruck the blow, and in confirmation of his evidence, this blow being ſtruck with iron, you find when Burne was apprehended in Falcon-ſquare, he threw ſomething from him which appeared to be an iron crow, he had pick-lock keys in his pocket, one of which actually opened Mr. Delport's door, but the circumſtance of the crow ſticks to him: I think there is no doubt with reſpect to Burne; the evidence is different with reſpect to Barton, Mr. and Mrs. Delport, and Whittingham, do not take upon themſelves to ſwear to Barton, but each ſay he was in a light coloured great coat, and the evidence is, that Barton had on a light coloured great coat, and he was taken running in the ſame track, and when taken to the compter and ſearched, there was found upon him, if you believe the Jew, three ſilver tea-ſpoons, which tea-ſpoons are poſitively ſworn to by the proſecutor; and the priſoner judges well for himſelf in ſaying that he knew nothing of the ſpoons, as he did not get rid of them, and he tells you that the Jew ſwore falſely; the real complexion of the Jew's conduct is, that he had a wiſh to finger theſe ſpoons, that I am very much inclined to believe, but though he did not deliver them before, he did deliver them, and how ſhould he come by them, he was a priſoner himſelf before, and Mr. Freer ſaw him take ſomething from the priſoner Barton, which he did not ſhew to them, but put in his pocket, he produced the ſpoons the next day; I think now it would be too much to entertain any ſerious doubt whether theſe ſpoons were found on the priſoner Barton, and if they were found upon him, it is better evidence than fifty people ſwearing to the identity of his perſon.

PATRICK BURNE,
CHARLES BARTON, } GUILTY Death.

Tried by the firſt London Jury before
Mr. Baron EYRE.

ERRATA.—in Title to Parts I. II. and III. for Wedneſday the 27th of *March*, read 21ſt of *April*.

THE WHOLE
PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO
The Gaol Delivery for the County of *Middleſex*;

HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 21ſt of APRIL, 1784, and the following Days;
Being the FOURTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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395. ISAAC TORRIES and WILLIAM SMITH were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Barber, about the hour of nine in the night, on the 31ſt of March laſt, and burglariouſly ſtealing therein, half a yard of ſilk ribbon, value 2d. a muſlin half handkerchief, value 6d. one piece of flowered linen, value 1d. the property of the ſaid Thomas Barber.

The witneſſes examined apart at the requeſt of the priſoners.

MARGARET BARBER *ſworn.*

On the 31ſt of March laſt, between eight and nine o'clock our houſe was broke open, I went out between four and five, I faſtened my houſe, it was a caſement, and I generally put a bit of ſtring, becauſe I did not think the haſp was enough, I have no key to the door, I pull it after me, I always do.

Court. It has a ſpring lock ?—Yes, I am ſure that I ſhut it, I tried with my hand after I had ſhut it, I did not come home till it was all over, and they had taken the men into cuſtody and carried them into the publick-houſe, I ſaw nobody till theſe men were taken to the compter.

Mr. Peat, Council for Priſoners. Did not you ſay before the Juſtice that you had double locked the door ?—No, I ſaid I had pulled it too, and put my hand againſt it.

THOMAS BARBER *ſworn.*

I came home on the 31ſt of March before my wife, and I found the caſement open and the door open, and I went in and found the ſcreen that we have round our fire-place was put a little backward, and I ſaw a light on the outſide over the chamber, and I heard the trampling of feet over head, and I thought it was my dame as I call her, and I called at the ſtairfoot and ſaid, halloo dame, ſays I, is it you, which is my uſual way of talking, and no anſwer was made me, I called the ſecond time, halloo dame, are you coming down, no anſwer, and then they immediately ruſhed down ſtairs, then I thought there were ſome thieves in the houſe, or ſomebody that there ſhould not be, and I made away to the door, and got it in my hand, and jammed it faſt, and they were both pulling up againſt me to get by me.

What time was this ?—Between the hours of eight and nine, while we were pulling together one againſt the other, one of them, but I cannot ſay which, ſtruck me with this ſtick, as I ſuppoſe, for I was cut over the knuckles to make me quit my hold of the door, and one of them ſays, damn him, cut his hands off.

Do you know which ſaid that ?—No, it is out of my power.

Had they any thing in their hands to cut your hands off with ?—Not that I can tell, then I made an alarm, and many people came about with pokers and tongs, and one thing or another, and when they found they were overpowered, and that the houſe was beſet, they went into a little cellar that we have, and there they were taken.

Are you ſure theſe are the two men that run down againſt you at the door?—It was dark my Lord, I could not ſwear that, but theſe are the two men that were taken in my cellar.

Are you ſure of that?—Yes, I am ſure of that, there is no way of coming to my houſe but at the front door, there is no yard, no backſide to my houſe.

Mr. Peat. It was the outſide of the door?—Yes.

You was a good deal alarmed and frightened?——Yes, any body would.

You did not obſerve whether any perſons went in but thoſe of your neighbours then?——I know nothing more, I went up ſtairs, and they had got an apron, and ſpread in the room and taken out theſe little trinkets and things, they were not all worth one ſhilling I ſuppoſe, which they had taken out of this drawer.

Mrs. Barber. They were in the drawer before.

What was there in the apron?—A half handkerchief, and a piece of a cap, and a bit of linen, theſe things were in the drawers when I went out, and they were all ſhut but not locked, the apron belonged to one of the priſoners.

Mr. Peat. Did you examine the drawers immediately before you went out?——I had taken ſome of my things out before that day, I ſaw them, and had them in my hand.

JAMES ALLEN *ſworn.*

I was ſitting by the fire between eight and nine o'clock, I heard an outcry in the alley, I live next door to the proſecutor, he was calling out for help, I told him we would get ſome able aſſiſtance, and go in and ſee, we went up ſtairs and ſaw the drawers out, and that apron laid on the floor, we went down ſtairs, and two or three men went into the cellar, I did not go into the cellar with them, the witneſs Mann and others went down and found them, I ſaw them come up, I ſtood at the head of the ſtairs.

Court. Are you ſure that the two priſoners are the two men that they brought up?—Yes.

Did you go with them to the Juſtice's?—Yes, I attended the ſitting Alderman next day, I know nothing more, I was examined before the Alderman, I gave the ſame account then as I do now.

Priſoners. When we were examined before the Alderman, that gentleman who ſays now we were taken out of the houſe, ſaid, my young fellows, we will have a good weeks work out of each of you.

Allen. I defy any man to ſay that I ſaid any ſuch words, I want nothing at all, I come to ſee juſtice done, I will take my oath, that I never ſpoke no ſuch thing in the world, I will bring a character for twenty years, and one man that has known me for fifteen years.

Mr. Peat. Did you ſee the priſoners ſearched at all?——Yes.

Priſoners. We were ſearched by five different people in the houſe, before ever we were taken out of the houſe.

WILLIAM MANN *ſworn.*

I live within a few yards of the proſecutor, I was at his houſe that night, I went in and took theſe two men out of the cellar, any thing further I know nothing about, one was a Jew looking man, and the other was a fair faced man, them are the two men ſtanding there with the flowers before them, they were in the cellar near to the neceſſary, they were ſtanding together as they do now.

Is it a large cellar?—It is a middling ſized cellar, we went down there with another man, but I do not know his name, we brought them up, the other man and me.

Is the other man here?—No, not to my knowledge.

Mr. Peat. Did you ſee them ſearched?——Yes, there was nothing found upon them but this ſtick.

WILLIAM HOW *ſworn.*

I was ſent for to the publick-houſe, the priſoners were both hand-cuffed together, I took them to the Poultry Compter, after that I went into Mr. Barber's houſe, in the one pair of ſtairs room, and I ſaw theſe things on the floor, I ſearched the priſoners, there was a knife in Smith's pocket, a common ſized knife.

(The things depoſed to.)

PRISONER TORRIES's DEFENCE.

The reaſon why we went into the cellar was, there is the ſign of a chandler's ſhop, we went in, and there was nobody at home, and directly after the proſecutor came in and we was frightened, over and above frightened, and we went out of the way for fear of being ſhot, or having ſome damage, there was nothing found upon us, I had not ſo much as a knife, I never went with intent to ſteal any thing, there is the ſign of a chandler's ſhop, and the door was wide open, then there came in ſome men which collared me.

Proſecutor. I keep a green ſhop.

Mr. Peat. Was there any locks or bolts on the inſide part of the houſe?——On the inſide there was a lock, but it had no key to it.

Court to the Conſtable. Did the woman ſay that the door was not locked?——Yes, ſhe told me it was upon the latch, and ſhe lifted up the latch with a ſkewer.

Why, is there a latch?——It is an iron latch.

Did you ſay the woman told you that the door was upon the latch, and it was not locked?——Yes.

Mrs. Barber. I had broke my key ſome time before, and my huſband and me know how to open it without the key, and nobody elſe.

Are you ſure you puſhed your hands againſt it, and it was ſhut?——Yes.

Conſtable. I ſaw the lock of the ſtreet-door, it is a ſpring lock, there was no lock on the room that I was in, I did not ſee any when I went up ſtairs, the room door was open, it was afterwards I carried the priſoner to the Compter.

MARY LEE *ſworn.*

I went about ten minutes before Mr. Barber cried out, and the door was faſt, I went for ſome potatoes and I puſhed at the door, and the door was faſt not ten minutes before.

Priſoner Torries. The door was quite open when I came there to buy ſome tobacco.

Court to Proſecutor. What ſign have you to the door?——Some half cheeſes near to the poſt of the door; I do not ſell cheeſe, I ſell greens.

The priſoner Torries called two witneſſes who gave him a good character.

The priſoner Smith called two witneſſes who gave him a good character.

Court. Was there room for any man to get in at the window?——Yes.

And are you ſure that the caſement was faſt?——Yes.

ISAAC TORRIES,
WILLIAM SMITH,
} GUILTY Death.

Court to Smith. What are you?——I have been to ſea about ſeven months.

Where do you live?——In Paternoſter-row, Spitalfields, with my mother.

Tried by the firſt London Jury, before Mr. JUSTICE NARES.

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396. **ELIZABETH VICKRY** was indicted for feloniouſly ſtealing on the 17th day of March laſt, twenty-two yards of printed cotton, value 40s. the property of Thomas Racey, privily in his ſhop.

And **JOSEPH MARSHALL** was indicted for receiving the ſame, knowing it to have been ſtolen.

The Witneſſes examined apart at the requeſt of the Priſoners.

THO-

THOMAS RACEY *ſworn.*

I am a linen draper and haberdaſher, No. 4, Smock-alley, Spitalfields, I know the priſoner Elizabeth Vickry, ſhe and two others came into my ſhop on the 17th of March laſt, about a quarter after eight at night, they all came in together, but ſeparated afterwards, and while I turned my back the priſoner went out of the ſhop, and before I had finiſhed ſerving, I heard the cry of ſtop thief, on which the priſoner was brought back, and a piece of cotton containing twenty-two yards: the cotton is mine.

Court. Do you recollect where it lay when the priſoner came into your ſhop?—On the corner of the counter with two other pieces, next to the opening, which leads up to a pair of ſtairs, that was near to where the priſoner ſtood, I did not ſee her take it, ſhe might be in the ſhop about three or four minutes.

You had not miſſed any thing till you heard the cry of ſtop thief, had you?—No, I was not ſure then that I had loſt any thing.

WILLIAM HARROW *ſworn.*

I was coming home about eight on Wedneſday night the 17th of March, I ſtopped the corner of Smock-alley, I heard ſomebody fall, and turning round I ſaw the priſoner fall down, with her hands flat on the ground, I ſaid, Lord bleſs me what a fall that woman has got, then I turned my head about and ſaw a man croſs the way to her, and lift her up as I thought, and when he went to lift her up, he took away from her this piece of cotton which I thought then to be a bundle, and that he had robbed the woman, he came running by me and puſhed by me, I caught hold of the ſkirts of his coat in Petticoat-lane, he dropped a piece of cotton, and I and two young women picked it up, and they cried that is Joe Marſhall, and I ſaid where is the woman, and they ſaid there ſhe goes, I purſued her and caught her, me and another young man run after the woman, Marſhall run away, when we came down the gateway again, we took hold of the woman, and brought her back, and delivered her to the conſtable, ſhe was not got above twenty yards.

How do you know for what purpoſe it was that Marſhall took the bundle?—He went to receive the things that ſhe had ſtole from the ſhop.

What makes you think ſo?—Becauſe I know him of old, they both live together as I have been told, they cohabit in one houſe together.

You do not know that of your own knowledge?—No, I cannot ſay of my own knowledge.

Did it appear to you to be a real fall, or was it affectation?—I do not know whether it was a real fall or pretended but ſhe fell before ſhe got paſt the window of Mr. Racey's ſhop.

ELIZABETH BURGESS *ſworn.*

I was ſtanding at my father's door talking to the young woman, and I heard ſomebody cry out ſtop thief; it is right acroſs the way, almoſt facing Mr. Racey's, and the priſoner Joſeph Marſhall came up to me with a bundle of cotton under his arm, the young woman that ſtood by me ſaid that was Joſeph Marſhall, and he immediately dropped the bundle, and I picked it up and gave it to two young men, one of whom is here, that is Harrow.

Priſoner Marſhall. My Lord, the man ſaid he picked up the bundle himſelf, and the woman ſays ſhe picked it up.

Court. I hear what they ſay.

HESTER LEGOU *ſworn.*

I was ſtanding at the door of the laſt witneſs, and Joſeph Marſhall came by with a piece of cotton under his arm, and I mentioned his name, and immediateiy he dropped a piece of cotton, that young woman picked it up, and gave it to a young man, that young man had hold of his coat.

BENJAMIN WARD *ſworn.*

I am the conſtable, I have the bundle, I know nothing at all about it, I was ſent for, and I took the woman priſoner, then I had information of Joſeph Marſhall, where he lived, as I was officer of that night, and on the 17th, about one or two o'clock in the morning, I went to his his lodgings and took him, and then he ſaid his name was Newman, the cotton was given to me at Mr. Racey's ſhop, *(The cotton produced and depoſed to)* this little piece of cotton was taken out of her pocket, which the proſecutor knows nothing about.

Court. Who knows that they cohabited together as man and wife?

Legou I know it.

PRISONER VICKRY's DEFENCE.

I was going through Smock-alley to buy a bit of meat, I buy and ſell old clothes, two women were looking at a ribbon, I went in with them, they bought a yard and a quarter, one of the young women ſaid it was too ſhort for her head, and I bought it of her, the proſecutor bid me go in and ſhew him which ribbon I meant, I ſaw a little boy with ſomething under his arm, and another ſlim young man came and took the property from him and run away with it, and I heard the cry of ſtop thief, and I run after them and was knocked down underneath the archway in Smock-alley, I live with my mother in Chriſtopher-alley, Spitalfields, ſhe is near, the priſoner at the bar is not the man that took the property, it was a ſlim lad in white clothes; it is very well known that this witneſs ſaid to a good many people, if I would give her and another a guinea a piece, ſhe would not be againſt us.

Legou. I never ſaid ſo in my life, he offered me ten guineas not to ſpeak the truth.

PRISONER MARSHALL's DEFENCE.

I am as innocent as the child unborn; ſhe is uſed to ſwearing.

Priſoner Vickry. Her mother hallood out, I am glad you are going to gaol, they had a warrant ſome time in the froſty weather, and Heſter Legou ſwore I hit her, which I did not, and ſhe was afraid I ſhould come againſt her, they ſaid I am glad you are going to gaol.

Court to Legou. How long have you known Marſhall and Vickry?—I am ſure I have known them four years.

What was this quarrel between you and them?——One time I was coming down and I had a very bad foot, and the pavement is very narrow, and this woman puſhed me off the pavement, and another came up and gave me three ſmacks on the face, I got a warrant for her.

Court to Racey. What is it ſhe ſays about going to ſhew you the ribbons?——Theſe two women were in the ſhop, and came again and bought a yard and half of ribbon, and this woman when ſhe went out, went with a pretence of looking for a ribbon, they are ſpread in the window; but inſtead of coming back ſhe went off.

ELIZABETH VICKRY, GUILTY **Death.**

JOSEPH MARSHALL, GUILTY.

Tranſported for fourteen years.

Tried by the firſt Middleſex Jury, before Mr. BARON EYRE.

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397. GEORGE ROBINSON, aged fourteen, GEORGE BANNISTER, aged ſixteen, JOHN NURSE, aged fourteen, were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Newen, about the hour of five in the afternoon, on the 26th of March laſt, no perſon being therein, and burglariouſly ſtealing therein, one marcella petticoat, value 8s. one child's dimity cloak, value 3s. one linen gown, value 1s. 6d. one pair of cotton ſtockings, value 6d. the property of the ſaid John.

ELIZABETH NEWEN *ſworn.*

I am wife of John Newen of Milbank, my huſband is a labouring man, on the 15th of March I went out from my houſe a little before five in the afternoon, I locked my door, I left nobody in the houſe, I was abſent about ten or eleven minutes, to the beſt of my knowledge, I went to my next door neighbour's, where two of my children were at play, I took my little one out of the cradle, and went to fetch them home, and there came a little girl, ſiſter-in-law to this woman, to know whether ſhe ſhould carry ſome tea, and as ſhe opened her door, and ſtood for a minute on the ſtep of the door, ſhe called out to me, Mrs. Newen, here is a boy getting out of your window, with your clothes under his arm, I immediately looked out and ſaw the three boys, one with the clothes; they were all out of the houſe when I ſaw them, I ſaw none get out of the houſe, I called ſtop thief, he that had the clothes threw them down and run away, they all three run away, the things mentioned in the indictment were taken up, they were all mine.

Court. Do you know any thing of theſe boys?—No, upon my life I do not, one of their faces I ſaw, that of Banniſter.

Was he one of the three that you ſaw running at the time your clothes were taken away?—Yes, when I went home my door was locked, and my key in my pocket, my window was cracked, and a piece of the pane was pulled out, and the window was unſcrewed, and ſhoved up and open, the things were taken out of a pan on the table, wet, as I had waſhed them the day before.

SUSANNAH SADLER *ſworn.*

I was coming out of my ſiſter's, and I ſaw the boy get out of the window.

What boy coming out of what window?—Him in the middle, that is Robinſon, he had clothes under his arm, and I hallooed out, and told Mrs. Newen, I ſaw them afterwards and knew them again, I ſaw them all three run.

Where were the other two when you ſaw one boy get out of the window?—Not four yards from the houſe, they were looking to ſee whether any body was coming.

Who picked up the bundle?—I picked up the bundle, and put it into the cheſt under the ſhop window, till Mrs. Newen came back.

RICHARD SADLER *ſworn.*

Mrs. Newen called out thieves, and I aſſiſted to take the priſoners, getting over a fence, and it being ſnowy, we traced them, and found George Banniſter, he had hid himſelf behind ſome Willows.

Court. Was it out of any road?—Yes, in a private field, fenced at both ends.

THOMAS ROLLS *ſworn.*

I was at work at the next houſe, and I heard the cry of ſtop thief, I followed, and at the top of the lane one went over ſome willows down the creek, by the ſide of the water, and juſt behind the willows, in the ſame field, the priſoner Banniſter was laid in the corner.

JOSEPH ISAAC *ſworn.*

I know no other of it only taking the priſoner Nurſe to the neat houſe, that is about a quarter of a mile off, he was out of the road, and he ſaid he had got there out of the ſnow, I run after him, and run before him, the people ſaid he had hid himſelf up in that field, I went there and deſired him to come out.

SAMUEL PAYNE *ſworn.*

I was in my maſter's yard, I heard the cry of ſtop thief, and I run after them, and at the top of the lane there was a turning to the right hand and to the left, then I loſt ſight of them for a few minutes, and I traced one, that is Robinſon, into a ditch behind a houſe about a quarter of a mile off.

PRISONER ROBINSON'S DEFENCE.

I was not near the place at that time, my mother takes in needle work, ſhe had three ſhirts to make, and ſhe could not finiſh them; ſhe ſent me to enquire for one Mrs. Wright, and as I was coming back I wanted to eaſe myſelf, and I went round there, and juſt as I was buttoning my breeches this man ſaid come out, the gentlewoman ſaid ſhe did know whether I was one, and ſhe bid me go, and that man came and took me, and tied my hands to theſe lads hands, and the tide was very high, and they ſaid let us throw them into the Thames.

PRISONER BANNISTER's DEFENCE.

It was a very ſnowy day, I had no work to do, and I went to look after my mother's aſs, I was going along the bank running to keep myſelf warm, after I had got a good way paſt this woman's door, ſhe cried out, ſtop thief, and I ſtood up by ſome willows becauſe it ſnowed, a little time after two men came and fetched me out, the gentlewoman ſaid ſhe could not ſwear to me, but ſhe believed I was one.

The priſoner Banniſter called three witneſſes to his character.

PRISONER NURSE's DEFENCE.

I was ſent of an errand over Chelſea-bridge, and it ſnowed and rained very hard, and I ſtood up for ſhelter, and they brought me to the gentlewoman, and ſhe ſaid ſhe had nothing againſt me, and then I was going away, and they came and caught hold of me again, and threatened to chuck me into the Thames, my friends did not think my trial would come on to-day.

GEORGE ROBINSON,
GEORGE BANNISTER, } GUILTY
JOHN NURSE,

Of ſtealing to the value of 4s. 10d.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr.
Mr. BARON EYRE.

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398. JOHN PETTITT and JOHN AYRES were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Bailey, about the hour of eight in the night, on the 28th day of March laſt, and burglariouſly ſtealing therein one flute, called an Engliſh flute, value 4s. and two fifes, value 1s. the property of the ſaid William.

WILLIAM BAILEY *ſworn.*

I live at No. 42, St. Martin's Le Grand, I am a flute maker, I loſt two flutes, I do not remember the day of the month, but it was the day Mr. Pitt came into the city, my wife laid in, and ſomebody knocked at the door, and my apprentice went down, and I followed and ſaw my window was broke, and a flute was taken and two fifes, I ſaw my property at the watch-houſe that night.

Mr. Roſe, Priſoner's Council. When had you ſeen that window before?——An hour before.

Are you ſure it was ſo late as that when you had ſeen it?—Yes.

It was at eight in the evening?—Yes.

Your doors were not faſtened, were they?——The lock was let go, it goes with a ſpring lock, and always faſtens.

Whether this door was ſhut or no, you do not know?——No.

WILLIAM JACOMB *ſworn.*

I live facing the proſecutor, I was ſent out to change a guinea for my miſtreſs in Angel-ſtreet, and as I came back I heard ſome people ſinging a ſong in St. Martin's Le Grand about Pitt, ſo I went and heard it, and I heard a pane of glaſs break, and I watched theſe two lads, and I ſaw them pull out the fifes out of the window, the little boy pulled them out of the window, and the big one put them into a ſack, when they had done they walked away, and I knocked at the door, and the apprentice came down ſtairs, and him and me followed them into Fleet-lane, and there they went into an ironmonger's ſhop to ſell them, and they played on them to try them.

Who played on them?——The thieves did, then they came out of that houſe, and went into the Cock ale-houſe, they did not ſell any in Fleet-lane that I know of, and they were taken to the watch-houſe.

What were they in?——They were in a ſack.

And they were theſe two priſoners, were they?——Yes.

Mr. Roſe. Had you ever ſeen theſe lads before?—Never in my life.

Are you very ſure that they are the lads?—Yes I am very ſure they are.

You was attending to the ſinging about Mr. Pitt.——Yes, I went up to hear it, but inſtead of hearing it I heard a pane of glaſs crack.

There was a good many people about this ſong?—About ten or twelve.

Was there any body between you and the window?—Nobody.

At what diſtance might you ſtand?——About three or four yards from the window.

Was there any lamps in that neighbourhood?——Yes, one facing.

Did you follow them immediately?——Yes.

Were the boys that you thought took theſe things from the window, out of your ſight before you got to the houſe?—No.

JAMES AMPLIN *ſworn.*

I followed the priſoners along with the laſt witneſs into an old iron ſhop, we ſtood oppoſite the houſe, and heard them playing, then they came out and went down to Fleet-market, to the Cock alehouſe, there they went in and had the things out, and we ſent for Mr. Baillie and took them up.

(The things depoſed to.)

PRISONER PETTITT'S DEFENCE.

I am as innocent as the child unborn, I never had any flutes or fifes.

A WITNESS *ſworn.*

I took the little boy and went into the Cock, and he pointed to theſe two lads, one of them had a bag, I took hold of one of them by the collar, and delivered the other to the watchman, and as they were croſſing the way they dropped the flutes from them, and a coach run over them and broke them.

Court. Then the flutes were not in the bag?—No, they were wrapped up in ſome part of them, I do not know in what part.

Did you hear them fall?—I did.

You cannot tell from which of them they fell?——I believe they fell from Pettitt.

Court to Priſoner Pettitt. What are you?——A ſhoe-maker.

PRISONER AYRE'S DEFENCE.

I am as innocent as the child unborn, I have no friends to ſpeak for me.

Court to Jury. Gentlemen, there is no difference in point of law between breaking a pane of glaſs and breaking open a houſe; but to be ſure in point of enormity of offence there is a very ſubſtantial difference; therefore, you would not incline to preſs a fact of this ſort beyond what it does neceſſarily import; the boy ſays he heard the cracking of glaſs while he was liſtening to the ſinging; he did not ſee it done; ſomebody elſe might have broke the window, and if after this pane of glaſs had been broke, one of theſe boys had taken the things out, he would have been Guilty of ſtealing them, but not of breaking and entering the houſe; therefore, perhaps you will think it ſufficient if you find them Guilty of ſtealing, but not of breaking and entering the dwelling houſe.

JOHN PETTITT, }
JOHN AYRES, } GUILTY

Of ſtealing, but not of breaking and entering the dwelling houſe.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron EYRE.

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339. DRUMMOND CLARK was indicted for feloniouſly ſtealing on the 28th day of February laſt, five guineas, value 5l. 5s. and forty three ſhillings in monies numbered, the monies of Ralph Hollingſworth, privily from the perſon of Mary his wife.

Mr. Garrow thus opened the caſe.

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, I am of counſel for the proſecutor, the indictment as you have heard, imputes to the priſoner the commiſſion of a capital offence, I ſhall not detain you at this hour of the night with a long ſpeech in opening the proſecution, the circumſtances of the caſe are extremely ſhort, and I am afraid extremely concluſive, and it will be your duty to decide upon it: the proſecutor is a butcher in the pariſh of Chriſt-Church, the priſoner had been a cuſtomer of the proſecutor's for ſome time, but as Mrs. Hollingſworth had at various times loſt money from her perſon to a monſtrous amount, and particularly on a Saturday, ſhe was induced to take ſome ſteps, in order to find out by what means it could be taken, and there was a ſingularity in the conduct of the priſoner, that induced her to ſuſpect her: you all know it is the cuſtom of thoſe that trade with butchers and market people, to have their things ſent home, but that never was the choice of the priſoner, and to Mrs. Hollingſworth down to the time of her apprehenſion, the place of her abode was never known: Mrs. Hollingſworth, by the advice of a neighbour, marked twenty-one ſhillings and a guinea, which was marked in a way that is not at all liable to a miſtake, for that neighbour put upon it a ſtamp with his name at length; in the evening of the Saturday, the priſoner, as was her cuſtom, came to the ſhop of Mrs. Hollingſworth, and ſhe dealt with her for ſome goods in the way of her buſineſs, and in a very few minutes, when the priſoner came to pay for the goods, the proſecutrix diſcovered that two of the ſhillings which were delivered to her in payment by the priſoner, had almoſt the inſtant before been in the proſecutrix's own pocket; this was a little too ſtrong; but Mrs. Hollingſworth alſo found that all her money, to the amount of ſeven or eight pounds, was gone, and the priſoner was of courſe immediately ſtopped. Gentlemen, if theſe circumſtances are proved to your ſatisfaction, you muſt of neceſſity find the priſoner Guilty; but on the other hand, I for one ſhall be extremely happy, if you ſhould have any ſerious doubt in the caſe, and I aſſure you I ſhall not at all lament if you can find any ground to acquit the priſoner.

MARY HOLLINGSWORTH *ſworn.*

I am wife of Ralph Hollingſworth, the priſoner dealt a great while at my ſhop, ſhe was there on Saturday the 28th of February.

Mr. Garrow. At what time?—She was there in the morning, and bought two pieces of beef of me, which ſhe agreed and paid for before ſhe went out of the ſhop; I aſked her if ſhe ſhould want any thing more, ſhe told me to ſave her a ſweet bread; after ſhe was gone I found my money was gone: the gentleman that lived facing me, deſired me to mark ſome money, he marked twenty-one ſhillings and one guinea with his own name; I put that money on one ſide, in my ſide pocket, in a ſeparate pocket, not my common pocket.

Had you that money in your pocket when the priſoner came to your ſhop in the evening?—I put the money in my pocket; ſhe dealt with me for a ſweet bread and a bit of veal, and paid me with two of thoſe very marked ſhillings; I am very ſure I had not given them in change, I had them in my pocket when ſhe came in, I ſaw the mark upon them; I then ſaid to her, now I have caught you, I took her into the kitchen and ſearched her, and found nineteen ſhillings that were marked in the morning, and one guinea, which, with two ſhillings ſhe gave me, made up the whole money: ſhe ſaid ſhe had them in change at the grocer's; as to the guinea, ſhe could not ſay any thing of it.

(The two ſhillings produced.)

——— **LANDY** *ſworn.*

I am a neighbour of Mrs. Hollingſworth's, ſhe was telling me the affair what had happened, ſhe gave me twenty-one ſhillings and a guinea, I took them backwards to the anvil and marked them with this punch, which I had never uſed before, it is what I mark lancets with in common, but it is a new mark, it never had ſtruck any thing before; thoſe are two of the ſhillings I marked.

What time of the day did you mark them?—About half paſt eleven in the forenoon.

Court to Mrs. Hollingſworth. You have a good deal of buſineſs on the Saturday?—Yes.

You took a good deal of money in the courſe of that day?—Yes.

And changed a good deal?—Yes.

Are you ſure you gave none of thoſe twenty-one ſhillings in change in the courſe of that day?——Yes, becauſe I did not put it in my pocket apron, I put it in my ſide pocket.

Do not you take change out of that pocket as well as the other?—No.

Did you put no other money in that pocket as well as the other?——No.

—— CARR *ſworn.*

I was preſent when the priſoner was at Mrs. Hollingſworth's.

Mr. Garrow. When was that?—In the evening of the 28th of February.

What paſſed in your obſervation?——When I came in, the priſoner at the bar and Mrs. Hollingſworth were ſtanding together, the priſoner took two ſhillings to pay Mrs. Hollingſworth, and rubbed them as if they were dirty; ſays the proſecutrix, are not you a bad woman, you have robbed me ſeveral times, but now I have caught you: we took her backwards into the back room, there were ſeveral neighbours preſent, there were nineteen ſhillings and a guinea, and I think two or three ſhillings beſides; I aſked her how ſhe came by them; ſays ſhe I had them in change; I aſked her how ſhe came by the guinea, and ſhe ſaid nothing to that; ſhe was a going to put ſomething in her boſom, and it was a glove, and there were three guineas and ſome ſilver in it; Mrs. Hollingſworth ſaid, if the money is mine, there is one guinea black of the tail ſide, and when ſhe ſaw it, ſhe ſaid ſhe would ſwear to the guinea; the ſhillings all bore the ſame mark.

—— WARD *ſworn.*

I was ſent for to take the priſoner into cuſtody, Mr. Carr delivered me the money.

Court to Carr. Was that money the ſame you had from the priſoner?——Yes.

Mr. Sheridan, Priſoner's Council. My Lord, I waved aſking any queſtions till the money was produced. Mrs. Hollingſworth, you ſaid you put this particular ſilver that was marked, into a particular pocket?——Yes.

You ſay you ſuſpected the priſoner, did not that put you on your guard?—No, Sir, I wiſhed to catch the priſoner out.

You had no particular ſuſpicion of her at all?——No.

PRISONER's DEFENCE.

I know nothing of it, for my huſband changed a ten pound note on the Friday, and I received money of him to pay away, and he gave it me, I know nothing of it.

Court. Have you that perſon here that you took it of?—No, my Lord, I cannot, he is not in town.

The priſoner called four witneſſes, who all gave her a very good character.

Court to Proſecutrix. Did you ſee the priſoner take any thing from your pocket?—I did not.

Are you ſure of that?——I am ſure of that.

Mr. Carr. I only want to inform the Court——

Mr. Garrow. If you wiſh to ſay any thing againſt the priſoner, I do not wiſh to call you.

Court. You do very right Mr. Garrow, it would not be proper now.

GUILTY **Death.**

She was humbly recommended to mercy by the Jury and the proſecutrix.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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400. JAMES STEWART was indicted for feloniouſly ſtealing, on the 7th of April, one piece of ſtriped bed ticking, containing ſeventy yards, value 7l. the property of Robert Gillow and John Gillow.

JAMES JAMES *ſworn.*

I am porter to Robert and John Gillow, No. 106, Oxford-ſtreet; on the 7th of April, about ſeven o'clock, I was bringing a piece of ticking from one Mr. Limes in Milk-ſtreet in my cart; I ſtopped at the

Crown and Mitre, in Little Ruſſel-ſtreet, Bloomſbury; when I went in the piece was in the cart, I left the cart about two minutes, and when I returned to the cart, I found the piece was miſſing, there was but that one piece; on miſſing it I looked about the ſtreets to ſee if I could ſee any body, the people came out of the houſe to look for it, and I went home to my maſter and told him; afterwards I ſaw the advertiſement in the Daily Advertiſer about the priſoner at the bar being detained with a piece of ticking on his ſhoulders; I went in conſequence of that to the office in Hide-ſtreet, where the advertiſement mentioned, that was the Saturday following when I went to the office in Hide-ſtreet.

Who did you find there?—The priſoner and the ticking were both there; I did not know the piece of ticking.

GEORGE MEECHAM *ſworn.*

I apprehended the priſoner on Wedneſday night the 7th of April, about nine, I met him coming down Portpool-lane, and he paſſed me with this on his ſhoulder; I knew him and purſued him, and he run away; I ſtopped him; he run knowing of me; I overtook him in Bradſhaw's-rents, and then he threw this piece down off of his ſhoulders, I ſaw him drop it down, I called out ſtop thief! and ſome people came out with a candle, and he run into the corner and I took him; I never loſt ſight of him, there was no thoroughfare in the court, I took up the piece of ticking and him by the collar, I took him to Clerkenwell Bridewell, and the piece of ticking was advertiſed.

Priſoner. Had not you that piece of ticking in your arms when you came and laid hold of me at the bottom of the court?—Yes, you had dropped it.

——— LIMES *ſworn.*

This is the piece of ticking that I delivered to the firſt witneſs James James, there is the maker's name and my own private mark what it coſt me, and the day of the month when it was bought; I have no doubt of it at all; it was on Wedneſday the 7th of this month.

PRISONER's DEFENCE.

I never had the piece at all, I had been to my ſiſter's, I never ſaw the piece till I ſaw it at the Juſtices; I have no witneſſes.

Court. This depends intirely on the evidence of Meecham, and it is right to tell you in this caſe, that there is no reward, ſo that the witneſs comes under no influence.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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401. SIMON YOUNG was indicted, for that he, well knowing that one Robert Saltmaſh had lately ſerved our Lord the King on board the Swallow, and ſuppoſing that certain wages and pay were due to him for ſuch ſervice, on the 12th of April with force and arms feloniouſly, willingly, and knowingly, did perſonate and falſly aſſume the name and character of the ſaid Robert, ſuppoſing he was intitled to ſuch wages and pay then ſuppoſed to be due and payable from our Lord the King, for and on account of the ſaid ſervice, againſt the ſtatute.

A Second Count, for perſonating and falſly aſſuming the name and character of the ſaid Robert Saltmaſh in order to receive his wages and pay.

JAMES SLADE *ſworn.*

I am the clerk to the treaſurer for payment of ſeamens wages; on the 12th of April the priſoner applied to me in the name of Robert Saltmaſh, of his Majeſty's ſhip the Swallow.

Court. Did he apply as being the man himſelf, or in behalf of the man?—As the man himſelf, and he produced two certificates.

(*The certificates read, ſigned* "J. Gun, "*maſter, April the* 9th, 1784; *and* Francis "Bever, *late purſer of the Swallow.*"

Mr. Sylveſter, Council for Proſecution. What did you do next?—We found on the books that the wages had been received before, and that Saltmaſh was returned, dead.

Who did they appear to be paid to?——To a Mr. Lawſon of our office, to James Ingliſh Lawſon, for William Hall, attorney to the widow Elizabeth, adminiſtratrix.

What did you do then?—Mr. Lawſon not being in the office to get at the adminiſtration, I deſired the priſoner to ſet down and I would ſend to the office to get his papers ſearched of the different ſhips, and it there appeared that Robert Saltmaſh was diſcharged from the Huſſar to the Alfred, and was diſcharged from the Alfred to ſick quarters, and died in April 1782; that appeared from the Sick and Hurt Office; when I had theſe proper things, I took him into cuſtody, he acknowledged his name was not Robert Saltmaſh, but Simon Young.

Priſoner. I told my name before I was in cuſtody.

Mr. Sylveſter. Are you ſure he came in the name of Robert Saltmaſh, or Young?—Of Robert Saltmaſh, the identical perſon of Robert Saltmaſh.

Priſoner. Did I make any attempt to eſcape?——He did, and was taken by our porter.

WILLIAM WADE *ſworn.*

Examined by Mr. Fielding.

I belong to the Navy Office, this is the Swallow pay book.

Turn to the Swallow; is there any more than one name of Robert Saltmaſh there?——There is only one.

What is the entry in that after the name of Robert Saltmaſh?—He appeared to enter in the Swallow the firſt of October 1780, and to be diſcharged the 24th of Auguſt from this ſhip, and it appears that he died at the hoſpital at Barbadoes; ten pounds four ſhillings and eleven-pence was paid on the 11th of September 1783, to Mr. J. I. Lawſon, attorney of the widow and adminiſtratrix.

Court. I do not think the entry is evidence of the death if that was material, but as to the time the man ſerved, the ſhips books is the beſt evidence, but in this caſe it is not material.

FRANCIS BEVER *ſworn.*

Was you an officer on board the Swallow?—Yes.

Do you remember a man of the name of Saltmaſh?——Yes, the priſoner is not the man.

Were there any wages due to Saltmaſh, do you know?——There certainly was.

Was that the man that you gave the certificate to?——No.

Court. Is that your certificate?——No.

If you knew the perſon of that Robert Saltmaſh who was on board, did you give a certificate to another perſon, who came in his name?—I did not recollect the perſon of Saltmaſh then, I knew there was a perſon on board of his name; this priſoner brought on the 9th of April laſt, a young man with him, who, he ſaid, wanted a certificate; I perfectly remembered his face, as being on board the ſhip, I aſked him his name, he told me his name was Robert Saltmaſh, I thought him then to be the man.

Court. Then you clearly did not know the perſon of Saltmaſh?——I did not recollect it then, ſince that time I have ſeen ſome other Gentlemen that belonged to the ſhip, and I aſked them.

Court. You muſt not ſpeak of what other people told you; can you yourſelf recollect any circumſtance ſince that time that brings the perſon of Saltmaſh to your remembrance?——Yes, that he was a littler man, and rather ſubject to a decay in his conſtitution, and a man who was not a perfect ſeaman.

That you knew at the time?—I did not recollect it at the time, I knew the man's face that came for the certificate perfectly well, I did not recollect he was the man.

Do you know this man's face too?——Yes, he belonged to the Swallow.

Court to Wade. Does it appear whether he had received any wages in his own name? Yes, he had received his own wages.

Priſoner. He certifies that I did not forge theſe certificates, and he did not give them to me.

PRISONER's DEFENCE.

Pleaſe your Lordſhip, the firſt time I met this man was going up to Captain Byron's to get a certificate for the Proſerpine frigate, and he aſked me if I knew him, I told him I belonged to the Swallow, he ſaid, do not you remember me, he ſaid his name was Robert Saltmaſh; he aſked me if I knew where any of the ſigning officers lived, he aſked me to go with him there, I went with him to Mr. Bever, and he wrote the certificate directly, I went with him to Mr. Gunn, and he gave me a certificate; I went to Captain Byron's and the next day I was going by Temple-bar, and I met this man, he aſked me if I was going to ſtay in town, and he ſaid he had a certificate, to get from the Captain of the Daphne down at Chatham, and had no money, and he would truſt me with his certificate, and I could receive the pay; I told him it was of a bad conſequence to me to venture or think of, he ſaid you know they are not forged, ſo I went to get my own certificate, and I came to the office and aſked for the Swallow's books, I went in directly, and handed over the certificate, and the books were overhauled, and he aſked me directly had I ever a wife, I ſaid I had no wife that would take that, I told him my name was Simon Young, and I gave him two certificates in my own name.

Court. But Mr. Slade ſays you told him your name was Saltmaſh and not Young?——Upon my word I did not.

Court to Slade. Recollect back as diſtinctly as you can, becauſe in truth, the whole caſe turns upon it; did this man apply to you as on the behalf of Robert Saltmaſh?——I aſked him his name, and he ſaid his name was Robert Saltmaſh.

Did he at any time before you ſent for a peace officer, or threatened to take him into cuſtody, ſay what his own name was?—Never till he was in cuſtody, when he found he could not make his eſcape, then the Commiſſioners aſked him what his name was, and then when he was threatened in the office, he ſaid his name was Simon Young.

Did he know the conſtable was ſent for?—I believe he did.

Are you ſure of that?——He muſt have heard me order the conſtable.

Wade. I was preſent, he ſaid his name was Robert Saltmaſh, and did not acknowledge his name was Young, till he was threatened to be ſecured.

Court to Priſoner. Have you any witneſſes to call?—*Priſoner.* I am a ſea-faring man, I have no witneſſes, I have no one here to give me a character; if Capt. Byron was here I could get a character of him.

Court to Slade. You have been clerk in the Navy-office ſome time, is it uſual to take certificates from the purſer?—I always pay great reſpect to the purſer, being more connected with men's faces, than any other officer, but the Captain is the proper officer: regularly the certificates ſhould come from the Captain.

You pay on that certificate?—Yes.

Court to Bever. You have not been ſufficiently careful in this caſe, it was extremely imprudent, at leaſt, to grant ſuch a certificate as this; if ever you fall into a ſituation to give ſuch a certificate again, you muſt be very careful to know of your own knowledge that it is the man; or elſe you expoſe the party to be defrauded, and aſſiſt the other party in the further proſecution of the plan he has in contemplation.

Priſoner. Pleaſe your Lordſhip, the gentleman now has two certificates, they will ſerve me for a character in the ſhips in which I have been.

Court to Slade. Was there any promiſe of favour made to the priſoner if he ſpoke the truth?—Nothing of that kind.

Court. Gentlemen of the Jury, the priſoner is indicted for perſonating Robert

Saltmaſh, ſuppoſing him to be entitled to wages; this offence is made a capital felony by the act of parliament now before the Court, in the reign of his late majeſty, and deprived of the benefit of clergy: the words of the act are, any perſon intitled, or ſuppoſed to be intitled, to receive any wages or prize money: In this caſe if the priſoner had not himſelf acknowledged that he was not Robert Saltmaſh, but Simon Young, I ſhould have thought it neceſſary to have produced better evidence than this Bever, to prove that Robert Saltmaſh was either dead, or that the priſoner was not the perſon.

Slade. He came into the office and ſaid, he had wages due for the Swallow, he was aſked his name and he ſaid Robert Saltmaſh, then the books were opened.

Court to Slade. A very ſmall variation in the putting the queſtion will produce the ſame anſwer, as thus, if you had aſked this man, O, you apply for wages, in what name; that queſtion would have produced the ſame anſwer; then you would have ſaid, O you apply in the name of Robert Saltmaſh?——I perfectly recollect, for the men are crouding about the door, ſometimes an hundred, they come in two or three at a time, they aſk them what ſhip, ſuch a ſhip, what is your name, then they give the name, and then they turn to the books.

Court. In that caſe, after the name is given in, was there any thing further than the general queſtion; did you aſk him whether he was the man?—We aſked him if his name was Robert Saltmaſh, and he ſaid Yes.

Wade. It was repeated twice.

GUILTY **Death.**

Tried by the ſecond London Jury, before Mr. RECORDER.

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402. JOHN CROUCH was indicted for feloniouſly ſtealing, on the 6th day of April, one pink ſilk gown, value 20s. one pair of ſhoes value 12d. one linen ſhirt, value 2s. one handkerchief, value 6d. one waiſtcoat, value 2s. one pair of ſilk ſtockings, value 2s. the property of John Kingham.

JOHN KINGHAM *ſworn.*

I am a carrier from Eſher to London; I loſt the things mentioned in the indictment from the Cock in the Haymarket, on the 6th of April; I was employed to carry them on the 5th of April, I came up at night from Eſher, and I had theſe parcels with others; I did not know what was in it at that time; one parcel I brought from one Mrs. Crawley, and the other two parcels from William Crawley, I left them in the cart at the inn, and the next morning this man the priſoner got over the tops of the gates, and took them out.

But you did not ſee that?——No.

Only tell me what you know yourſelf?——I know them to be the parcels, I miſſed them the next morning at half after five, the priſoner was taken before I miſſed the parcels.

WILLIAM COLLINS *ſworn.*

I got up rather ſooner than ordinary that morning, about twenty-five minutes paſt five, and as I was coming down ſtairs there is a window looks into the barn where the cart ſtood, I ſaw the priſoner taking three parcels out of the cart one at a time, and he laid them down on the ground till he had got the whole three out; then he took them up and run up the gateway, I came down, it was about ſix ſtairs to the door, and I ſaw him put one parcel under the gate, he ſaid, here, James, take this parcel firſt; I ſaid I will take you firſt, and I run up and caught hold of him; when I ſpoke to him he threw the two parcels down which he had left, the third parcel was gone; the two parcels are here.

(The things opened.)

Court to Proſecutor. You do not know what was in the parcel?—Only as the perſon told me that ſent them.

Is that perſon here?——No.

PRISONER's DEFENCE.

I got up about half paſt five, I met a parcel of men that had been voting for Fox and Hood, I hallooed out, Fox for ever, and they knocked me down; then I ſaid, Hood for ever, and then they knocked me down again, and they took my hat and threw it over the gate, and I went for it.

Court. What are you?——A bricklayer, I have witneſſes to ſpeak for me, one Mr. Bowen.

(Mr. Bowen called, but did not appear.)

Court. Gentlemen of the Jury, theſe things are charged to be the property of Kingham, for being in his care and cuſtody, he had, in conſideration of law, ſufficient property to defend them againſt all perſons but the true owner.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. BARON EYRE.

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403. ANDREW GOUDRY was indicted for feloniouſly ſtealing, on the 19th of April, three ſhillings and eight-pence halfpenny, in monies numbered, the monies of John Wilſon.

JOHN WILSON *ſworn.*

I am a publican, I keep the Bear and Ragged Staff, the corner of Bear-ſtreet, Leiceſter-fields, the priſoner lodged at my houſe a full year and a quarter, or near a year and half; I miſſed money, and I put in about five or ſix ſhillings about three weeks ago, and about fifteen or ſixteen days ago; I do not recollect the day of the week, I firſt miſſed any ſoon after Lady Day; laſt Monday morning I miſſed the money mentioned in the indictment, a witneſs and I were together, I had ſet up for ſix nights to watch, and we planted ourſelves in a room where there is a glaſs door fronts the till, and we heard the priſoner between the hours of five and ſix go down ſtairs, and into the tap-room, then he turned out, and went into the bar; I immediately heard him unlock the till, and take out the money at three different times, and lock it again; I immediately went out and ſeized him.

Court. How much money had been in your till the night before?—Eight ſhillings in halfpence, and ſome of them marked; there were four of them that were marked which I can ſwear to, they are here; we took him to the watch-houſe, and there we ſearched him, we found four ſhillings in halfpence and two farthings, three ſhillings and eightpence halfpenny I miſſed out of the till.

Were any of theſe halfpence that you found in his pocket, ſo marked that you could know them?——Yes.

Were they the ſame halfpence you had of him?——Yes.

Have they been in your poſſeſſion ever ſince?——Yes, they were never out of this bag till this moment. *(The halfpence ſhewn to the Court.)* The crooked halfpence I know without the mark, two of theſe halfpence had marks on them, and I wrote down the marks in the paper before.

You are ſure you did not ſet down theſe marks ſince you loſt them?—Yes.

——— JONES *ſworn.*

I watched with the laſt witneſs, I ſet up with him; I heard the priſoner come down ſtairs and go into the tap-room, and come out of the tap-room and go into the bar, and unlocked the till and took out the halfpence, and locked the till again; I did not diſtinguiſh more than once, I heard the halfpence chink, I went in with the laſt witneſs and ſecured him, there were found in his pockets four ſhillings and three-pence halfpenny.

Priſoner. I have nothing to ſay.

Court to Proſecutor. What is this man?——He is a carpenter, I took him to be as honeſt a man as ever lived, I would have truſted him in any part of my houſe without the leaſt ſuſpicion.

Court to Priſoner. How comes you have nobody to attend here to give you a character.

Proſecutor. I believe him to be a very honeſt man except this; he had four guineas and a half in his box, and a dollar, and his maſter owed him four guineas.

Court. Is he a ſingle man?——For any thing I know, my Lord.

Priſoner. I am a married man.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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404. SAMUEL HAWKINS was indicted for feloniouſly ſtealing, on the 4th of April, four ſheets, value 20s. two blankets, value 8s. one large braſs mortar, value 2s. one peſtle, value 12d. two candleſticks, value 3s. twenty pounds weight of bacon, value 4s. four and a half yards of cloth, value 2s. the property of Thomas Sanders in his dwelling houſe.

THOMAS SANDERS *ſworn.*

The priſoner at the bar came the 2d of April to my houſe, and aſked for a lodging, he brought ſome meat in his hand, he ſaid, he had been making particular enquiry about me, my wife broiled his meat for ſupper, he went to bed about duſk, I was buſy at work; when I came in I told my wife he looked more like a thief than any thing elſe; he behaved very well that day and the next night; which was Saturday night, he went to bed very ſoon, and he got up that night and went out, my wife heard him.

You did not hear him?—No, I did not, on Sunday the 4th I got up very early, he had opened two doors, one of which was locked and barred; when I got up I found the door open where he ſlept, I thought he was a thief, and the things were taken that is mentioned in the indictment, and from the mantle-piece over the tap-room he had taken a very large braſs peſtle and mortar, and a pair of large candleſticks, I ſearched a little further in my hurry before I had any clothes upon me; he beſpoke a bit of bacon to keep him the next week, inſtead of which he had ſtolen all the bacon, and there was a parcel of pieces of linen put up in an old pillow caſe; there were three beds in the room he ſlept in, he had one to himſelf, one was empty, and the other a poor old man of fourſcore laid in, there were four ſheets and two blankets; when I came down in the morning, the door was unlocked, and he gone, and all the things gone, and the door ſhut after him, it was unbolted, the bar down, and the bolts drawn; I happened to go to Brentford market, and ſaw the priſoner; I found none of the things, the priſoner was taken up on the Tueſday following, about eleven, I took him near Turnham Green, going into the country; I took him to the Pack-horſe; the firſt thing I ſaid was, here you are, I have been many a mile after you, and I will ſwear to you, he ſaid nothing, but hung down his head.

THOMAS WATKINS *ſworn.*

I know nothing but ſtopping him on the road, he owned in coming at the top of the coach that he had the man's things, and that he had ſold them.

Was there any promiſes made uſe of?—No, he ſaid he had no accomplices, that he took away the things himſelf, and had ſold them.

Did not you tell him it would be better for him to confeſs?——I did not, and theſe things were found upon him at Bow-ſtreet Office, this cord, and here is a picklock key.

(The things depoſed to.)

PRISONER's DEFENCE.

The man took four guineas and a half from me, when I got up in the morning and the door was unbolted at the foot of the ſtairs, I heard a man in the back room, I thought it was the landlord, I got up at four in the morning, I called and had no anſwer, I paid the landlord over night, and went away in the morning without any anſwer at all; I have no witneſſes.

GUILTY

Of ſtealing to the value of 20s.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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405. JOHN TAYLOR and WILLIAM HOBBS were indicted for feloniouſly ſtealing, on the 6th day of March laſt, one bay mare price £4. the property of Richard Humphries.

RICHARD HUMPHRIES *ſworn.*

I loſt a bay mare on the 6th day of March laſt, off Finchley Common, I ſaw her a day or two before, I went home when I miſſed her, and one Seaſons brought her from London, ſhe was my mare.

WILLIAM SEASONS *ſworn.*

On the 6th of March, about 7 o'clock I was ſtanding at my door, I keep a publick houſe oppoſite the new Seſſions Houſe Clerkenwell-green? I ſaw the priſoner Taylor, leading a mare, and the other priſoner Hobbs was then on the pavement, he ſaid, bring it this way, we ſhall get more for it here than any where elſe; they led her down to Hockley in the Hole, to one Paris, a horſe boiler, I ſaw them both ſtanding at the gate, I then returned back to my own houſe from there, and called up my wife, and I went back and ſaw Mr. Paris coming, for where they boiled them is down Black-boy Alley, ſays I, Mr. Paris there is a horſe that is in your yard that is a ſtolen one, ſays he, the ſervant has ſent for me to look at him; I went with him and the mare ſtood there, and the men were over at the public houſe, I deſired Paris to aſk them ſome queſtions, the priſoner Taylor ſaid, he brought it from Hornſey, and that there was no fear of his buying the mare, for ſhe was worn out and broken winded, and very apt to lay down under a load. Mr. Paris ſaid, if they could bring any body to prove that they came honeſtly by the mare he would buy her, the priſoner Hobbs ſaid if you will go with me into Saint John's-ſtreet, I will bring witneſſes, they went into Saint John's-ſtreet and returned, I ſtood with the other not taking any notice that I was an officer, Paris returned, ſays he, Mr. Seaſons this young man bears a good character, I ſaid I was not ſatisfied, I returned and told the priſoner Taylor, ſays I, young man this is a ſtolen mare, and the man is in cuſtody, ſays he, I did not ſteal it myſelf but it was Hobbs that ſtole it.

What did you tell him would be the conſequence if he told you the truth?—In order to get it out of him whether it was ſo or not, I told him that if the horſe was ſtolen to go away, and he got up inſtantly, that was while Hobbs was gone with Paris, I then took the priſoner Taylor to my houſe, I ſaw Paris coming down I could ſee him out of my door, I handcuffed Taylor and took him to New Priſon, I met Paris with Hobbs, ſays I, Mr. Paris take hold of him, it is a ſtolen horſe, I put them both into New Priſon, I went and acquainted the Magiſtrates with what had paſſed, and they both owned that the horſe was a ſtolen horſe.

Did they ſay where they had ſtolen him?—They ſaid they took him from Finchley Common, I aſked them who it belonged to they ſaid they did not know.

Court. Was there any promiſes or threats made uſe of?—None only what I have mentioned.

Are you ſure of it?—Yes, I went to ſeek after the owner of the horſe, and at Holloway turnpike I ſaw a man who directed me to ſeveral people that were drinking, and when I told them, they ſaid, they ſhould as ſoon have thought of the beſt people in the country being guilty as them, they gave them a very good character, and upon that character I hope I ſhall be called.

JOHN CHERVILL *ſworn.*

I am a ſervant of Mr. Pariſh's, on Saturday morning a little before ſeven Hobbs offered me a horſe for ſale, ſo I aſked Hobbs the price of the horſe, he aſked fourteen ſhillings, with that I bid him half a guinea, and then eleven ſhillings, then he allowed it to me for twelve ſhillings, I told him I would have it at twelve ſhillings, with that Taylor ſaid that is too little; I bought the horſe of Hobbs for twelve ſhillings, I took the horſe out of Taylor's hands and I took it to the yard, I told them to go over to the publick houſe and there wait, and then I would come and pay them for it, in the mean time they were waiting I ſent for my maſter, and he came with a conſtable.

Are you ſure that theſe men are the young men that brought the horſe?—Yes.

What might that mare be worth?—She was in foal, I ſuppoſe three or four pounds.

How came you to bid half a guinea for her?—They told me that it was broken-winded, I had a ſuſpicion it was not *an honeſt horſe* and therefore I deſired them to wait, and I ſent for my maſter, this horſe was the ſame that Seaſons had from our yard.

Court to Proſecutor. Was the mare that Seaſons brought home to you yours?—Yes.

You are clear in that?—Yes, I had her about four years, ſhe had cropped ears, ſhe was a bay colour.

What feet had ſhe?—She had one white leg behind.

Any blaze on her face?—No.

Any ſaddle marks?—A little behind by the weight of the ſadle, a ſhortiſh mane and tail, a ſwitch tail.

PRISONER HOBBS's DEFENCE.

This Mr. Seaſons ſaid this young man was in cuſtody, and he put the handcuffs upon me, and he ſaid now I had the handcuffs on he would ſend me about my buſineſs.

Seaſons. He told me in the houſe oppoſite Haris's, and I did not put the handcuffs on till I got him to my houſe.

—— WOODWARD *ſworn.*

I am a butcher at Whetſtone, I have known both the priſoners ever ſince they were born, one is a collar maker and the other is a labourer's ſon, they are ſons of two widows, one of them has worked at his trade, and the other in the character of a gentleman's ſervant, he lived laſt with one Mr. Ellis in Whetſtone, I believe his maſter is gone abroad, I never heard a word amiſs of either of them before this, relative to thieving, or any thing of the kind.

—— COOPER *ſworn.*

I live at Whetſtone; I knew both the priſoners from children, I ſerved my time with Hobbs's father, I never knew either of them do any offence, they had both good characters.

JAMES SMITH *ſworn.*

I live in Whetſtone; I know them both from their infancy, they had both very good characters, I have never ſeen them at the publick houſe above four or five times, and they always behaved very well and very honeſt; when the conſtable came down, every body was alarmed to think they could be guilty.

THOMAS —— *ſworn.*

I live at Whetſtone; I knew them both theſe dozen years, both had good characters to the beſt of my knowledge, I never heard any thing amiſs.

—— MEUX *ſworn.*

I live at Whetſtone; I know them both, Taylor has an extraordinary good character, I do not believe he ever robbed any body of ſixpence, and Hobbs the ſame.

—— SPILLER *ſworn.*

I live at Whetſtone; I have known them from their infancy, they had very good characters, I ſuppoſe an hundred people would come and ſpeak in their behalf if required.

—— NIXON *ſworn.*

I live at Whetſtone, they bore very good characters.

Another WITNESS *ſworn.*

I have known them both ever ſince their infancy, I live at Whetſtone, I never heard a word a word againſt them, they had an extraordinary good character, I never heard a word againſt their parents, they are both widow women, left with a family of children.

WILLIAM HOBBS, } GUILTY Death.
JOHN TAYLOR, }

They were both humbly recommended to mercy by the Jury and Proſecutor.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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406. JAMES LOGAN was indicted for that he not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 29th of April laſt, with force and arms upon John Mealey, in the peace of God and our Lord the King then and there being, in the pariſh of St. John, Wapping, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault, and ſtrike, beat, and kick the ſaid John with both his hands and feet, in and upon the head, breaſt, back, and ſides, and other parts of the body of the ſaid John, and feloniouſly, wilfully, and of his malice aforethought, did caſt him down to and upon the ground, giving him then and there, as well by the ſtriking, beating, and kicking, in form aforeſaid, as by the caſting him down to and upon the ground as aforeſaid, ſeveral mortal ſtrokes, wounds, and bruiſes, of which the ſaid John died; and that he the ſaid James feloniouſly, wilfully, and of his malice aforethought did kill and murder the ſaid John, againſt his Majeſty's peace.

The ſaid JAMES LOGAN was alſo charged on the coroner's inquiſition for feloniouſly and wilfully killing and ſlaying the ſaid John.

JAMES ROSE *ſworn.*

Court. Were you in company with the priſoner and the deceaſed any time on Friday evening?—I ſaw them between twelve and one on the Friday drinking together.

At what houſe?—At the White Swan Eaſt Smithfield, I ſaw them again at three o'clock, that was the place where they fought, in the place called new Rag-fair in the ſtreet.

Who elſe was in company with them?—Nobody but a girl that the deceaſed cohabited with.

You left them drinking together?—Yes.

Where did you ſee them next, and at what time?—Nigh upon three o'clock near the Anchor and Crown, the back of the Swan in new Rag-fair.

Were they together then, or did you ſee them meet?—They were together.

What paſſed between them?—I cannot tell what the deceaſed ſaid to the priſoner, I did not hear what it was, but the priſoner replied to him, and ſaid ſhipmate do not uſe me ill, what have I done, with that the deceaſed made no anſwer that I heard, but ſtruck at him.

Did the priſoner return the blow?—No, he ſaid he had rather drink with you than fight, and I will give it up to you, by that time there came up two ſoldiers and another man together, who ſaid fight it out my lads, and we will ſee fair play and treat you with a ſhillings worth, with that they both ſtripped into their *buff* to fight.

What happened after that?—At the firſt blow the priſoner's foot ſliped and he fell at the deceaſed's feet, and there was no more falls between them, but they kept fighting as hard as they could.

How long did they fight?—Three or four minutes.

The deceaſed was not down at all?—No.

How were they parted?—Two or three people went and parted them.

Did they fight with their fiſts?—Yes.

Had the priſoner any weapon of any kind?—No.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 21ſt of APRIL, 1784, and the following Days;

Being the FOURTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of James Logan.

What became of them after they were parted?—The deceaſed went with the woman where he lodged to her lodgings, and the priſoner went to the Swan alehouſe again, and called for ſome beer, and before the beer was drank, the out-cry was the man was dead, that was about ten minutes after.

Did you ſee the man after the deceaſe? —No, I could not get in, the door was ſhut, I did not ſee him after he was dead.

From what you heard there was no provocation given by the priſoner at all?—Not as I heard.

And he declined fighting after the other had ſtruck him?—Yes.

ANN ROSE *ſworn.*

Were you preſent at this quarrel?—Yes.

Did you ſee the beginning of it?—I was not at the beginning of the firſt words, I was going to my huſband, and as I came along, I ſaw the deceaſed and the priſoner at variance together; I ſaw the deceaſed ſtrike the priſoner.

What happened after that?——I heard the priſoner ſay ſome few minutes after that, ſhipmate, do not uſe me ill; the deceaſed did not anſwer, he ſeemed very much in liquor; after that there was a few blows paſſed on both ſides.

How came blows to paſs?——By the deceaſed I believe ſtriking the priſoner firſt; I ſaw him ſtrike him as I paſſed.

How came they to fight afterwards?—I cannot tell, I ſaw them fight.

How did they fight?—I heard no words paſs, but after that they ſeemed pretty ſociable, and were going away together, and after that came up two ſoldiers and a gentleman, and the gentleman ſaid, fight it fairly, and I will give you a ſhillingſworth; after ſome time I ſaw the deceaſed come up, and take away his clothes, but what happened after that I cannot ſay.

MARY FRYER *ſworn.*

I was in the public houſe when theſe two men came in drinking, that was about eleven in the morning when I ſaw them firſt, and as they were drinking, this man's girl came in, and they fell out about her, and ſo he went out at the back door, and the other followed her out at the fore door; and this man that was here ſaid he would go out and give them a good licking, and that is all that I ſaw about it, I ſaw nothing of the fight at all.

Did you ſee the deceaſed after?——No.

JOHN SADLER *ſworn.*

I know nothing of the fight between the deceaſed and the priſoner, I apprehended the priſoner, he was very agreeable to come as ſoon as I went; I ſaw the deceaſed after he was dead, but I did not ſtop to ſee any thing about any marks of violence.

EDWARD EWER *ſworn.*

I know nothing concerning the matter, I am only bound over to carry on the proſecution for the pariſh.

Court. Is there any body here that examined the deceaſed, to know the cauſe of his death?——Yes, the ſurgeon is here.

——— LESLIE *ſworn.*

Court. I ſuppoſe you know nothing of the fact further than examining the body of the deceaſed?—No, I examined the body very ſtrictly; I examined the head, and there was no kind of violence, but on the breaſt, between the belly and breaſt, near the heart, there were different bruiſes, like as if it was the knuckles of a hand; there might be about five or ſix, I examined him further, and found he was troubled with a rupture, but that was not the occaſion of his death, that was in a perfect ſtate; I opened the body, and when I opened the body in the internal part of the belly, I found a large portion of coagulated blood, and I went to the breaſt to ſee if I could find any thing there, it was perfectly clear of blood, but by the different contuſions of the lungs, they were bruiſed ſufficiently.

Did you diſcover what veſſels were broke?—In the belly I examined the veſſels, and there I found one particular veſſel was broke, my opinion therefore is, that he could not reſpire freely, but died in a very languiſhing ſtate, and I am of opinion that theſe bruiſes were the cauſe of his death.

PRISONER's DEFENCE.

I have nothing to ſay, any further than I am a ſtranger in this place, and came here for my wages, I never was here in my life before.

Court. Gentlemen of the Jury, this caſe does not ſeem to be attended with much doubt or difficulty; it is proved by the ſurgeon, that the bruiſes which this man received were the probable cauſe of his death, therefore the priſoner has by theſe bruiſes been the occaſion of this misfortune; but the circumſtances of the caſe exclude all idea of premeditated malice, or of that general malignant diſpoſition which the law will conſtrue into murder; it is the effect of a quarrel, intirely ſet on foot by the deceaſed; the deceaſed followed them with a declaration, he would give them both a good licking, and the anſwer of the priſoner in New Rag-fair was a peaceable one, ſaying, ſhipmate, do not uſe me ill; notwithſtanding which, the deceaſed ſtruck him; but even after that the priſoner declined fighting, and ſaid he would rather drink with him than fight; and ſo it ſeems they would have parted, if ſome malignant people had not encouraged them to fight again; that appearing clearly upon the evidence, you cannot altogether acquit the priſoner of blame, though clearly the caſe does not go further than manſlaughter, nor is it a very unfavourable caſe of that kind.

GUILTY

Of manſlaughter on the coroner's inquiſition.

To be burnt in the hand and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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407. **NICHOLAS TODD** and **GEORGE KAYTON**, otherwiſe **CLAYTON**, were indicted for feloniouſly ſtealing, on the 17th day of March laſt, eleven linen ſheets, value 50s. four cotton ſhirts, value 42s. one waiſtcoat, value 3s. two linen handkerchiefs, value 1s. 6d. one ſilk handkerchief, value 2s. the property of William Watſon, in his dwelling houſe.

WIL-

WILLIAM WATSON *ſworn.*

I am a bricklayer in Swallow-ſtreet; I only know that my houſe was robbed on the 17th of March; I went to put up ſome lines for ſome clothes that had been waſhing, my wife went to hang up ſome clothes and take down ſome others between ſix and ſeven, ſhe went up into the one pair of ſtairs front room where the lines were, and ſhe came down ſtairs and fainted away; ſhe got it out, the room is robbed! ſhe inſtantly fell down and fainted away; I took the key out of her hand, and went up and opened the door, and the lines I had put up were all cut excepting one, and that one had ſome coloured aprons hanging upon it, and that was left; all the ſhirts were gone except one that was left, and a waiſtcoat that dropped down by the window; I told my caſe, and on the 19th, I ſaw in the newſpaper a deſcription that anſwered my marks; I went to the conſtable and told him what I had.

JOHN MOORE *ſworn.*

I was along with Burley and Todd going up Swallow-ſtreet, and we ſaw theſe windows open, and linen hanging in the room up one pair of ſtairs; Burley is a boy, and he got into the room by the help of the lamp iron, and he was two hours in the room.

Court. What was he doing there for two hours?——I do not know, we thought he was apprehended, and I went down to Clayton to his lodgings, I bid him come down to help the boy out of the room, and he came with three more, and hallooed to the boy, and he came out of the room and chucked the property out.

Where was Clayton?—At his lodgings in Peter-ſtreet.

Who were the other three?——I do not know, they were ſtrangers to me.

How did the boy get down?——By the help of the lamp iron.

What did he ſtay ſo long for?—Becauſe he ſaw ſome people oppoſite that he thought ſaw him.

What time of the day or night was it?—About ſix o'clock.

Who took the things?——One of the ſtrangers that came up; we carried them down to the lodging where Clayton and I lodged, then we parted them into three parcels, and brought them away to ſell them in Field-lane, juſt by, I do not know the houſe.

How was the money to be divided?—It was to be divided amongſt us all.

Amongſt not only the firſt three but the others that came up?——Yes.

Did you go to ſell them?—Yes, and the people would not buy them; coming up Cow-lane, Todd and I were apprehended by the patrol.

Where was Clayton at that time?—He went away to his lodgings, he ran away from us.

WILLIAM CONWAY *ſworn.*

I was doing duty in Cow-lane, I am a watchman; as I was ſtanding at the door where the ſtand is, there were three men came paſt me, the two firſt with a bundle in each arm, the evidence was the laſt man that came after, he had a bundle under his arm, that led me to a greater ſuſpicion becauſe they were looſe; I gave information to two patrols acroſs the way, they immediately ſtopped the firſt, and I kept behind; as ſoon as they ſaw me, the evidence went to make a run, I immediately accoſted him, and as he run I happened to ſlip down, he got a little from me, a young man croſſed upon him and tripped him up; he never was out of my ſight the whole time; I took ſome of the linen from under his arm, and the reſt he ſeparated about the place; I took him up and took him to the watch-houſe; one of the patrols took Todd, but the other made his eſcape; between ſix and ſeven in the evening I went with the evidence to ſecure Clayton, I met him in Crown-court, Soho; a young man ſaid to me, is that the man? ſays I, I am certain ſure that is the man, I had a full view of his face.

Are you ſure now that he is the man?—Yes; when I firſt accoſted Clayton, we found a piſtol upon him, loaded with powder and ſlugs, ſquare pieces of lead.

(The things produced.)

EDWARD RYLAND *ſworn.*

I am one of the patrol, I took Todd and this bundle.

How many were there along with him?——Two more, which were the evidence and Clayton.

Do you know that Clayton was the third?—He was the third, I ſearched him and found this handkerchief, which the proſecutor owned to be his, in his boſom next to his ſkin; I know no more of it.

FRANCIS SMART *ſworn.*

I am one of the patrol, I helped to take theſe people Todd and Clayton, I am ſure Clayton was one.

JOSEPH CLIFFORD *ſworn.*

I was along with Conway at the apprehending of Clayton in Crown-court, and we found this piſtol in one pocket, and this handkerchief, which the proſecutor has ſworn to, in the other pocket.

SAMUEL ROBERTS *ſworn.*

When the priſoners was apprehended, they were brought to the watch-houſe, and each of theſe bundles were given into my charge as from the different priſoners; when the examination was on the Thurſday the evidence was remanded till the next day, and he was admitted an evidence; and I went with the other and apprehended Clayton; this piſtol was delivered into my charge, I unloaded it, and there was a charge in it half way; firſt we drew up one charge of powder and pieces of lead, then another charge of powder and another piece of lead.

(The things depoſed to.)

Court to Proſecutor. Look particularly at that handkerchief that was found in Clayton's pocket.——It is my property, I have the fellow to it.

You can only ſay you believe it to be your property?——I do not ſuppoſe there are two more ſuch handkerchiefs in the city of London, I had ſeven in one piece, they are India; I can ſwear to all the linen except one ſhirt.

PRISONER TODD'S DEFENCE.

I know nothing of the robbery, I was coming down Holborn, and that man and another man was talking together with bundles under their arms, and that man tapped me over the ſhoulder, and aſked me where he could get a coach, he ſaid he was a ſtranger, we went in and had a glaſs, he threw down a guinea; and as we were going to Smithfield his apron came looſe, he deſired me to lay hold of this bundle while he tied his apron up, and as he was tying his apron up, ſome men croſſed immediately, he threw the bundle down and run away; I looked back for that man, and he was gone; they caught hold of me, and ſaid they would cut me down; I let the bundle fall: if I had been guilty of the robbery I ſhould certainly have ran away as well as the reſt. That is not the handkerchief he took from me; I had been ſeven years abroad.

The priſoner Todd *called three witneſſes, who gave him a good character.*

GEORGE CLAYTON'S DEFENCE.

I know nothing of it; I ſerved my time to that man Moore the evidence, he is a ſhoe-maker, and after I was out of my time he cut me moſt terribly with a knife acroſs the face; I was ill ſix weeks, and my ſhopmates adviſed me to take the law.

Court. How came you by that piſtol in your pocket?—I brought it from ſea with me.

What, ready charged?——We brought it up charged, me and the reſt of my ſhipmates.

How came you by that handkerchief?—It is not his handkerchief, if you look cloſe into it you will ſee it is different: I have nobody to ſpeak for me, the fitteſt man I have to ſpeak for me is Moore, which I do not expect.

Court to Moore. Are you a ſhoe-maker?—Yes, I am, and he ſerved with me ſome part of his time.

How much?—I ſuppoſe about a twelvemonth.

NICHOLAS TODD, } GUILTY
GEORGE KAYTON,

Of ſtealing, but not in the dwelling houſe.
To be each tranſported ſeven years.

Tried by the firſt Middleſex Jury, before
Mr. Baron EYRE.

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408. WILLIAM TUCKEY, and FRANCIS GARDENER, were indicted for feloniouſly ſtealing, on the 4th day of March laſt, twenty buſhels of coals, value 20s. the property of William Wright.

WILLIAM WRIGHT *ſworn.*

I am a coal merchant; all I have to ſay is hearſay, I ſaw nothing.

THOMAS ARMSTRONG *ſworn.*

I know I loaded a barge belonging to Mr. Wright the 3d of March, on board the Charming Sally, Captain Robinſon, and I put her the ſame afternoon along ſide of the George and Jane, Captain Marſhall, with intent to load her up the next morning, ſhe was not quite loaded; I went to load her the next day, and when I came, I found coals gone out of the barge; ſhe lay at King James's-ſtairs.

THOMAS SPATE *ſworn.*

On the 4th of March, about three in the morning, I ſaw three boys in a wherry with coals, I rowed up to them, I went into the boat to ſee who they were, ſuſpecting the coals were ſtolen, the boat was off Pelican-ſtairs, where there is nothing but empty craft lay; it was a common wherry.

How long had you obſerved them before you went on board their boat?——About ten minutes, I knew Tuckey and the other, but I could not call him by his name, they were all three in the boat together.

Did you aſk them any thing reſpecting theſe coals?—I aſked Tuckey whether the boat belonged to him, and he ſaid yes; they ran away out of the boat as ſoon as I came in.

Court. How did they get off?——They went over the light craft.

How far was the place off where you ſaw the loaded wherry to the ſtairs?—The ſhip lay in the tier oppoſite.

Mr. Sylveſter, Priſoner's Council. Tuckey is an apprentice, is not he?——I believe he is.

WILLIAM ELBY *ſworn.*

Being informed that a boat load of coals was ſtopped, I apprehended the priſoners.

Did any thing paſs?—I ſaid to Tuckey, you will not leave off theſe old tricks you are going on with; I took Tuckey, and the other priſoner, and the evidence, all out of one bed; Tuckey told me he had theſe coals out of a lighter, and the number he could not tell.

Was Eaton preſent at that time?—No.

Was the other perſon?—No.

Mr. Sylveſter. They all knew you were a runner to one of the juſtices?——Yes.

THOMAS EATON *ſworn.*

Mr. Garrow, Council for the Proſecution. Tell the Court in your own way what you know of this boat of coals?—About twelve or one, the two priſoners and me took a ſculler out of the houſe where we lodge, No. 48, Palmer's-ſtreet, Ratcliff-highway, and went down to New Crane-ſtairs, the bottom of New Gravel-lane, when we came there we found a boat adrift, we all three ſtepped into her, and put the ſculls into her, and rowed up to Wapping-new-ſtairs, and finding there was no coals there, we rowed down again, and found this boat of Mr. Wright's, and ſtepped into her, and made the boat faſt, and handed the coals out; we were rowing for ſhore, and ſeeing a wherry go paſt, we were dubious; we went in between ſome craft as they ſhould not ſee us, and Mr. Spate ſaw us, and we all three jumped out of the boat, and he ran after us, and he ſaid to Tuckey, what you will not leave your old tricks; we all went into a light craft and ſhoved her on ſhore;

we were all aprehended the ſame morning about eight.

Mr. Sylveſter. Was it light or dark?——It was moonlight.

Then Mr. Spate never was within five or ſix yards of you, was he?——He was atop of ſome craft ſtrand, and we were jumped into a wherry that was under it.

PRISONER TUCKEY'S DEFENCE.

We went to Deptford, and got a caſt, and we ſaw this boat adrift, and the man came and took us.

The priſoner Tuckey called two witneſſes to his character.

PRISONER GARDENER'S DEFENCE.

This young man lodged in the ſame houſe as I did, and there was a merry-making, and he aſked me to go along with him down to Deptford, to ſee his acquaintance home, and I went with him, and coming back, we got a caſt over the water, and we ſaw this boat loaded with coals, the waterman put us into the boat, and we rowed her on ſhore.

Court. What are you?——I go to ſea.

Court to Elby. What is Tuckey?—I only know him him for theſe little tricks.

WILLIAM TUCKEY, } GUILTY.
FRANCIS GARDENER, }

To be each tranſported ſeven years.

Court. Can Gardener bring any body to ſpeak for him?

Gardener. I came home from ſea, and both father and mother were dead.

Tuckey. I am Tuckey's father, my Lord.

Court. I am very ſorry for it.

Tuckey. I cannot help it; ſhew him a little lenity, my Lord.

Court. What can we do with him, Mr. Tuckey, to ſave you more regret? if I could put him out of the way of more miſchief, and accomodate his caſe to your feelings, I ſhould be very glad to do it.

Tuckey. I will ſend him into the country, down to my friends, my Lord, he is a young freſh boy, led away with bad people.

Court. Can you ſend him abroad?—Yes, I can ſend him to the Eaſt or Weſt Indies.

Court. I have no objection in the world, if you will ſatisfy the Recorder that he ſhall be ſent to the Eaſt or Weſt Indies, but I will not agree to it upon any other terms but his going abroad.

Tried by the firſt London Jury before Mr. Baron EYRE.

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409. JANE JONES was indicted for feloniouſly ſtealing, on the 25th of February laſt, one black ſilk cloak, trimmed with lace, value 8s. one white Marſeilles petticoat, value 8s. two pair of ſilk ſtockings, value 4s. one velvet cloak, value 8s. three ounces weight of ſilk and ſilver trimmings, value 12s. and one linen handkerchief, value 12d. the property of Thomas Thredder.

THOMAS THREDDER *ſworn.*

I live in Marybone-ſtreet, Golden-ſquare, I am a coach-maker; I loſt the things mentioned in the indictment on the 25th or 26th of February laſt, out of the drawer in our bed room, and part out of another room; the priſoner was a waſher and chair woman at the time, I went and ſearched her lodgings, and I found ſome of the things at a pawnbroker's, his name is Hill.

——— HILLS *ſworn.*

I live with Mr. Hills in Carnaby-ſtreet, I have a cloak, a petticoat, and two pair of ſtockings, which were pledged with me by the priſoner at the bar at different times in January and February.

(The things depoſed to by Mr. Thredder.)

ARCHIBALD RUSHTON *ſworn.*

I went with the proſecutor to ſearch a perſon's lodgings whom I do not know, we did not find any thing there; we enquired round the neighbouring pawnbrokers, and about two on the Friday, he ſent a letter to Mr. Bond, to deſire the favour of him to come to him again, for in the mean time he had found two more drawers open; I went down and ſtaid till the priſoner had done dinner; I ſpoke to her in the kitchen, on ſearching her I found in her right-hand pocket this ſilver lace or trimming; on further ſearching her, I found between her ſtays and her ſhift, this velvet cloak and this pocket hankerchief, I queſtioned her how ſhe got them, ſhe ſaid ſhe found them coming to Mr. Thredder in the morning, juſt by Marybone-ſtreet.

(Theſe things depoſed to by Mr. and Mrs. Thredder.)

Priſoner. I have nothing to ſay, I leave it to the mercy of the Court.

GUILTY.

Proſecutor. My Lord, I wiſh you would be favourable to her, ſhe has been brought to bed of a dead child ſince.

Upon the recommendation of the Jury, to be privately whipped and impriſoned in Newgate one month.

Tried by the ſecond Middleſex Jury, before Mr. BARON EYRE.

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410. DANIEL STEVENS was indicted for feloniouſly ſtealing, on the 8th day of April laſt, eight ſilver table ſpoons, value 4l. the property of George Napier, Eſq; in his dwelling-houſe.

GEORGE NAPIER, Eſq; *ſworn.*

About a fortnight ago one of my ſervants informed me there were two ſilver ſpoons miſſing, and on further examination I found there were ſix miſſing in all, of a particular ſet, that happened neither to have arms nor cypher on them, but which were very eaſily known, from a flaw in the mould in which they were caſt; the priſoner had been three months in my ſervice, but had been ſent away, but came very often to my houſe, he had been diſcharged about the 26th or 25th of November; he came to me in Auguſt; he came to ſee his fellow ſervants frequently, and on the day the ſpoons were miſſed I was told he was in the houſe; a pawnbroker who is here I was informed had five of theſe ſpoons, he had taken up the priſoner before, but he was diſcharged as nobody had appeared againſt him.

ALEXANDER M'DONALD *ſworn.*

I am ſervant to the proſecutor, the priſoner was that morning at the houſe of the proſecutor.

JAMES ALDER *ſworn.*

I am a Pawnbroker in Berwick-ſtreet Soho, I have five table ſpoons; on the 8th of April the priſoner at the bar brought two ſilver ſpoons, he told me he wanted the ſame money on theſe as he had on three before, and on enquiring I found that there had been three table ſpoons taken of him, I aſked him what he was, he ſaid he was a gentleman's ſervant, he ſaid he lived in Oxford-ſtreet at the Crown alehouſe, I went there and aſked the landlord if the priſoner did lodge there, and the priſoner ſaid to the man you know I do lodge here, I ſaid to the man tell me whether he does or not, the man ſaid he comes here, but he does not lodge here; then not being ſatisfied with him I took him down to the Magiſtrates in order to find out the owner of the ſpoons, and he was remanded till the evening, he gave an account of ſeveral gentleman's families that he had lived in, and he was diſcharged on ſome perſons undertaking to produce him when he ſhould be called for.

Are you ſure the priſoner is the man? —Yes.

Mr. Napier depoſed to the ſpoons, and ſaid he was perfectly ſatisfied as far as it was poſſible to identify any thing of that kind.

M'Donald. Thoſe are my maſter's property.

PRISONER'S DEFENCE.

I bought the ſpoons of a Jew in Holborn, I bought half a dozen.

Court. What probable account can you give to the Jury of the purpoſe for which you ſhould buy theſe ſpoons of a Jew in Holborn?—The day I came away from Sir Gilbert Elliot's I went up Holborn, and a man aſked me to buy a bargain, I thought as I was a ſervant out of place if I could get a ſhilling or two it would be a very good thing, I went in with him he had ſome nice muſlin.

Court. Where was this?—It was at a publick houſe.

Court. What publick houſe?—I ſhould know the ſign if I was to ſee it again, it went down two ſteps, he aſked me five guineas for them, ſays I that is too much I will give you three pounds; the man ſaid he would not take it, he ſtopped me as I was going out, and I told him I would give him three pounds and ſixpence for them, and he ſaid I ſhould have them, I meant to make them a preſent to my brother who is in buſineſs at Bath; but money running ſhort I was forced to pledge the ſpoons, and I told the pawnbroker I bought them.

How came you to tell the pawnbroker you lived at that publick houſe?—That was where I lived when I was out of place, and there I could be met with at any time.

Court. Now call your witneſſes?—My witneſſes are not come, I have ſent for them, they told me they would come as quick as poſſible.

Court. You have amuſed us now for two days with that ſtory.

Court. Gentlemen of the Jury, the difficulty with reſpect to the marks of the ſpoons might have been material in the priſoner's favour, if he had given any account of the manner how he came by them; as to the ſtory of buying them of a Jew, you know the manner how he came by them; but, a Jew does not part with ſilver for leſs than the value; it will be a queſtion whether the whole of the capital part of the indictment is proved, the value of all theſe five ſpoons taken together might poſſibly amount to more than 40s. but there is reaſon to ſuppoſe that they were ſtolen at different times, indeed it appears with certainty from the pawnbroker's account that they were not all taken at one time, and it would not be a reaſonable thing to add up theſe three felonies together, in order to increaſe the priſoner's charges.

GUILTY

Of ſtealing to the value of 39s.

Priſoner. Lord Sydney will give me a character, or Sir Gilbert Elliot.

Court. I do not know whether that is not an aggravation of your offence, becauſe by means of a good character you have taken an opportunity of plundering your maſter.

To be privately whipped, and confined to hard labour ſix months in the houſe of correction.

Tried by the ſecond Middleſex Jury, before Mr. BARON EYRE.

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411. JAMES GARDNER was indicted for feloniouſly ſtealing on the 22d of January laſt, five wooden caſks value 3s. 700 pounds weight of butter, value 15l. the property of William Shakeſpeare and Francis Kayſall.

The witneſſes examined apart at the requeſt of the priſoners.

FRANCIS KAYSALL *ſworn.*

On the 22d of January, I think it was, a warehouſe belonging to me and my partner in Vine-ſtreet, Bloomſbury, was broken open, and five caſks of butter ſtolen out; it was in the evening after dark, the warehouſe was made faſt at dark, it was locked and padlocked and a ſtaple on the outſide, two days after I went to the Rotation office in Litchfield-ſtreet, and there were two caſks that were proved to be my property.

ANN MILFORD *ſworn.*

The priſoner rolled two tubs of butter into my yard the 26th of January, about three months ago I think it was.

How came you to fix on the 26th of January?—I know to day is the 23d and it is about three months ago, I apprehended it was on Thurſday about a quarter after ten, I live in Banbridge-ſtreet,

Do you keep a public houſe?—No, a chandler's ſhop.

How could he roll them into your yard?—The door was open and the lodger in the houſe came in with him, he rolled them through the paſſage into the yard, I told my daughter to go and ſee what it was, and in the morning I went to ſee what it was and it was butter, I then went down to the office, and they told me to take care of it till they ſent to me, which I did; when the priſoner came he was ſtopped.

RICHARD FORD *ſworn.*

I know no more only the ſtopping the priſoner when he was going to take away the butter out of the yard, he had it upon his knee taking it out, that was between ſix and ſeven on the Friday evening, I do not recollect the day of the month, I told him he muſt not take away, and he aſked if I would let William Leach have it, I ſaid I did not know but I might, I ſtopped him, he is a Lamplighter.

LUCY SPEEN *ſworn.*

About a quarter after ten he brought the butter in, I heard a noiſe and I aſked what it was, I live with Mr. Milford in High-ſtreet; after he was gone I went to ſee what it was, and it was two tubs of butter, the caſks were taken to the Rotation-office by Grubb.

Court. Have you any body here to prove that the caſks are the ſame.

Ford. I marked them with a knife in ſuch a manner that I could know them again. (*The caſks depoſed to.*)

PRISONER's DEEENCE.

They only ſwear to me for the ſake of the money, nothing elſe, it is all falſe that they ſwear.

The priſoner called four witneſſes who all gave him a good character.

GUILTY

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

412. **DAVID LOGAN** was indicted for feloniouſly ſtealing on the 31ſt of March laſt, twenty pounds weight of raw ſugar, the property of James Gaſcoigne.

SAMUEL WEBB *ſworn.*

I am a labourer, coming down Thames-ſtreet, Porter's-quay gateway, I looked up the area, and ſaw the priſoner coming out of the buildings, I perceived he was loaded with ſugar, all round him, I had him ſecured and found ſugar about him, to the amount of twenty pounds weight, it was ſtowed round him inſide his jacket, between the lining and the cloth, afterwards we took him into the buildings, and he ſhewed a hogſhead out of which he took it, I aſked him if he was poſitive he took it out of that hogſhead, he ſaid yes; the proſecutors are the proprietors of the wharf.

PRISONER's DEFENCE.

I was coming down the gateway, and I ſaw a man come out of the door, and he dropped that ſugar, and I took it up, and I was going away, and that man took me up.

What are you?——A ſailor.

Have you any friends to ſpeak for you?——No.

Jury. How was the ſugar ſtowed?——Looſe withinſide.

THOMAS HUNTER *ſworn.*

Mr. Gaſcoigne ſent for me and gave me charge of this man, I ſearched him and took the ſugar between the outſide and lining of his jacket, on ſearching him further I found this key, which opens the lower lock of the warehouſe, and I found a gimblet in his pocket; this is an old key that had been filed on purpoſe to ſuit the lock, it opens this lock, which was the bottom lock of the warehouſe.

Court. I thought he had been only a common thief that had plundered a hogſhead that happened to be open, but he turns out to be a worſe man a great deal.

GUILTY.

Tranſported for fourteen years.

Tried by the firſt London Jury, before Baron EYRE.

413. **MARY ALLPORT** was indicted for feloniouſly ſtealing on the 6th day of May laſt, twenty-three pair of women's leather gloves, value 20s. the property of George Jennings.

And **JOHN CARROLL**, otherwiſe **CANNON** was indicted for feloniouſly receiving the ſame, knowing them to be ſtolen.

GEORGE JENNINGS *ſworn.*

I live in the Strand, I loſt ſome gloves at different times, I am a manufacturer of gloves, I deal pretty conſiderably in the wholeſale way, and my manufactory is pretty well known by the dealers, I received information by a letter on the 21ſt of February, where ſome of my gloves had been offered for ſale, the gentleman with this letter ſent me a pair of mittins, deſiring me to ſee whether they were my manufactory, I went in conſequence of this letter next morning to this gentleman's houſe in Oxford-ſtreet, his name is Andrews, I found there eleven pair of mittins which this gentleman had bought, which are here, and are mine.

Did you loſe any mittins?——Yes.

Did you find any thing elſe?—When I ſaw them I knew them to be my manufactory, and I deſired the gentleman to ſtop the perſon that brought any more, about a week afterwards Mr. Andrews ſent to me again, he having ſtopped a dozen pair of mittins.

FREDERICK ANDREWS *ſworn.*

I am a haberdaſher and glover, the man priſoner at the bar brought me on the 20th of February theſe eleven pair of mittins about ſix in the evening, and offered to ſell them to me, I purchaſed them, he aſked me eight ſhillings and ſix pence for them, I aſked him if he made them, he told me yes, I gave him the eight ſhillings and ſixpence, and took the gloves, he went away and ſaid he could bring me ſome more on the Monday morning; after he went away by looking over the gloves, I thought them better than I thought them at firſt, and that he had ſold them rather too cheap, and upon examining them I found Mr. Jennings's mark, which I knew by comparing them with ſome others that I had of him, I immediately wrote a letter to Mr. Jennings, who came to my houſe, and deſired me if the man came again to ſtop him and ſecure him.

When did he come?—Not till the 6th of March, and then he brought this other dozen, I immediately ſtopped him and ſent for a conſtable.

Theſe are the ſame gloves that Mr. Jennings has ſpoke to, and you received of the priſoner at the bar?—Yes, they have not been out of my poſſeſſion ſince.

Court. This man is indicted as an acceſſary after the fact; is there any evidence againſt this woman?——Only her owning that ſhe ſtole them at the office, the man told where he got them, that the priſoner gave them to him in conſequence of which we ſent to the woman priſoner, they cohabited together at firſt they ſaid they were married, then they ſaid they were not.

How did your converſation ariſe?—The Juſtice aſked her where ſhe got them.

I want to know the very words, did you ſay any thing to her that it would be better for her to confeſs?——No promiſe of any favor.

What did you ſay?——I think the Juſtice in general put the queſtion to her, the Juſtice aſked her how ſhe came by them, and ſhe ſaid ſhe had ſtole them of Mr. Jennings, and the laſt dozen ſhe had ſtole that week, the man was there at the time.

Was Mr. Jennings there at the time?—Yes, and ſhe ſaid this of her own accord in the manner that has been mentioned, I aſked her when ſhe ſtole the laſt dozen, and ſhe ſaid the laſt week.

Did you hear any promiſes whatever that ſhe ſhould not be proſecuted, or any thing of that kind?——No.

PRISONER ALLPORTS DEFENCE.

My Lord it is a falſe indictment, for I was uſed ſo ill at the Juſtices that I did not know what I ſaid, I never was before a Juſtice before in my life.

Jury. This woman works for you?—She did at that time work for me.

PRISONER CARROL'S DEFENCE.

I called at the appointment of this woman, ſhe aſked me to diſpoſe of theſe things, and ſhe would pay me for my afternoon's work, ſhe told me ſhe bought them which I believe ſhe did, I know ſhe uſed to deal in ſuch things, I know no more of it than that.

Mr. Jennings. I underſtood they were man and wife, ſhe always went with me by the man's name, they lived together, but when ſhe come before the Juſtice, the Juſtice wanted to ſift out where and when ſhe was married, and it came out ſhe was not married; theſe gloves are completely finiſhed and muſt have been taken from papers of three or four dozens together.

Priſoner Allport. I have not ſent for any witneſſes yet.

Priſoner Carroll. I am poor and have no acquaintance in town.

MARY ALLPORT GUILTY.

To be privately whipped and confined to hard labour twelve months in the houſe of correction.

JOHN CARROLL GUILTY.

Tranſported for fourteen years.

Tried by the ſecond Middleſex Jury before Mr. JUSTICE NARES.

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414. MICHAEL LEE was indicted for feloniouſly aſſaulting John Ferdinand Dalziel Smith, Eſq; in the King's highway on the firſt of March laſt, and putting him in fear, and feloniouſly taking from his perſon and againſt his will, one gold watch, value 26l. one ſtone ſeal ſet in gold, value 20s. one linen handkerchief, value 2s. and five guineas in monies numbered, his property.

Mr. Smith gave an account of his being huſtled in the croud on St. David's day, between twelve and two, and that one man held up his hands for ſix or eight minutes whilſt his pocket was picked; but there being no evidence to affect the priſoner, he was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. BARON EYRE.

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415. MARIA GARDINER was indicted for feloniouſly ſtealing on the 4th day of April, one ſilver watch, value 30s. one pair of knee-buckles, value 2s. three half guineas, valued 1l. 11s. 6d. and twelve ſhillings in monies numbered, the property of William Robinſon, in the dwelling houſe of Thomas Shaw.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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416. DANIEL WARD and WILLIAM O'NEALE were indicted for feloniouſly ſtealing on the 6th day of March laſt, one Ham, valued 10s. the property of John Hornblow.

BOTH GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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417. THOMAS BREAZE was indicted for feloniouſly ſtealing on the 24th day of March laſt, 40 yards of brown Scotch canvas, value 10s. the property of Thomas Jones.

GUILTY.

Whipped, and impriſoned ſix months in the houſe of correction.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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418. THOMAS NEWBY was indicted for feloniouſly ſtealing on the 23d

day of January laſt, one ivory rule, value 5s. and one linen handkerchief value 1s. the property of John Gordon.

GUILTY 10d.

Privately whipped.

Tried by the ſecond Middleſex Jury before Mr. BARON EYRE.

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419. **BENJAMIN STEVENSON** was indicted for feloniouſly ſtealing on the 1ſt day of March laſt, one callico petticoat value 8s. the property of Suſannah Wood.

SUSANNAH WOOD *ſworn.*

I was informed I had loſt a petticoat from my yard, which is the front of my houſe, it was hanging out for ſale, it was loſt about three o'clock.

ELIZABETH HILL *ſworn.*

What have you in your hand?—A petticoat, a man ſtole it from Mrs. Wood.

How came you by it?—I took it from him.

Where was you?—I was going to the black horſe, and the man paſſed me about three or a little after.

Who was the man?—That is the man in the white jacket, he had the petticoat under his coat, I knew it was Mrs. Woods, my mother had aſked the price of it, it hung up at the door a great while, I live in the neighbourhood, a little girl that was with me ſaid there is a man has got a petticoat, I pulled his coat on one ſide, and a quart pot dropped out of it, which belonged to a publican at Blackwall.

When you pulled his coat on one ſide could you then ſee what it was?—Yes, the priſoner ſaid you buggering bitch let me go, then he run up the ſtreet as hard as he could run.

Did he go off with the petticoat?—Yes, I run after him, and I ſaw him chuck the petticoat and the pot over the garden, then this man run after him; one Thomas Parker took him, I was with him.

PRISONER's DEFENCE.

I know nothing about it, I am a ſeafaring man, I was on board a King's ſhip all the troubleſome times.

Court. And when you get on ſhore come and thieve; I am ſorry for it: have you any body here to ſpeak for you?——I have not a friend in the world.

GUILTY.

To be publickly whipped, and confined to hard labour twelve months in the houſe of correction.

Tried by the ſecond Middleſex Jury, before Mr. Baron EYRE.

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420. **JOHN HERBERT** was indicted for feloniouſly ſtealing, on the 5th day of April laſt, one ſilk handkerchief, value 1s. the property of John Thompſon.

JOHN THOMPSON *ſworn.*

About twelve o'clock on the 5th of April I loſt my handkerchief; I was walking along Smithfield, and a gentleman called to me and ſaid I had loſt my handkerchief, I turned round, and the gentleman had the boy and my handkerchief.

—— ALEXANDER *ſworn.*

Between ten and eleven o'clock on the 5th of April, I obſerved the priſoner with ſome others attempting to pick gentlemen's pockets; at laſt I obſerved the proſecutor come along, and the priſoner followed him, and when he came to the corner of Long-lane, he picked his pocket; I followed him, I clapped my hands around the priſoner, and he dropped the handkerchief from under his coat; that was about eight or ten yards from where he took it.

(The handkerchief depoſed to.)

Court to Alexander. Was any body with you at the time?——There was not, there were ſeveral gentlemen paſſing along.

GUILTY, 1s.

Tranſported ſeven years.

Tried by the ſecond London Jury, before Mr. Baron EYRE.

421. **JAMES NOWLAND** was indicted for feloniouſly aſſaulting George Booth on the King's highway, on the 28th day of February laſt, and putting him in fear, and feloniouſly taking from his perſon, one canvas bag, value 1d. eight guineas, value 8l. 8s. four half guineas, value 2l. 2s. two half crowns, value 5s. and 6s. in monies numbered, his goods and monies.

GEORGE BOOTH *ſworn.*

I travel to ſell blankets and cloth; I was robbed on the 28th of February, about half paſt five, juſt below the Poultry Compter; I had a bundle on my back, and another under my arm, and a man weighed me backwards by the bundle on my back, ſo as to preſs upon me backwards to be in ſome danger of falling; I had my hands on my pocket, but there was a crowd, and I was obliged to take my hand from my pockets to prevent my loſing the bundle, and I loſt my money: I could ſee over my ſhoulder that the priſoner was the man that weighed down my bundle in that manner; and he took the money mentioned in the indictment, which was in a purſe in my right-hand breeches pocket.

Court. Was it dark?——No, the priſoner was on the pavement, and I turned round and cried, ſtop thief! two people came up, and he was ſecured; he let the money drop, and another man picked it up.

Court. How do you know he let the money drop?——I heard it fall; I ſaw him drop it.

Who picked it up?——One of the men that is here.

Was you ſober?—Yes.

Priſoner. I was eight or nine yards out of the crowd.

Proſecutor. No ſuch thing, you preſſed me yourſelf.

JOHN SMITH *ſworn.*

I ſaw the priſoner as I was going to the Royal Exchange on ſome buſineſs of my maſter's, coming back there was a parcel of people ſtood, Mr. Pitt was going to dine in Grocer's-alley, and in the ſpace of five or ſix minutes, I heard a man cry out, ſtop thief! I am robbed, I am robbed! I turned round, and ſaw the priſoner ſtepping under the wheel of a coach, with a yellow bag in his hand, I took hold of him, and he flung it down directly.

Who had hold of it at the time?—I cannot tell, he was going under the wheel of a coach; I ſaw a man in a white frock gather it up; I ſecured the priſoner.

WILLIAM EAMES *ſworn.*

I was near Grocer's-alley; I ſaw the man drop it.

What man?—James Nowland, the priſoner.

Did you know him before?——No, he was in the ſtreet off the pavement, between Grocer's-alley and the Old Jewry; there was a pole of a coach juſt before.

Did you obſerve his poſture at the time?—He came ſtooping, and clapped his hand to his knee; when he dropped it I picked it up.

What did you do with it?——I gave it to Mr. Booth.

Court to Proſecutor. When the purſe was put into your hands, did you open it to ſee what was in it?—No.

What was done with it?——It was given to the conſtable.

THOMAS TENNER *ſworn.*

I have the purſe, it is in the ſame ſtate I had it; I gave the money to the proſecutor by order of the Lord Mayor.

Proſecutor. I received the ſame ſum back that I loſt.

(The purſe depoſed to.)

PRISONER's DEFENCE.

My Lord, and Gentlemen of the Jury, I was coming through the city the day that Mr. Pitt was coming to dine at Grocer's-hall, *we* were about *two thouſand in company*, ſtanding and walking, there was a great crowd of people; I ſaw the proſecutor running, with his bundle over his head; ſays he, I have loſt my money; a man came and laid hold of me; I ſuppoſe they judged becauſe I was meanly dreſſed I took it; I am as innocent of it as any gentleman here in Court.

What are you?—A ſhoe-maker; I have been but a fortnight in England, I came from Ireland.

You are not an Iriſhman?——Yes.

What part of Ireland?—Broadie, in the county of Meath; I have nobody to ſpeak for me, without it is your Lordſhip and the Gentlemen of the Grand Jury.

Court. You ſhould have ſtood your own friend when you had it in your power.

Court to Jury. Gentlemen, the only doubt that ariſes in my mind upon the caſe is this, he is charged with having aſſaulted this man, and with having taken this purſe by force and violence from his perſon; now whether it was a fact of that nature, or whether it was what I dare ſay the priſoner meant it ſhould be, a picking of pockets only; I think that is the material queſtion on this caſe, for there ſeems to be no doubt but he had a great ſhare in the miſchief, whatever it was: now if he laid hold of the man's bundle behind, and ſo preſſed him backwards by force, and ſo took the purſe out of his pocket, I think the indictment is proved, and it will conſtitute a robbery, becauſe it is a forcible taking from the perſon; on the other hand, if when the priſoner was in the crowd, the proſecutor was thrown back, and his pocket was picked, that would be ſtealing, but it would not be robbery, becauſe to make it a robbery, there muſt be ſome degree of force uſed on the perſon of the man from whom the property was taken; the proſecutor ſays, that force was uſed by the priſoner, and by ſome perſon who threw him back; if he did, that is as I told you, robbing him; if it was the other way, that would not be a robbery, but ſtealing; therfore, you will take that ſingle point into your conſideration: if you agree with the proſecutor, and think he was ſufficiently attentive to what paſſed, to be able to know with certainty that the priſoner was the man that actually threw him back by his bundle, then you will find him Guilty of this indictment as here charged; if you think, from the ſituation he deſcribes himſelf to be in, and the crowd that was there, that part is not ſufficiently made out to your ſatisfaction, you may acquit him of the robbery, and find him Guilty of ſtealing only.

Jury. Did not the crowd preſs you?——He preſſed me himſelf, he ſtood at my ſhoulder, as this man may do now.

Jury. Was you on the pavement or the highway?——On the pavement.

Court. How near was the coach wheel to the pavement?—As cloſe as it could get once.

Jury. Are you actually clear that the priſoner drew the weight over you purpoſely, or was he preſſed upon you?——There was no other man ſtanding behind him, he was as near the houſe as he could get.

Jury to Eames. Did not you ſay it was between Grocer's-alley and the Old Jewry?——Yes.

GUILTY

Of ſtealing, but not violently from the perſon.

Tranſported for ſeven years.

Tried by the ſecond London Jury, before Mr. Baron EYRE.

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422. MARY BLACK was indicted for feloniouſly ſtealing, on the 23d day of January laſt, one ſcarlet cloth coat, value 5s. the property of William Windſor.

GUILTY.

On the recommendation of the Jury, to be privately whipped, and ſix months hard labour in the houſe of correction.

Tried by the firſt London Jury, before Mr. Baron EYRE.

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423. THOMAS HILL was indicted for feloniouſly ſtealing, on the 13th day of

April, nineteen hempen ſacks, value 20s. the property of Jonathan Hoare.

GUILTY.

Whipped, and hard labour ſix months.

Tried by the firſt London Jury, before Mr. Baron EYRE.

424. **JOHN HARFORD** was indicted for feloniouſly ſtealing, on the 22d day of March laſt, one man's cloth great coat, value 10s. one hammer cloth with a worſted fringe, value 10s. one coach glaſs, value 20s. the property of William Sharp, Eſq;

GUILTY.

Whipped, and for hard labour ſix months in the houſe of correction.

Tried by the firſt London Jury, before Mr. Baron EYRE.

425. **THOMAS HOPKINS** was indicted for feloniouſly ſtealing, on the 9th of March laſt, one man's hat, value 16s. the property of Benjamin Rankin.

GUILTY.

Whipped and hard labour ſix months.

Tried by the firſt London Jury, before Mr. Baron EYRE.

426. **JOHN CANNARD** was indicted for feloniouſly ſtealing, on the 6th day of April, one hempen ſack, value 12d. and four buſhels of malt, value 38s. the property of William Hillier.

GUILTY.

Whipped, and impriſoned twelve months in the houſe of correction.

Tried by the firſt London Jury, before Mr. Baron EYRE.

427. **RICHARD WILSON** was indicted for feloniouſly ſtealing, on the 20th day of March laſt, a pair of leather boots, value 8s. the property of George Box.

GUILTY.

Privately whipped, and for hard labour ſix months.

Tried by the firſt London Jury, before Mr. Baron EYRE.

428. **MARY BROWN**, otherwiſe **CANNON**, was indicted for feloniouſly ſtealing, on the 1ſt of March laſt, two ſheets, value 10s. two pillows, value 4s. one bolſter, value 3s. two flat irons, value 1s. and one bed rug, value 1s. the goods of Richard Wower, in a lodging room let to the ſaid Mary by the ſaid Richard, againſt the ſtatute.

GUILTY.

Privately whipped, and impriſoned ſix months in Newgate.

Tried by the firſt Middleſex Jury, before Mr. Baron EYRE.

429. **ELIZABETH FARREL** and **MARY FLANNAGAN** were indicted for feloniouſly ſtealing, on the 21ſt day of March laſt, two check linen ſhirts, value 2s. four towels, value 6d. one gown, value 2s. one petticoat, value 6d. one ſilk handkerchief, value 2d. two muſlin handkerchiefs, value 4d. one ſtock, value 6d. one lawn cap, value 6d. one box, value 2d. one pocket book, value 2s. one tea cheſt, value 2s. three canniſters, value 12d. and twenty ounces of ſhoemaker's thread, value 20d. the property of Jane Wright.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron EYRE.

430. **WILLIAM AMOS** was indicted for felonioufly ſtealing, on the 24th day of March laſt, two cloth coats, value 45s. one cloth waiſtcoat, value 6s. one pair of cloth breeches, unmade, value 6s. ſixteen coat buttons plated with ſilver, value 2s. twelve breaſt buttons plated with ſilver, value 1s. 3d. one gold ſeal, value 4s. one linen apron, value 12d. one linen ſhift, value 12d. one half guinea, value 10s. 6d. and twelve ſhillings in monies numbered, the property of William Scarlett.

GUILTY.

He was humbly recommended to mercy by the Jury, having broke both his legs, and was ordered to be privately whipped and diſcharged.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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431. JOHN LYNCH and JAMES FARRELL were indicted for burglariouſly and felonioufly breaking and entering the dwelling houſe of John Campbell, at the hour of nine in the night, on the 14th day of March laſt, and felonioufly ſtealing therein ſeven pair of corderoy breeches unmade, value 3l. 13s. three muſlin neckcloths, value 7s. four linen ſhirts, value 12s. two linen aprons, value 4s. one velvet waiſtcoat, value 1s. three muſlin neckcloths, value 5s. one linen ſhift, value 2s. one pair of corderoy breeches, value 1s. the property of the ſaid John.

The witneſſes examined apart at the requeſt of the priſoner.

JOHN CAMPBELL *ſworn.*

Examined by Mr. Peat, Council for the Proſecution.

I live in Morris-court, St. John's, Wapping, my wife works for a ſlopman; on the 14th of March laſt I went out to have a bit of ſupper.

Did you leave any body at home?—No.

In what ſituation did you leave the houſe?——I locked the door faſt, and bolted the windows of my lower apartments.

Where did you go?——About two hundred yards, while I was there between eight and nine, they ſent a girl for us, and told us we were wanted at home, my wife and me went home directly, and when I went home there were a number of people in the court, and I aſked them what was the matter, they ſaid there were ſome thieves broke into the houſe, I put the key into the door, the door was locked as I left it, I looked up, and I ſaw people going into the window on a ladder, that was as I was opening the door, when I went into the houſe I found the parlour door was broke open.

Were there any lodgers in the houſe at that time?——No.

Did you examine the parlour?——Yes, I ſaw all the drawers out, and they told me the things were taken up to the one pair of ſtairs fore room, and tied up in a bundle, William Whiteway was one of the perſons that told me ſo, I afterwards went up ſtairs, and found the things there, they were all taken out of the drawers, they were looſe and laying about the floor, all the things that were laying on the floor were taken out of the parlour.

Are you ſure of that?—Yes.

Whoſe houſe is this?——The owner of the houſe is one Callicot, I rent the houſe.

There were no lodgers in the houſe at that time?——None, they went away the week before.

What ſtate were the windows in up ſtairs?——I cannot ſay, I know the ſaſh was down before.

How do you know?——Becauſe I was in the chamber before I went out, the window was properly faſt, and I ſaw it was properly faſt.

I am aſking you about the firſt floor?—I faſtened the chamber door and windows as well as the lower apartments.

Did you lock the room door?——Yes.

Was that door broke open?——No.

Did you find it locked when you went up?—No, it is a ſpring lock; and the people that got in at the window opend the door.

WILLIAM WHITEWAY *ſworn.*

I am an officer of the pariſh where this matter was ſaid to be done, I was ſent for about nine in the evening on the 14th of March, the houſe was all faſt then, the one pair of ſtairs window was open, we could not get in at the front door, I got in at a neighbour's houſe, and got in at the back door, there were a number of people about the houſe, and the priſoners were in cuſtody, I ſearched the priſoners and found nothing upon them, as ſoon as I could get into the houſe I went into the one pair of ſtairs, and there I found theſe things bundled up in this apron, the people firſt got in by the help of a ladder, and they let me in at the back door, theſe things have been in my poſſeſſion ever ſince.

ALEXANDER SINCLAIR *ſmorn.*

I live next door to Campbell, and on the 14th of March, about a quarter after eight, coming up the court where Campbell lives, I ſaw my father, ſiſter, and brother out at the door, and I underſtood from them that there was ſomebody in Mr. Campbell's houſe, I ſtood at the door for about ten minutes, and Linch came out of the window.

Court. How did he come out of the window ?——Dropped out of the one pair of ſtairs window.

Did he drop any thing out upon you ?—No.

How high is the window ?—It is a one pair of ſtairs window, I ſuppoſe about eight or ten foot, my brother and father run after him, and I ſtaid in the court, and in about eight or ten minutes after Farrell came out of the window, I took him, and he was not out of my cuſtody till he was ſecured, he threw a dark lanthorn at me, he dropped out of the window, and he made a blow at me, I took him right under the chin, and I knocked him down, and delivered him to Mr. Whiteway the officer, then I knocked him down a ſecond time, till my father came and gave me ſome aſſiſtance, he ſwore many oaths that he would do for me.

GEORGE SINCLAIR *ſworn.*

On the 14th of March on a Sunday night, I and my daughter and ſon-in-law, ſat in the houſe, they are wooden houſes, and we heard an uncommon noiſe, ſuch as tumbling of cheſts and throwing of tables down, and ſuch things, ſo my daughter ſays, there is a very uncommon noiſe in Mr. Campbell's houſe, ſo there is, ſays I, it is nothing to us ; preſently there came another uncommon noiſe, like as throwing down a cheſt, and then we came out of the door, and it was backward, and I could ſee a light, and I ſaid there is ſomebody there, ſure enough, ſo we all came into the ſtreet, and I went and lifted up the latch and ſaid, are you at home Mr. Campbell ? yes, ſays one of theſe two men, we are at home, as bold as can be.

Who aſked the queſtion ?——It was an old woman of eighty-ſix that aſked the queſtion, we ſtood at the door, and in four minutes out comes the man in the brown coat, hauls open the window, and out he comes, and puts his backſide upon the edge of the window and jumped down, my ſon purſued and ſtopped him, I loſt ſight of him before he was taken, he is the ſame man.

FRANCIS PEGHAM *ſworn.*

On the 14th of March on the Sunday evening, me and my father and family were ſitting by the fire between eight and nine, and by and by we heard a great noiſe in our neighbour Mr. Campbell's houſe, that alarmed us a little, a while after we heard another great noiſe, my wife ſaid they are out, and deſired me to go to the door, I went and ſaw a light through the key-hole, then I went over to a neighbour's houſe, and aſked if they were there, they ſaid, no, ſays I, I believe there are thieves in the houſe, the old woman came out of the door with a candle, and ſhe went and ſhook the door, and lifted the latch up, they made anſwer in the houſe, yes, we are at home ; as ſoon as I heard that, I returned to my own door, by and by I heard the ſaſh lift up, and a man came out of the window *bodily*, and jumped down, that was Linch, he run away and I after him and called out ſtop thief, and one John Brown caught him as he paſſed by.

Was he at any time out of your ſight?—No, he was not out of my ſight when he catched him.

Was he out of your ſight before?—No, never after he came out of the window, I went up to him inſtantly with Brown and led him up the court again, he ſaid what are you going to do with me, what have I done, I delivered him to Whiteway.

Court. Was the window open when you firſt ſaw it?—No.

Priſoner Linch. Whether he did not ſay before the Juſtice he loſt ſight of me three times?——I never ſaid ſuch a word.

The things produced, and depoſed to.

PRISONER FARELL's DEFENCE.

My Lord this man ſays I *hove* the dark lanthorn at him, and this man ſays he found it in the room; I was going down Nightingale-lane and I went up this alley, there was a great quantity of people at the ſame time, this man was ſtanding by me and a man jumps right out of the window and treads upon my ſhoulders, and knocked me down.

PRISONER LINCH's DEFENCE.

I was coming along and I heard a noiſe and the people ran and called out ſtop thief, I run to ſee what was the matter, the man came and caught hold of me, and ſaid I robbed the houſe, he ſaid before the Juſtice that he loſt ſight of me three times, my witneſſes are not here now.

Priſoner Farrel. I have no witneſſes.

Court to George Sinclair. Did you obſerve this houſe whether the windows were ſhut when you firſt took notice of it?——I ſaw him pull the windows up, but before that they were ſhut down as any other window is properly.

What time was it?—Between 8 and 9.

What time did you firſt hear the noiſe?——About a quarter before eight.

None before that?——No.

Are you ſure you heard no noiſe before this?—Not an uncommon noiſe.

What was the earlieſt that you heard any noiſe at all?—Why, I tell you about a quarter before eight.

How high is this window from the ground?——About ten or twelve foot.

Is it over the door?——No it does not come over the door, it runs right along ſide the houſe.

Is there any getting up into it?——Not without a good deal of help, to ſtand upon one another's ſhoulders.

Was the window of ſuch a height that you think one man might get in by ſtanding upon another man's ſhoulder's?—Yes, I think ſuch a man as the priſoner might.

Court to Whiteway. You got in at the back-door?—Not until I was let in by ſomebody.

Was you in the houſe before Campbell came in?—I cannot ſay.

You ſaid you tried at the front door, and could not get in then?—I was let in by ſomebody, I cannot ſay who it was.

Do not you know that you was there before Campbell?—No, I do not know I was, I imagine in the mean time I was trytrying at the back door, that Campbell muſt come in at the front door.

Campbell. It was ſo.

Priſoner Farrell. If you remember, this Whiteway ſwore that he found the things up ſtairs, he took me before the Juſtice, he would hang me or any man living for the ſake of the reward.

——— WILKINSON *ſworn.*

I got in at the chamber window, the window was ſhoved up, and I put the ladder and got in, I had no light, I believe Sinclair was the next man that came and brought a light, there were ſome things laying about in this apron, as I went down ſtairs, Mr. Campbell the owner of the houſe came to the door, they were all faſt, but the window I got in at.

Was the door of that room open or not, when you went in?—It was wide open.

You are ſure of that?—I am very clear of it.

Court to Campbell. That opens on a ſpring lock?——Yes, I left it on a ſpring lock, I am ſure the windows were ſhut down when I went out.

JOHN LINCH,
JAMES FARRELL, } GUILTY Death.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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432. **ELIZABETH SHAW** was indicted for feloniouſly ſtealing on the 11th day of March laſt, twenty guineas value 21l. and 5s. in monies numbered, the property of George Alexander, privately from his perſon.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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433. **FRANCES JAMES** was indicted for feloniouſly ſtealing on the 22d day of March laſt, one ſtriped ſilk gown value 3s. one ſilk petticoat value 2s. one ſcarlet cloth cloak value 3s. one apron value 18d. two linen ſkirts value 3s. three linen handkerchiefs value 1s. 6d. one pair of black worſted ſtockings value 12d. three pair of cotton ſtockings value 3s. one ſheet value 12d. and one linnen table cloth value 12d. the property of George Redway.

GUILTY.

To be privately whiped, and impriſoned ſix months in the houſe of correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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434. **HENRY GRIFFITHS** was indicted for feloniouſly ſtealing on the 17th of April, three guineas, value 3l. 3s. and 18d. in monies numbered, the monies of John Knareſborough Simpſon.

JOHN KNARESBOROUGH SIMPSON *ſworn*.

On Saturday laſt about half paſt three I was returning from the Temple, going into Leiceſter-fields, and before I came there this young fellow and two or three more that were with him forced me on a ſtep in Henrietta-ſtreet, there was a conſiderable number of people but I particularly marked this young fellow and two or three that were with him, I endeavoured to get out of the croud as I was going to dinner, and they ſtill followed me, and I found ſome perſon's hand in my breeches pocket at the left ſide, I immediately miſſed my money which I had before, I turned myſelf round and there was another young fellow had hold of the priſoner's arm, and both their hands were at my pocket, but whether or not Griffiths took the money I will not ſay; I ſaw the other young man's hand in my pocket, the priſoner's hand was three or four inches from me, I immediately ſeized the other perſon who had hold of this perſon's arm by the collar, I ſaid to him you raſcal you have picked my pocket, I have loſt ſuch a ſum of money; this Griffiths ſtruck me on my right ſide, and forced the other perſon from me, and ſaid he knew him, and called me a raſcal for accuſing him of being a pickpocket, for that he was a tradeſman's ſon, upon which I applied to three or four that were near me, I told them I had my pocket picked, they aſſiſted me, and I ſeized the priſoner by the collar, and held him as well as I was able, I was beſet by ſeveral of the gang who ſtruck me in ſeveral places, he denied it, he was ſearched and no property was found upon him, I am ſenſible that he had hold of the perſon's arm whoſe hand I felt at my pocket, he was with him all the time.

Was he ſtooping towards your pocket?—He was not.

Which arm had the other hold of?—They got me round them, and the other perſon ſtood on my left ſide and this on my right.

Had this man his other arm round you?—No, after they had picked my pocket the other that was with him ſeparated, and this perſon ſtruck me.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 21ſt of APRIL, 1784, and the following Days;
Being the FOURTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Henry Griffiths.

The one man was on your left ſide behind you with his hand in your pocket?——Yes.

The other man was on your right ſide, was his right arm reached round before you?—I cannot ſay that.

Then it could not by any poſſibility be near you pocket?—It was his left arm that was near my pocket, they were not arm in arm as people walk in the ſtreet, only croſſed within his arm, and they were both behind me.

Mr. Garrow Counſel for the Priſoner.

May I take the liberty of aſking you who you are?—I live at Newcaſtle upon Tyne, I am a haberdaſher.

This was much about the cloſe of the poll?—Half paſt three o'clock.

There was a pretty conſiderable mob at this time?—There was.

Some Pittites and ſome Foxites, ſome in good humour ſome in bad humour?—That I cannot tell.

Have you prefered any indictment againſt this man for an aſſault?—No.

Nor any for a reſcue?—No.

This man you ſay did not pick your pocket?—I do not ſwear that.

And this man miſtaking the part you was of gave you a blow?—No.

Do you recollect ſeeing Mr. Bachara in the mob?—Yes I ſaw this man.

RICHARD BLANDY *ſworn.*

I went into the ſtreet where the quarrel aroſe, I heard the alarm of a pick pocket, this Gentleman and two more brought the priſoner, I knew nothing before that, I found ſixpence upon him.

ISAAC BACHARA *ſworn.*

I am a tradeſman.

Do you recollect being in Covent Garden at the time the proſecutor has deſcribed?——Yes.

In what ſituation did you obſerve him?—I was ſtanding there to ſee the election, I went to ſee Mr. Fox as I had heard talk of him, the priſoner ſtood next to me, the gentleman looked and looked, and at laſt he collared a man, that man goes away from him, he came back again and caught hold of the priſoner, ſays he you muſt be an accomplice with the other man, ſays the priſoner if I have done any thing amiſs ſearch me, the priſoner ſaid he would not go away, the proſecutor took the priſoner, there was nothing found upon him.

Court. You mean to ſay then that when this gentleman firſt collared the other, the priſoner was not with him?—The priſoner was on this ſide, and I was in the middle.

Then the priſoner was not with the other man?—He did not hold the other man nor was he near him, there were ſeveral together.

Upon your oath Sir will you ſwear that?——I went to the Juſtice and told the ſame ſtory there.

Will you ſwear now that the priſoner and the other man were not together when you firſt ſaw them?—I cannot ſwear that.

Proſecutor. The witneſs here has ſaid he mentioned the ſame thing before the Juſtice, he came into the room, the Juſtice would not ſuffer him to ſpeak, he gave no account before the Juſtice.

Conſtable. Not a word, my Lord.

Bachara. I told the Juſtice the very ſame.

Proſecutor. He was not ſuffered to ſpeak.

Jury to Bachara. What are you?——A hatter by trade.

Court to Jury. Gentlemen, if theſe two people were together upon the buſineſs of picking pockets, and you believe that they ſhoved this gentleman up jointly, for the purpoſe of getting an opportunity of picking his pocket, and that they followed him for that purpoſe, and one of them got his hand into his pocket and the felony was compleated, the other being preſent and aſſiſting at the time, the man whoſe hand was not in his pocket was equally guilty with the man whoſe hand was in; if you are clearly ſatisfied from the evidence, that he was actually aiding and aſſiſting the others, in the attempt to pick the gentleman's pocket, you will find him Guilty; but whether the evidence under all the circumſtances is ſufficiently clear and certain to ſatisfy your minds of that, is a queſtion for your determination.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

435. JOSEPH HAWES and JAMES HAWKINS were indicted for feloniouſly aſſaulting on the King's highway, Samuel Weſt, on the 16th of April, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will one metal watch chain, value 3s. and one ſtone ſeal ſet in gold, value 40s. his property.

The witneſſes examined apart at the requeſt of the priſoners.

SAMUEL WEST *ſworn*.

On Friday the 16th inſtant, at half after eight in the evening, at the corner of Caſtle-ſtreet, the top of Bury-ſtreet, St. Mary-axe, I was ſtopped by a perſon with a drawn hanger, who with his other hand collared me, and he aſked me in a low voice three times for my money; with that I ſaid, for God's ſake ſpare my life, and you ſhall have every thing I have about me; then two others came up, one with a drawn hanger, but I will not be poſitive to the ſecond, whether he had a drawn hanger or not; he began feeling for my watch, and immediately I put down my hand to my fob, and held my watch with both hands; they then got hold of the chain, I ſtill kept both my hands to my fob, and by ſome means the ſwivel of the chain gave way, which put the priſoner in poſſeſſion of the chain; the chain is in poſſeſſion of one of the witneſſes; upon finding they had got my chain, and being very much intimidated, I cried out, murder, as loud as I could; they left their hold of me and made off; they got clear off, I ſaw no more of them.

Do you know the perſon of either of them?——No, Sir, I ſhould be very glad if I could ſwear to either of them; I have the watch and the ſwivel where the chain broke off.

JAMES GABETUS *ſworn*.

I was the patrol belonging to Aldgate within, and as I was going down Bevis Marks, on Saturday the 16th of April, I heard the cry of thieves! thieves! murder! murder! and at the corner of Caſtle-ſtreet, I ſaw

I ſaw two men, which are the priſoners; they never was out of my ſight, I ſaw them ſtand at the corner of Caſtle-ſtreet, all in *a timidating affair.*

Court. How?—As if they had been doing ſomething amiſs.

Deſcribe what you mean?——Seeing me come up, they ſtood in a ſort of poſture of defence, Hawes made a blow at me with his cutlaſs, without my ſpeaking a word; I had a bludgeon which I carry, ſays I, are you good at that, then I made a blow at him with my blugeon, as hard as ever I could, then he ſtooped and I miſſed him; I found myſelf in danger, and let my bludgeon fall, and drew my cutlaſs and attacked him again; when they found I was ſo reſolute they ran away; I immediately cried out, ſtop thief! as loud as I could, and followed them very cloſely; Hawes the priſoner ſtruck at me with a cutlaſs, I ran after them about three parts of Caſtle-ſtreet, but the ſhort one, Hawkins, fired a piſtol, not at me, it was directed forwards: Hawes was my object, becauſe he made a blow at me, and juſt as he had got to the kennel, a gentleman tripped him as he run, and he fell down; another man aſſiſted me and ſtood over him; I was afraid he had ſome fire-arms, he ſaid he had not, he ſaid for God's ſake ſpare my life! I did not fire the piſtol; the other I never ſaw afterwards; I took Hawes, he never was out of my ſight five yards, the other got off at that time.

Do you know that the other priſoner was the man that was with Hawes?—I did not ſee him till he was brought to the Compter, I cannot ſwear to him: when Hawes was taken, he was ſearched, and nothing was found upon him; when I returned again from the Compter, I came back to go my rounds as uſual, I ſaw Mr. Weſt as I came to the ſpot where I attacked them firſt, and I ſaid, Sir, you was not one that was robbed? and he ſaid, yes, it was me that was robbed; when I came to the watch-houſe, I told the ſtory to the conſtable and ſeveral others, and they directed the watchman to look for a piſtol and a watch chain, that that gentleman had been **robbed of, and he found the chain,** as he told me, cloſe to the place where they attacked me; they firſt attacked me the corner of Caſtle-ſtreet, in Bevis-marks; Kelton gave me the chain, I have had it in my poſſeſſion ever ſince; this cutlaſs was found in Caſtle-ſtreet, when we came from the Compter.

OTTO KELTON *ſworn.*

I am a watchman belonging to Aldgate Ward, the 16th of April, about ten at night; when I went out upon duty, the patrol deſired me to look if I could find a piſtol, and I found a watch chain the corner of Caſtle-ſtreet, Bevis-marks, I delivered the chain to the patrol, which was the ſame I found there.

DAVID LEVY *ſworn.*

On the 16th of April, I was coming through Houndſditch, I heard the cry of, ſtop thief! I run up to Caſtle-ſtreet, and ſaw Hawes the priſoner fall down, and Hawkins come running, and he fired a piſtol; I knew them both very well before; I deſcribed them before they came to the Compter.

What became of Hawkins then?——He made off.

Priſoner Hawes. My Lord, I wiſh you would look into this Levy's character, his own brother was tried for his life this ſeſſions, and he has another tranſported.

JACOB SOLOMONS *ſworn.*

Between eight and nine, as I was coming down paſt the Three Tuns, I ſaw three men attacking a gentleman, the gentleman called out murder! ſo I turned down Caſtle-ſtreet, looking for the patrol, and I ſaw him go up to the priſoner, and one of the priſoners takes out a ſhort ſtick, and made a blow at him; a gentleman came up, and wanted to lay hold of his coat, and he fired a piſtol at him.

When the patrol came up, what ſituation was they in?—They were round the gentleman that was attacked.

Did you ſee Mr. Weſt at all?—I could not ſee who he was; I ſaw one of them that had a naked ſword over his head.

Are you ſure of that?——Yes.

How near was you to them?——Not above a yard and half from them.

Was not you in company with them?—No, juſt come from my maſter's.

The gentleman has deſcribed three perſons as attacking him, was not you one of them?——No, Sir.

Was not you with the other two?—No, Sir, juſt come from my maſter.

What did you ſee them do?—I ſaw them round the gentleman, and the gentleman called out murder! I did not ſtop to look at them; when the gentleman called out murder, you know if they did not ſpeak I could not hear them.

As you was ſo near them, what did you ſee or hear?——One of them held a cutlaſs over the gentleman's head, I could not tell which, it was very dark.

When they left the gentleman, what became of them?——I went after them, and they ran down Caſtle-ſtreet, and a gentleman coming up tripped up the tall one's heels.

But when they left the gentleman they had attacked, what became of them afterwards?——They ran away when the patrol were coming.

When did the patrol firſt come up?——When I turned back again from Houndſditch, I heard the cry of murder! I turned to look for the patrol.

When did the patrol come up?——The patrol came up before they ran away, while they were attacking the gentleman; the patrol come up, and one of them made a blow at the gentleman directly with his cutlaſs.

Then the gentleman might have ſeen the patrol as well as you?——I do not know, I could not tell what he ſaw; I ſaw, after they had attacked the gentleman and before they ran away, they made a blow at the patrol.

Pray, young man, was not you one of their company?——No.

What became of the third man?—I cannot tell.

Was you there when Hawes was taken?——Yes, I tell you, I ſaw him taken.

Priſoner Hawes. Was not you at the taking of me to the Compter?——Me!

Did not you ſay you thought there was a houſe broke open, and you thought we were the people?——No.

THOMAS BATES *ſworn.*

I am one of the patrol belonging to Shoreditch; I was on my duty this night, between eight and nine, I was at ſome diſtance when this affair happened, I heard a great noiſe, and I haſtened up as faſt as I could; when I came up, there was a great number of people, and the priſoner, Hawkins, was in the middle of them, and the people ſaid he was the man that fired the piſtol, ſo I made no more to do, but I drew my hanger, and ruſhed into the mob, and took him by the collar, and took him to the Compter directly.

JOHN LOCKWOOD *ſworn.*

On the 16th of this month, about nine at night on Friday, I was going down Houndſditch, and I heard a piſtol go off the corner of Caſtle-ſtreet, I heard the cry of ſtop thief! and ſaw the priſoner Hawkins come from the corner towards me, I thought it might be the perſon who had done this miſchief; he made for Woolpack-alley, and I was the firſt that went after him; and before I got half way down the alley there was another young man before me, but the young man and I kept pretty cloſe together, and took hold of him, and the mob ſaid, here is the other; I took him to the Compter.

(*The chain depoſed to by the proſecutor.*)

PRISONER HAWES'S DEFENCE.

I was coming by, and I ran along to ſee what was the matter, and the patrol knocked me down inſtantly; I have been in his Majeſty's ſervice theſe four years, I was paid off about ten months ago.

Jury to Solomons. What number of people did you ſee round the gentleman when he was attacked?—Three.

Who were they?—The priſoners at the bar were two of them, they were never out of my ſight.

Did you go away to look for the patrol when you ſaw the gentleman attacked?——Yes, I went to look for them, but I could not ſee them; when I returned the patrol was with them.

Was it light enough in the evening for you to ſee both their faces plain enough?—It was not very light, but one of them had a ribband round his head.

Are you ſure of the number round Mr. Weſt?—Yes, and the number was three.

Court to Weſt. Did you ſee any more than the three men near you at the time?—No, my Lord, I was under ſo great agitation of mind I did not ſee any more.

Could a man have been ſo near you, as Solomon ſays he was, and you not ſee him?——I do not know how that might be, becauſe this ſide was againſt the wall, and the man had hold of my collar, and he held a cutlaſs over my head.

Jury to Solomons. Whether he came up to Mr. Weſt's aſſiſtance?——I ſaw nobody before I heard the cry of murder and thieves; firſt that I heard was murder!

Court to Weſt. They went away immediately when they got your watch chain?——Yes.

What length of time was it that the patrol came up?——Not above a minute.

You went away, did not you?——I went down the ſtreet to look for the patrol, I never loſt ſight of them.

JOSEPH HAWES,
JAMES HAWKINS, } GUILTY **Death.**

Tried by the ſecond London Jury before Mr. RECORDER.

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436. JAMES DAVIS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Daniel Gardner and Robert Wilſon, at the hour of two in the night, on the 23d day of April, and feloniouſly ſtealing therein four cotton ſhawls, value 18s. and two other ſhawls, value 2s. 6d. nine handkerchiefs, value 27s. ſixty-ſeven ſilk handkerchiefs, value 12l. fifty-ſix ſilk and cotton handkerchiefs, value 5l. forty yards of Iriſh linen, value 33s. and one piece of Scotch linen, value 20s. the property of the ſaid Robert and Daniel.

DANIEL GARDNER *ſworn.*

On Friday the 23d of April, about ten minutes before four o'clock, we were alarmed by the watchman ringing violently at the bell, my partner threw up the window, and the man ſaid the door was open, I immediately haſtened down, when I came into the ſhop, I looked about to ſee what was miſſing, the door was faſtened at night when I went to bed, I caſt my eye out of the door, I perceived the door of the coal cellar bored in two or three places, and a board adjoining was wrenched up, then I went to the cellar door, I found that open, it was bored through in the middle way, ſo that a hand might go though to unbolt the door, I went back into the ſhop, and I found ſome things on the counter was gone which I had folded up with my own hands the night before, we made a ſearch to ſee; whilſt we was at the door, up came two of the patrol and a Smithfield drover, and ſaid, we have got the thief and the things, and that they were at St. Sepulchre's watch-houſe, and if I would go I might ſee him there; both me and my partner went, we ſaw Mr. Amey, Mr. Roberts, the conſtable, and the conſtable of the night; the priſoner at the bar was in cuſtody, and the things there were mine; this is all I know of my own knowledge.

ROBERT BEAN *ſworn.*

I was coming from Chick-lane through a court, I had information from a drover that there was a man gone by with a bundle of linen, we purſued him down Snow-hill, but we miſſed him, returning back we found him in Green Dragon-court, packing up a bundle of cottons and linens.

Court. Whereabouts was he in the court?—The court goes in narrow, and then grows wider, he was in the right-hand corner, the bundle was on the ground, he was tying it round with a piece of linen, I aſked him what he had got there, he ſaid linen, he ſaid he was going to Red Lion-ſquare; I aſked him where he got it from, he ſaid from on board a ſhip; I aſked him from whoſe ſhip, he ſaid a ſloop, upon that I took him into cuſtody; the watchman took a large augur out of his pocket, concealed under his coat, we took him to the watch-houſe, there were two bundles in the court of handkerchiefs, and a table-cloth was found in his pocket, and the key of a pin of a window.

WILLIAM BELDHAM *ſworn.*

I am ſervant to Mr. Hall, lamb butcher, I was ſtanding at Mr. Wildman's penns in Smithfield on Friday morning, I ſaw the priſoner come from Long-lane with the bundle upon his back, and another in his hand, he paſſed me, I looked at him and ſaid, what have you got here? he ſaid ſome cloth, I followed him, he went down Cow-lane, I met a patrol and we run after him, but we over run him, and we turned round and came back again, and ſearched the court, and we found him.

——— ALEXANDER *ſworn.*

I am the watchman, I heard the cry of ſtop him, ſtop him! I heard one of the drovers ſay, I am ſure he is up one of the courts; I went in and found the priſoner in one corner, I took this augur out of his pocket, I aſked him what it was for, he ſaid he had been boaring ſome bungholes, the patrols came up and took him.

WILLIAM DILLOW *ſworn.*

I was going along and I met this man, ſays he, I am come from on board a ſhip, you may go with me, I am going to Red-Lyon Square.

JOHN ANDREWS *ſworn.*

The priſoner came to my maſter on Thurſday laſt, about four in the evening, and ſaid he came to borrow a borer, my maſter would not lend it him at firſt, at laſt he conſented, and I gave it into his hands, I ſhould know it again; that is the borer; the priſoner came in another Cooper's name that we had lent a borer to ſeveral times.

SAMUEL ROBERTS *ſworn.*

I am one of the wardens belonging to Saint Sepulchre's, I found a table cloth in his pocket, and the key of the window, and ſomething that looks like a watchmaker's tool, it is hard ſteel and will cut glaſs almoſt like a diamond, but it will not laſt ſo long; I marked the table cloth, the key, and the inſtrument, and gave them to the Conſtable to carry before the Magiſtrate, I am ſure they are the ſame.

THOMAS AVEY *ſworn.*

I am a Conſtable, I have the things here, theſe are the ſame things committed to my charge, and brought to the watch-houſe.

(Produces the things, which are depoſed to.)

PRISONER's DEFENCE.

I went down Long-lane, and I ſaw theſe things lay there, and I picked them up, and as I was going acroſs Smithfield, Dinmore ſaid theſe things are mine, ſays I, what ſhould they be yours for, and becauſe I would not give him them he went and got a patrol and took me up.

Court to Gardner. Whoſe houſe is this?—It is mine originally, but during the partnerſhip it is jointly each partner's, we ſhare it, they are two houſes, I live in one and my partner in the other.

Which houſe does the ſhop or warehouſe belong to?—It is the under part of both houſes, both turn into one.

Do you pay for the two houſes ſeparately or jointly?—Jointly during the term of the partnerſhip.

Then the houſe is the houſe of the partnerſhip?—Yes, as well as the goods.

Your partner lives in it as well as you.

Yes, he occupies the further part on one ſide.

Court to the Proſecutor. Was there any day light in the morning when you was firſt alarmed?—Yes, there was a little, it was about ten minutes or a quarter before four o'clock.

Court to Beldam. When you firſt ſaw the priſoner at Smithfield in the morning about what time was it?—About half paſt three.

Was it any light?—The day began to break.

GUILTY Death.

Proſecutor. My Lord, he has a poor hard-working honeſt father and mother, and I could wiſh to recommend him to mercy, that he might be ſent out of the kingdom.

Court. I think it a very bad caſe, I approve of your humanity in the recommendation, but I do not think that I as a Judge can concur in it.

Tried by the firſt London Jury, before Mr. RECORDER.

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437. AQUILLA BECK was indicted for feloniouſly ſtealing, on the 14th of April 4s. in monies numbered, the monies of John Sarton.

GEORGE EDWARDS *ſworn.*

I am ſixteen laſt Auguſt, I ſaw the priſoner ſtealing ſilver out of our till, I ſaw him put his hand in while my hand was in, and I ſaw the ſilver in his hand before he could put it in his pocket; he came in for ſome cheeſe and another man came in with him, laſt Wedneſday week, the 14th of this month, and they aſked me if I ſold cheeſe, I told them yes, and they aſked for a pound, and they ſaid ſomething to one another, and the other man went out, then this man wanted ſome butter, and I weighed it and he chucked down a ſhilling, and I gave him ſixpence, and he deſired me to give him a thinner ſixpence for he wanted to mend China with it, and I was going to give him a crooked ſhilling, and I put it down again, and before I could get my hand out he put his hand in and took out four ſhillings, and more than that with the crooked ſhilling among them, there were more than four ſhillings loſt, I am ſure of four ſhillings, I aſked him for it and he called me a little rogue and ſaid he had not got it, I aſked him for it again, and he ſaid I was a little rogue again, then I called our maid and our lodger, and then I went for the Conſtable and my maſter, and then the priſoner pulled out a ſhilling that was crooked up on one ſide, then he pulled out about fourteen or fifteen ſhillings out of his breeches pocket, and this crooked ſhilling was among them, it is crooked and ſeems as if it had been hoarded, the Conſtable has it.

What did not you aſk him for all he had?—I did, and he ſaid he had none, and I picked out this ſhilling from all the reſt.

Priſoner. He ſaid before the Juſtice that I took no more than one.

WILLIAM HUMMERSTON *ſworn.*

I am a Conſtable, I apprehended the priſener, and there was this ſhilling which the boy owned directly.

(The ſhilling depoſed to.)

PRISONER's DEFENCE.

I came to this ſhop for butter, and I gave the lad a ſhilling, and he gave me a bad ſixpence, and I refuſed it, and he gave me the ſhilling back again, then he ſaid I had a crooked ſhilling of his, and I pulled out my ſilver and he claimed that ſhilling, and he ſaid before the Alderman I took only one ſhilling.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury, before Mr. RECORDER.

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438. JOHN LANE was indicted for feloniouſly ſtealing, on the 10th of April, one pair of white ſilk ſtockings, value 5s. the property of Thomas Ovey.

THOMAS OVEY *ſworn.*

The priſoner broke my ſhop window and ſtole a pair of white ſilk ſtockings, on Saturday the 10th of April, about nine in the morning, a little after I ſaw him and another go by ſeveral times, I found the window was cut, I called one of my men and deſired he would come down to aſſiſt me in watching, which he did, the window appeared to be cut by a knife being run into the putty and twiſted, which made the window hollow, the glaſs was not out when I ſaw it, it was only then broken, I ſaw my man run out and I after him, and overtook him, and ſaw the ſtockings on the ground, and the man picked them up, I know the ſtockings.

—— GOLDSMITH *ſworn.*

I was not in the ſhop the time the window was cut, I was up ſtairs at breakfaſt, Mr. Ovey called me down ſtairs, and I ſaw the window was cut, I ſtood at the bottom of the ſtairs, and while I was looking in, a boy whom I ſuppoſe to belong to the priſoner, came and looked into the ſhop, and went and ſtood cloſe by the window were it was cut, the priſoner came and made a ſnatch at the window, I could not tell what he had taken, I immediately run out after him, and when I had got two or three doors from him I ſaw him throw the ſtockings away, I picked up the ſtockings after Mr. Ovey come up.

Were thoſe you picked up the ſame he threw away?—Yes, I gave them to the Conſtable.

William March produced the Stockings which were depoſed to.

PRISONER's DEFENCE.

I was coming down Fleet-ſtreet, and a man followed me in blue, and I run after him, and he threw down a pair of ſtockings I did not know who it was, and a gentleman took me, and ſo becauſe I would not let the gentleman have it, I took it aſide.

SARAH LANE *ſworn.*

The priſoner is my own ſon, his maſter was a Wool-comber and he has failed, I could not find him for three or four days, his father died the 14th of laſt Auguſt; he has been a very good lad till this affair happened.

THOMAS MUMFORD *ſworn.*

I have known him from a little boy, I never heard any thing bad of him before.

—— MUMFORD *ſworn.*

I have known him for theſe 13 years, he had a very good character.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury, before Mr. RECORDER.

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439. JOHN MOSELEY aged fifteen years, was indicted for feloniouſly ſtealing, on the 20th of March laſt, one ſilk handkerchief, value 2s. the property of John Baker.

JOHN BAKER *ſworn.*

On Saturday the 20th of March between two and three in the afternoon, I was walking along Fleet-ſtreet, one Mr. Stapleton that happened to know me was walking behind me, came and told me I had loſt my handkerchief, and I found it was gone, and he pointed to the priſoner, I immediately laid hold of him by the collar, I ripped open his waiſtcoat immediately, and found the handkerchief between the waiſtcoat and ſhirt, I am ſure it is my handkerchief, the Conſtable has it, there was a B upon it.

JOHN STAPLETON *ſworn.*

As I was returning from the Temple, I ſaw the priſoner watching ſome people, and I ſaw him turn ſhort round after Mr. Baker, and he put his hand into his pocket, and took his handkerchief out, and put it under his coat, I informed Mr. Baker, and we went acroſs the way after the priſoner, Mr. Baker opened his coat and waiſtcoat, and found the handkerchief upon him, I am quite ſure I ſaw him take the handkerchief, I ſaw it found upon him.

Priſoner. I have nothing to ſay.

WILLIAM BROWN *ſworn.*

I am a Patten maker, I have known him about twelve years, his father is a Caſtor and caſts buckles, I take the boy to be about fifteen, I never knew any harm of him before.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury, before Mr. RECORDER.

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440. SAMUEL MOBBS was indicted for feloniouſly ſtealing on the 7th of April, one cotton handkerchief, value 1s. 6d. the property of John Evans.

JOHN EVANS *ſworn.*

On the 7th of this month I loſt my handkerchief in High-ſtreet, St. Giles's, at a quarter paſt three in the afternoon; I ſaw the priſoner at the bar with two unhappy girls as I think, coming out of a publick-houſe in High-ſtreet, I thought he looked very ſuſpicious, I put my hand in my pocket, in order to ſecure my pocket, and in about a minute he came running by me, and I found his hand in my pocket.

Was your handkerchief in that pocket, or had you taken it out?—I believe not, he took my handkerchief out, and he ſhook his hand at me, I followed him down a little way, and he whipped into a publick-houſe, I had my gold watch and a great deal of money, I was afraid to go after him.

Did you ſay he ſhook the handkerchief at you?—He did my Lord, by way of ridicule, or to let the two girls ſee he had taken it, I ſaw him go into a publick-houſe, I cannot tell the name or the ſign, I went and got ſome aſſiſtance, and came to take him, and the women ſaid to me, the perſon you want is not here, I looked round backwards and forwards, and I ſaw him through a glaſs door ſtuck up between two water butts in the yard, upon that I and three more went round and took him to Juſtice Walker's.

Did you ever find your handkerchief?—No.

Are you quite ſure he is the man you ſaw with your handkerchief in his hand?—Yes, when he was taken before Juſtice Walker, they called him by his name, I knew him well.

PRISONER's DEFENCE.

I was going through St. Giles's, and I ſaw that gentleman and I walked by him, I went to the publick-houſe to have a pint of beer, I went backwards, and this gentleman and ſome others came and took me to Juſtice Walker, he wanted to value the handkerchief at five ſhillings, and the Juſtice would not let him, then he wanted to value it at two ſhillings and ſixpence, then at one ſhilling and ſixpence.

Have you any friends to ſpeak for you to ſhew that you are an honeſt man?—No.

What way of life are you in?—I am a plaiſterer.

GUILTY

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron EYRE.

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441. JOHN RUSSELL was indicted for feloniouſly ſtealing on the 15th of March laſt, one copper ſaucepan, value 2s. the property of Richard Neathercot, and a check apron, value 2d. the property of Elizabeth Atkins.

RICHARD NEATHERCOT *ſworn.*

I loſt a copper ſaucepan out of my dwelling houſe, I let a room ready furniſhed to Atkins, I keep a public-houſe, and ſhe left the door of her room open, and I ſaw the priſoner come down, and I aſked him what he had got under his great coat, and he ſaid what is that to you, and I ſtopped him, and I took him into the tap-room, and under his great coat he had a large ſaucepan, wrapt up in this woman's apron; this is my ſaucepan.

ELI-

ELIZABETH ATKINS *ſworn.*

I went down in a hurry, and I forgot to faſten my door, and this ſaucepan ſtood by the cloſet door, and the apron laid upon the table; this is my apron, and this is my landlord's ſaucepan.

You did not deliver any of them to this man?——I was below ſtairs.

PRISONER's DEFENCE.

The man that ſent me up ſtairs for the ſaucepan, told me he lived with this woman, the door was quite open, and the ſaucepan ſtood by the jam of the door, and he deſired me to hand it down to him, I was in liquor, and I did not know but the man was right, he ſaid he would pawn them for a pot of beer, as he could not find this woman at home to get ſome money.

What are you?—I have been at ſea twenty years.

Court. After going to ſea ſo long, how can you ſubmit to be ſuch a petty, paltry thief?—I know nothing about thieving.

Proſecutor. This man had a man waiting at the door to take the property, and he brought it down, and I charged the conſtable to take the other man, and he refuſed; I took hold of this man, and when I took him into the tap-room, he knocked two conſtables down, and we were obliged to put him in a cart and tie him down.

Court. Have you any body to ſpeak for you?—No.

Court. I ſuppoſe if you was to have any favour ſhewn you, the conſequence would be, you would abuſe it; it is a ſcandalous thing in an old man at your time of life.

Priſoner. My Lord, indeed it is not my fault, I did not know it was for any thievery.

Can you find any body that can recommend you, or that will be anſwerable for your behaviour for the future?—I have no friends.

GUILTY.

Tranſported for ſeven years.

Tried by the Firſt Middleſex Jury, before Mr. Baron EYRE.

442. **THOMAS SMITH** and **JOHN STEVENS** were indicted for feloniouſly ſtealing on the 13th of March laſt, fifty-ſix yards of printed cotton, value 5l. 12s. the property of Richard Huſſey.

RICHARD HUSSEY *ſworn.*

I am a linen-draper in Ruſſell-court, on the 13th of March my oppoſite neighbour informed me that two men had ſtole ſomething from under the window, I had a cuſtomer, and I could not go out, in a few minutes after I heard them cry ſtop thief, in a few minutes after I ran out, and the priſoner Smith run away with the two pieces of cotton in his apron, and I ſaw him throw them out of his apron, I run after him, and he drew a ſtick out of his coat with a large knob, and ſtruck at every perſon that was like to be in his way to ſtop him, particularly at a child he ſtruck at, that was likely to be in his way; I was out of breath, I could run no further, he was brought back to my ſhop.

Are you ſure the perſon that was brought back was the man that you ſaw?—That I poſitively ſwear to, he is the man.

Had he the ſame clothes on?——It is ſo like, I believe it is the ſame.

(The cotton depoſed to.)

How near was he to your ſhop when he dropped them?—Ten or twelve yards, he went towards Henrietta-ſtreet, and turned down a little court.

Do you know any thing of the other man?—Nothing at all, when I returned, he was in cuſtody.

Court. Is the bludgeon in Court?——The conſtable has it, but has not brought it.

Priſoner. It was only a penny ſtick.

Conſtable. It was a holly ſtick, with a hook at the top.

Jury. Was it a walking ſtick?—Yes.

STEPHEN GENNON *ſworn.*

I live oppoſite Mr. Huſſey; on Saturday afternoon, about a quarter to five the two priſoners came up to his door, and looked at his goods, they were under the ſhop board, they pulled at them, but they were tied, and they went away, my man in the ſhop told me of it, I told him I ſaw it myſelf, and in about five minutes after they returned, the man in the jacket, Stevens, took out a knife and cut the ſtring, they were gone ſome time, I am almoſt poſitive they went to buy a knife, I am a cutler by trade, and I am ſure they went to buy a knife, for the knife found on them never had been uſed before; when they had cut the ſtring, the milk-woman came to the proſecutor's door, and prevented them carrying them off then; while they were gone I called out to my oppoſite neighbour, and told him to be upon his guard, for they would certainly be there again preſently, as they had been once and tried the goods, and a ſecond time, and cut the ſtring, in about three or four minutes they paſſed the door, and came where the goods were; they went up cloſe to the goods, and Stevens took the goods from the bulk, and put them into the apron of the other, and walked off with them; this I ſaw. The proſecutor and his ſervants went out when they heard the cry of ſtop thief, the priſoners run down a little alley, and I purſued Stevens, and Mr. Huſſey purſued the other; in a few minutes the mob brought the other man to the door; I am ſure to both the priſoners, poſitively ſo, I ſaw them four times in the whole.

JOHN FOURNEAUX *ſworn.*

I apprehended the priſoners, I ſearched Stevens, and found this knife in his right-hand pocket.

PRISONER STEVENS's DEFENCE.

Coming through the court at this time, I ſtood ſtill, and this gentleman came up and catched hold on me.

Court. Then you are an innocent perſon and happened to be walking by?——Yes.

Who is your maſter?——I work for Mr. Hale, in Red-croſs-ſtreet; I drive a dray for him.

PRISONER SMITH's DEFENCE.

I was coming through Ruſſel-court, a man chucked me two pieces of cotton into my apron, but it was not this other priſoner.

Court. He happened to chuck ſome cotton, and you happened to catch it?—Yes.

Court. You never had that happen to you before?——No.

THOMAS SMITH, otherwiſe HAINES, } GUILTY.
JOHN STEVENS, }

Tranſported ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Juſtice NARES.

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443. JOHN KING was indicted for feloniouſly ſtealing, on the 18th day of April, one man's box great coat, value 18s. one linen towel, value 6d. the property of George Vanſittart, Eſq;

GEORGE GRAVES *ſworn.*

I am coachman to Mr. Vanſittart, this box coat was taken away laſt Sunday night, the 18th of this month, from the ſtable, it was hanging on a peg; I never knew the priſoner before; I ſaw my coat not a quarter of an hour before I miſſed it, it was a little before twelve at night, he got into the ſtable with a key; the poſt-boy came in with the carriage and ſaw the coat; this is my property; I locked the ſtable door and went to bed.

A WITNESS *ſworn.*

I left the ſtable about five minutes, and I heard ſomebody come down the yard, I got up, and I opened the door gently, and I ſaw a man open Mr. Vanſittart's door, I heard ſome hay rattle, and I watched him; I ſaw him go in, and I called aſſiſtance; I went in and he was behind the door; he ſaid he came to lay down; while we ſtood round him, I ſaw him throw ſomething away, this is the key we found among the litter, on the Tueſday after we found another key among the dung, which is this, we found it cleaning the ſtable, it had not been totally cleaned out ſince the fact.

When had it been cleaned out before?—On Saturday night; I did not ſee it then: after we took the man we ſent for the coachman, he was gone to his maſter's houſe, and when he came the coat was behind the door where the priſoner ſtood; this linen cloth hung on a nail behind the door, it was taken out of his pocket at the watch-houſe; here is another key that was found on the Wedneſday following, in the ſame ſtable.

Which of the keys opened the door?—That that was found on the Tueſday, it will open moſt of the doors in the yard.

Court to Graves: Where had you hung up your great coat?——On the farther ſide of the ſtable, not behind the door.

PRISONER's DEFENCE.

On Sunday night, I had been drinking all day, I was very much in liquor, and I went in there to lay down; I know nothing of the things; my witneſſes were here all the morning, but now are gone to dinner.

GUILTY

Tranſported ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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444. JOHN HALL was indicted for feloniouſly ſtealing, on the 13th of April, one ſilver tea ſpoon, value 1s. and one ſilk handkerchief, value 2s. the property of George Eades.

GEORGE EADES *ſworn.*

I am a coach maker, the priſoner at the bar is employed by my hair dreſſer as a journeyman; the firſt morning he attended me, which was the 5th of April, on his going away a ſilver tea ſpoon was miſſed, and a very diligent ſearch was made for it, and he dreſſed me about eight in the morning, and it was miſſed in the day, and could not be found; in a few days a large diaper table cloth was miſſing, this alarmed us, and its being the firſt time of the priſoner's being with me when the ſpoon was miſſing, it was very natural to turn my thoughts to him, I reſolved therefore to lay ſomething in his way; I tried ſeveral mornings but without effect; on Tueſday the 13th, I laid a ſilver tea ſpoon on the dreſſer, it was waſhing time with our people, and the kitchen was in much diſorder; I generally dreſs in the kitchen: as ſoon as he had dreſſed me, I went out of the kitchen as faſt as I could, to give him an opportunity if he was ſo diſpoſed, but I held the kitchen door in my hand to ſee what he did; there was nobody there then but himſelf, I had ordered the ſervants to keep out of the kitchen for that purpoſe, and I ſaw him very buſily employed at the dreſſer; I have two ſtair-caſes, and each comes into the workſhop; as ſoon as he was gone, I opened the other door and went into the kitchen, and ſaw the ſpoon was gone; I let him go down the back ſtairs, knowing I ſhould be time enough to meet him at the front ſtairs, which I did; he paſſed acroſs the yard, I ſuſpected he had taken ſomething from his pocket, but nothing was found; when he came, ſays I, young man, I want to ſpeak to you; he tripped up ſtairs very briſkly, ſays I, where is the ſpoon, there was a ſpoon and table cloth loſt; he ſaid he knew nothing of it: with much reluctance, and my telling him I had ſent for a conſtable and his maſter, he pulled the tea ſpoon out of his pocket; by this time the maſter arrived, before the conſtable, for the maſter came to dreſs me himſelf; I told him. I ſaw ſomething at the bottom of the lining of the priſoner's coat, and I drew forth a ſilk handkerchief, which was mine; I have the ſpoon and handkerchief here, they have been in my poſſeſſion ever ſince.

THOMAS HOWARD *ſworn.*

I ſaw the ſilk handkerchief taken from the priſoner.

PRISONER's DEFENCE.

I did not know that the property was in

my pocket when it was found, and all my things were laying on the dreſſer where theſe things were, I put them in my pocket with my puff and powder bag, as any perſon elſe would by miſtake.

Court. Do you put your puff and thoſe things in your waiſtcoat pocket?——Yes, my combs and my razors.

Court to Eades. Were his things laying on the ſame dreſſer?——No, his puff was laying upon the ground, the dreſſer was full of dirty linen, and the ſpoon was laying there, on purpoſe that he might ſee it when he went in.

The priſoner called two witneſſes, who gave him a good character.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury, before Mr. RECORDER.

445. **JOHN THOMAS** was indicted for feloniouſly ſtealing, on the 24th of March laſt, thirty pounds weight of copper, value 20s. the property of George Crew.

THOMAS RUTTER *ſworn.*

I ſaw the priſoner come and take away this copper, I ſaw him take it, and I took hold of him, and brought him back with the copper.

(The copper depoſed to.)

PRISONER's DEFENCE.

When the gentleman ſtopped me, I ſhewed him the man that gave me the copper to carry.

SOLOMON DAVEY *ſworn.*

I have the copper in my poſſeſſion.

Priſoner. I came from Barbadoes.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

446. **WILLIAM RAY** was indicted for feloniouſly ſtealing on the 27th of February laſt, one linen handkerchief, value 2s. the property of George Onſlow, Eſq.

GEORGE ONSLOW Eſq; *ſworn.*

I was robbed near the Bank; I found my pocket picked, and there was nobody near me but the priſoner; I took him by the collar, and he let drop the handkerchief.

—— SMITH *ſworn.*

On the 27th of February, I was coming from the Bank towards the Poultry, and ſaw Mr. Onſlow before me, and ſaw Mr. Onſlow lay hold of the man by the collar, and I ſaw the priſoner drop the handkerchief from under his coat.

PRISONER's DEFENCE.

I was going to Broad-ſtreet about ſome money for the Porcupine prize, and was laid hold of by that gentleman.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

447. **JOHN TINNEY, HENRY VINCENT,** and **RICHARD KILMINSTER,** were indicted for feloniouſly ſtealing, on the 31ſt of March laſt, two hundred pounds weight of currants, value 4l. one wooden caſk, value 1s. the property of Henry Batley.

The Witneſſes examined apart at the requeſt of the Priſoners.

PHILIP BATLEY *ſworn.*

On the 6th inſtant, a caſk of currants was taken out of the King's warehouſe, to be opened and examined by the broker; I opened them, and after that they were faſtened up, it was ſtole out of the Globe yard the ſame day; it was left in the Globe yard till the afternoon, and miſſed in the afternoon

noon between four and five; I was not preſent, I only know the caſk to be Mr. Batley's property.

WILLIAM BRIDGMAN *ſworn.*

I ſaw Richard Kilminſter and John Tinney come into the Globe-yard, and roll the caſk into Thames-ſtreet, and take and put it into James Hall's cart; Vincent helped them to put it into Hall's cart; then John Lloyd ſaw the cart going away with it, then he ſtopped the cart.

JOHN RILEY *ſworn.*

This day three weeks, about five, going into the Waterman's-arms, in Globe-yard, they were rolling the caſk out of the yard, the priſoner Kilminſter rolled it, and the other received it, they were all there then aſſiſting; Vincent was turning the cart round; Mr. Lloyd and I purſued him as far as Sam's coffee-houſe, then the barrel was pulled out of the cart; I know the priſoners perfectly, I have marked them in the ſtreet.

JOHN LLOYD *ſworn.*

I was at the Waterman's-arms, and I ſtopped the cart; the priſoner Vincent was drawing the cart, I did not ſee the others at the time; Tinney pulled out the caſk, and he had liked to have daſhed it to pieces, it was in Mr. Batley's people's care; it is here in Court; *(the caſk depoſed to)* there are two hundred and ſeventeen pounds weight of currants in it.

PRISONER KILMINSTER'S DEFENCE.

I was down at the Cuſtom-houſe key, and this Henry Vincent came to me and the other, and they ſaid there was a gentleman wanted a cart, and we went up and took it up.

PRISONER TINNEY'S DEFENCE.

I have nothing more to ſay.

PRISONER VINCENT'S DEFENCE.

I was ſtanding in Thames-ſtreet, facing the Cuſtom-houſe, and a man hired me to get a cart, and I went and got Mr. Hall's cart; the man went to dinner and left me in care of it.

The priſoner called three witneſſes, who gave him a good character.

JOHN TINNEY, GUILTY.

To be confined to hard labour ſix months in the houſe of correction.

HENRY VNCENT,
RICHARD KILMINSTER, } GUILTY.

Tranſported ſeven years.

Tried by the firſt London Jury, before Mr. RECORDER.

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448. **EDWARD GOODWIN** and **THOMAS WILKIN** were indicted for feloniouſly ſtealing, on the 24th of April, one piece of woollen cloth, containing ſix yards and a half, value 50s. one other piece, containing ſix yards and a half, value 50s. the property of William Mawhood.

THOMAS BURLAND *ſworn.*

On Saturday noon, as I was walking along I ſaw Wilkins walking in the ſtreet, he came out of the proſecutor's ſhop; he walked a little way before me, it was about eleven, or between eleven and twelve; he walked about two doors from the gentleman's houſe, and two men joined him, the other priſoner, and one that is not here; when I came even with them, they were converſing together, and when I came cloſe to them, I heard the ſhort one, Wilkins, ſay, he is coming out preſently; the next witneſs, who was juſt behind me, heard them ſay, he is coming out preſently; we went back and watched them, and I ſaw Wilkins come out of the door, and in a little time Goodwin went into the ſhop, with this parcel of cloth under his arm, I followed and held him, and called the next witneſs to ſecure the others; he was detained in the ſhop.

William Brookſbank depoſed to the ſame effect.

The priſoner Wilkins called two witneſſes to his character.

EDWARD GOODWIN, } GUILTY.
THOMAS WILKIN, }

Tranſported ſeven years.

Tried by the ſecond London Jury, before Mr. RECORDER.

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449. **GEORGE ATKINSON** was indicted for feloniouſly ſtealing, on the 3d of March, one cloth coat, value 5s. one black ſilk waiſtcoat, value 2s. one ſtuff waiſtcoat, value 1s. four pair of breeches, value 2s. four ſhirts, value 2s. one pair of ſhoes, value 3s. one pair of ſtockings, value 1s. two handkerchiefs, value 1s. one printed book, value 6d. the property of William Smith.

WILLIAM SMITH *ſworn.*

I only prove my property, which was up ſtairs in the garret where I laid, in the houſe of Mr. Cook, No. 40, Shoe-lane; I do not know the priſoner; I was at home at the ſame time, I work backwards.

SUSANNAH WATKINS *ſworn.*

I ſaw the priſoner come down ſtairs with the bundle under his right arm, and a little ſtick under his arm; my maſter aſked him who he wanted; he ſaid he wanted one Mrs. Johnſon, he had a bundle of linen ſhirts to waſh, and other things; he was ſtopped with the bundle, and it contained the things mentioned in the indictment; the things were put into my maſter's and miſtreſs's care.

MARY COOK *ſworn.*

Between four and five the priſoner came down from the garret; the firſt time I ſaw him, he was knocking at the one pair of ſtairs door, pretending to want one Mrs. Johnſon; there was ſomebody coming up ſtairs, and I ſtopped him, and found the things mentioned in the indictment; they have been in my huſband's and my poſſeſſion ever ſince.

Joſhua Cook produced the things, which were depoſed to.

Priſoner. I have nothing to ſay.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury, before Mr. RECORDER.

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450. **JOHN MOSEING** was indicted for feloniouſly ſtealing, on the 6th of April, two ſilver table ſpoons, value 10s. the property of Mary York.

MARY YORK *ſworn.*

I have known the priſoner ſix years, he came backwards and forwards where I lived; I went out in the afternoon, when the robbery happened, and came home about nine in the evening; the ſpoons were taken out of my box, the key was in my box, but the box was not locked, it was laſt Monday three weeks, the room was locked, but the priſoner had the liberty to come in the room; he uſed to come and ſee the young woman that lodged in the ſame room; the key was left in the one pair of ſtairs, and our room was the two pair of ſtairs; I did not miſs them till the conſtable came the next morning, and brought the priſoner with him and the ſpoons, I looked in my box, and they were not there.

—— THOMPSON *ſworn.*

On Tueſday the 6th of April, the priſoner brought two ſpoons to pledge, at Mr. Faws, in Fleet-market, he had a very mean appearance, they ſuſpected he had ſtole them, and we ſecured the ſpoons; when he owned whoſe they were, we took the man into cuſtody, and went with him to the proſecutrix; he acknowledged he had the ſpoons from there; the young man pleaded he had a right to take them out, he ſaid he had a right to every thing in that room; he thought that every thing that was in that room belonged to that young woman.

PRISONER's DEFENCE.

I went to ſee this woman, I went into the room to ſee what was left for me, I ſaw the ſpoons, I went and pledged them, and the man ſtopped me, I underſtood that every thing in the room was her's, I did not know that the other woman had a box there; I frequently have had a key whenever I thought proper, I will be judged by the young woman herſelf.

Court to Proſecutrix. Did he know you lodged in that room?——Yes.

Could he have miſtaken your box for the other young woman's?——No.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury, before Mr. RECORDER.

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451. MARY MURRELL was indicted for feloniouſly ſtealing on the 9th of April, thirty-nine yards of ſilk lace, value 3l. 3s. the property of John Hatton, privily in his ſhop.

The witneſſes examined apart at the requeſt of Mr. Garrow, priſoner's Council.

JOHN HATTON *ſworn.*

I live at No. 34, Oxford-ſtreet, and am a haberdaſher and ſtay-maker; the priſoner came into my ſhop on the 9th between eleven and twelve at noon, ſhe aſked to look at a hat, I ſhewed her one; the next thing ſhe aſked to look at, was ſome lace to trim it with, a ſingle edge lace, ſhe could not determine on any one; then ſhe aſked to look at ſome black and white ribband, I ſhewed her ſome, ſhe pitched on one; there was but two yards and a half, ſhe wanted three yards; I gave her a pattern of another ribband, and ſerved her with ſome needles; ſhe aſked me to give her change for a guinea, I ſaid I could not, ſhe ſaid ſhe was only going to the next ſhop to buy butter, and might get change there, ſhe had a plate in her hand; I bid her take the needles and the pattern of the ribband with her; ſhe returned in about five minutes, and ſaid ſhe could not get any butter; I aſked her why; ſhe ſaid nobody anſwered her; ſhe wanted to look at the lace over again, ſhe had changed her mind, and would have a double edged lace; I was ſhewing her theſe double edged laces; the man came out of my back ſhop, and detected her with having a card of lace about her.

Court. In what manner did he detect her?——He came in and ſaid, Madam, I believe you have a card of lace; ſhe ſaid, what do you mean by that, I have no card of lace, ſhe took her plate and wanted to be off, and in the ſcuffle the card of lace dropped from her.

Court. Did you ſee it drop from her?—It could not drop from any body elſe.

In what manner did you ſee it drop?—I ſaw it on the ground, dropped from her as I ſuppoſe.

Jury. Was the card of lace cloſe to her feet?——Yes.

How near?——Right under her feet, my paſſage is but very ſmall, it might be a quarter of a yard from her, ſhe was partly over it, it was juſt at the edge of her petticoats.

How near is that to the compter?—My paſſage is not quite four feet, therefore it muſt be pretty cloſe to the compter; I had but one ſhutter down, it was Good Friday.

Where were you when you ſaw the card laying on the ground?——I was looking from behind the compter at the ſtruggle between the man and her.

Court. Then it was that that drew your attention?——Yes, Sir.

Then you did not look particularly before that?—No.

Was this card of lace laying oppoſite to where the ſhutter was open, or at a diſtance from it?——At a diſtance from it.

The ſhutter was open and down from the end from the door?——Yes.

Then there was no opening from the compter to the floor of the ſhop where the card of lace was laying?——No.

How was the woman dreſſed at the time? ——She had the ſame cloak on as ſhe has now, I ſuppoſed her to be a neighbour, I knew her by ſight perfectly well.

Was the card of lace open, or in what ſtate?—Not opened at all, it was pinned, the boxes were put on the compter, but the laces were not taken out, not all of them, they were put into the boxes again.

Could the card of lace catch to her cloak, or clothes?—I think it almoſt impoſſible.

What paſſed afterwards?—I took her into the parlour, and two women in my houſe *rummaged* her, and nothing was found upon her, not even a halfpenny in money.

You are ſure ſhe aſked you for change before?—Yes.

And ſhe had no money?—None at all.

What did ſhe ſay in reſpect to this card of lace?—She begged my pardon, and went down on her knees, and hoped I would forgive her, and that ſhe never did any thing of the like before.

Mr. Garrow, Priſoner's Council. You ſay ſhe was *rummaged* before by theſe two women?—Yes, Sir.

There was no money found on her?——

She told you ſhe could not pay you without change?——Yes; ſhe ſaid the cheeſemonger would not open the door to her; I do not know what ſhe might do when ſhe was out of my ſhop.

Did ſhe not appear at firſt a good deal alarmed?——She was alarmed at the firſt moment.

A good deal, as any other honeſt woman muſt be; being ſo alarmed, ſhe begged your pardon, and went down on her knees?——Yes.

Might not one of theſe cards accidentally catch to her cloak, which you ſee is a large one; was it not extremely poſſible that the confined way in which the card was ſhewn, it might have fallen off?—Yes.

The ſhutters of your ſhop windows were all ſhut?—Yes, I have a glaſs door to that paſſage.

So that the whole light that you had in order to ſhew thoſe goods by, and in order to make all the obſervation neceſſary on the ſubject was that that came from the ſhop door?——Yes.

Your firſt attention was attracted by the ſtruggle between the man and the woman, the man charged her with having a card of lace, conſequently you did not obſerve at that time the compter?—I ſaw my boxes were ſafe, I put them behind the ſhutter at the time the ſtruggle was, I did not look befoee the ſtrugle.

So that whether the Card of Lace might have been dropped there, from her firſt going out or after you cannot ſay?—I ſaw it on the floor.

You cannot affect to ſay it droped from her unleſs by ſuppoſition?——I did not ſee it drop from her.

This paſſage was vaſtly confined?—Yes.

Court. Where was the man that obſerved her?——In the back ſhop.

Is there any glaſs there?——No, it is a ſhop in the yard.

How could he tell ſhe had a card of lace?—It was from the information of my woman ſervant, ſhe was ſtanding at the door that looks into the ſhop on one ſide of her.

MARY BAGWELL *ſworn.*

I am ſervant to Mr. Hatton, I remember the priſoner being in my maſter's ſhop, I was ſcowering the parlour, and my maſter was ſhewing ſome ſingle edged black lace, and there was ſome converſation which I did not mind, but I heard her aſk for ſome double edged lace, ſhe ſaid ſhe thought it would be better ſewed on and plaited in half plaits, I went and ſtood at the parlour door even with the ſhop, there was nobody in the ſhop beſides, I could ſee my maſter and this woman, ſhe could not ſee me, I ſaw her take her hand and take a card of lace out of the box and put it down on the tompter, my maſter turned himſelf round o reach the doubled edged lace, and ſhe clapped her right hand on this card and concealed it under her cloak.

Did you ſee her do that?—Yes.

You are ſure you ſaw her do that ?—— Yes, I did, then I went up ſtairs to my maſter's ſon and told him.

Mr. Garrow. Never mind what you told him, you was ſcowering the back parlour ?——Yes.

Not attending to what you told us what you ſaw paſſing in the ſhop ?——No.

How is it then that you know all this about hats and ſingle edged lace and double edged lace ?—As hearing her and not being a common thing, I got up and ſtood up at the door.

What is there ſo uncommon in aſking for double edged lace ?—There was an edging to be ſewed upon it, ſhe was looking upon the ſingled edged lace.

How could you know that ?—I heard what the woman ſaid.

I fancy you ſcower in a very different way from the reſt of your ſex, they generally make a noiſe ?—Yes, but when I heard I got up and looked.

The ſhop door was pretty dark, was not it ?——No, it was not.

What light had it ?—The ſun light over the door, and the ſhop door it was almoſt as light as this Court.

You ſaw this woman take up a card of lace, did not ſhe take up many ?——Yes.

And ſhe treated this the ſame as the reſt ? —No, ſhe did not.

JOHN DALLISON *ſworn.*

I came into the ſhop, the priſoner was in great confuſion, and ſaid ſhe had no card of lace, preſently I ſaw the lace drop from under her cloak.

You ſaw it ?—Yes, Sir, I did.

Mr. Garrow. Might it not be bruſhed down by the cloak ?—No, becauſe at that part of the compter there was no lace, I did not ſtruggle with her at the time, I only queſtioned her.

But before the lace dropped you had a ſtruggle ?—No, I inſiſted upon her ſtaying there.

Is not it true that ſhe has two or three children, and one at her breaſt now ?—I do not know.

The priſoner called one witneſs who gave her a good character, and ſaid ſhe had five children.

GUILTY

Of ſtealing but not privately.

She was humbly recommended by the Proſecutor.

Fined 1s. *and impriſoned three months in Newgate.*

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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452. JAMES WATSON was indicted for feloniouſly aſſaulting on the King's highway, George Adams, on the 23d of March laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one half guinea, value 10s. 6d. two half crowns, value 5s. one pair of ſilver ſleeve buttons, value 2s. the property of the ſaid George.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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453. THOMAS PHIPPS was indicted for feloniouſly ſtealing on the 15th of February, ſeventy-eight ſilken bags, value 5s. and 4603 pounds weight of ſalt petre, value 140l. the property of Frederick Pigou, the elder, and Company, then and there being in a certain barge called the Elizabeth, on the navigable river of Thames.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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454. MARY (*wife of* HARROLD) HIGGINS was indicted for feloniouſly ſtealing on the 22d of March laſt, thirteen printed cotton handkerchiefs, value 20s. the property of Burton Webſter, privily in his ſhop.

AMBROSE MASSEY *ſworn.*

Are you the apprentice ?—Yes.

To whom ?—To Mr. Buxton Webſter, in Leadenhall-ſtreet, a linen-draper.

Do you know the priſoner ?——Yes.

Did ſhe ever come to your ſhop ?—Yes, on the 16th of March, between four and five, ſhe came in alone, ſhe aſked to look at ſome neck handkerchiefs, accordingly I ſhewed her ſeveral different pieces, and ſhe objected to the price of them, preſently came in ſome more ladies, and aſked to look at ſome Britiſh muſlins, and while I turned round to get the muſlin, the woman went out of the ſhop, and ſaid ſhe would call again; when I brought the papers of muſlins, I miſſed a piece of handkerchiefs, I ſaid ſhe had got them, and I *run* after her immediately, and brought her back, ſhe was, I ſuppoſe, about fifty yards on the other ſide of the way, I took her into the parlour, and ſent for a conſtable, I ſent to the Poultry Compter, ſhe laid one piece of handkerchiefs upon the counter, and one ſhe dropped on the floor, I only miſſed one piece, but ſhe had two, I am ſure ſhe had it, I did not ſee her drop a piece, but I ſaw her lay this one on the counter.

Did not you obſerve where ſhe took that piece from that ſhe put on the counter ?—I do not know, ſhe took it from underneath her cloak.

When you ſtopped her, did you tell her what you wanted ?——No, I told her to come back.

Had you ſeen this piece before ?—I cannot ſay with certainty.

When did you ſee this piece on the ground, after ſhe was brought into the parlour, or before ?——Before ſhe went into the parlour, ſhe went into the parlour directly, I was not there half a minute, I found this piece on the ground juſt after ſhe came in, and ſhe was then in the ſhop cloſe by the piece, I believe ſhe went in firſt, I am not ſure.

Can you tell whether the piece was on the ground before ſhe came into the ſhop, when you went out after her ?——No, I am ſure it was not, becauſe ſhe was ſo high up.

Had you any opportunity of ſeeing whether it was on the ground when ſhe entered into the ſhop ?——I concluded ſhe dropped it, but I did not ſee her drop it.

Did you ſpeak to her about the other piece that ſhe put on the counter ?——No, I did not, I ſent for a conſtable directly, and gave charge of her.

How far was it from the piece to the parlour ?——It was about five yards, our ſhop is about ten yards long, the pieces I ſhewed her were cloſe to to the door.

How many were there in the piece ſhe dropped on the ground ?—Three, and there were ten in the other piece.

Whereabouts on the counter was it that ſhe put the other piece ?——Near the other piece.

Deſcribe to me how ſhe did it ?——She took it out from under her cloak, and chucked it down.

She did it in an open manner, and not ſlid it down to prevent you from ſeeing her ?——No.

Theſe pieces, one of which was on the ground, and the other you ſaw her put on the ground ?——I ſhewed her one, but how ſhe came at the other I do not know; one piece that ſhe ſtole I ſhewed her; the firſt piece, they were my maſter's property, I have private marks on them.

The remainder of this trial in the next Part, which will be publiſhed in a few days.

THE WHOLE
PROCEEDINGS
ON THE
KING'S Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*;
HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 21ſt of APRIL, 1784, and the following Days;
Being the FOURTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
And Publiſhed by Authority.

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9

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Mary Higgins.

HANNAH OWEN *ſworn.*

I was in this ſhop, me and my ſiſter went in to buy a piece of muſlin, the priſoner was then in the ſhop looking at neck handkerchiefs, ſhe ſaid they were too dear for her and did not buy, and immediately the boy put the paper down with the muſlin unopened, he miſſed a piece of handkerchiefs, he jumped over the counter and went after the woman and brought her back, that was the priſoner as I believe, but I cannot be ſure, ſhe begged for God's ſake to have mercy upon her, ſhe never did ſo before, we ſaid we had nothing at all to do with it, we did not belong to the ſhop, then the boy took her into the parlour, and ſhe had a piece of handkerchief I heard, and what I think he ſaid ſhe had ſtole them, ſhe took them from between her cloak and the child.

Did you ſee her do that?—I think I ſaw her take them from between her cloak and the child, but whether ſhe gave them to the boy, or laid them down I cannot tell, the boy took but one piece at firſt, but when he had her in the parlour he ſaid there was two pieces, I did not obſerve the piece drop from her, I heard the boy ſay he had picked up a piece, I do not know what ſhe did with the piece when ſhe took it from between the cloak and the child, ſhe was in the ſhop when we firſt went in, ſhe was looking at ſome handkerchiefs near the door, ſhe went out as ſoon as we went in.

WILLIAM COOK *ſworn.*

On the 16th of March, between three and four in the afternoon, I was ſent for to Mr. Webſter's to take charge of a woman that had ſtole ſome things, the woman was in the parlour, and theſe two ladies, the woman was upon her knees begging for God's ſake to forgive her, the ladies ſaid they had nothing to do with it, but it was a ſad thing that people muſt be robbed of their property by ſuch vile wretches as ſhe; I took the priſoner to the Compter.

(The linen depoſed to.)

PRISONER's DEFENCE.

I went into the ſhop to look at a common neck handkerchief, and ſet my child down on the counter by the handkerchiefs, I looked at ſome, they were too dear, I being

ing a poor woman, I went out and got ſome diſtance from the ſhop, the boy came after me, I went back with him, I did not know I had got any thing belonging to them about me, I took and ſhook my child, and they were between my cloak and my child's coats.

Have you any body to ſpeak for you to give you the character of an honeſt woman? ——I have not a friend in the world; my huſband is a taylor, he was gone into the country to look for work.

Court. If you were an honeſt woman, there are people that know you, you might have a character?—There was ſeveral people to come to ſpeak for me, they told me my trial was not to come on till Monday.

GUILTY 4s. 1[illegible]d.

To be privately whipped, and confined to hard labour ſix months in the houſe of correction.

Tried by the ſecond London Jury, before Mr. Baron EYRE.

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455. ROWLAND PETERSON was indicted for feloniouſly ſtealing, on the 11th of March laſt, five pieces of gingham, value 20s. the property of Edward Thomas Cullen.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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456. PETER COLLINS was indicted for feloniouſly ſtealing, on the 15th of March laſt, eleven pounds weight of leaden pipe, value 18d. the property of Euſtace Howell.

GUILTY.

(Recommended by the Jury.)

Publickly whipped and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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457. AMY HALL and MARY ALLEN were indicted for feloniouſly ſtealing on the 28th day of February laſt, one ſilver watch, value 20s. a pair of ſilver ſhoe buckles, value 10s. the property of William Abbott.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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458. ELIZABETH MAYNARD was indicted for feloniouſly ſtealing on the 4th of April, one linen ſhirt, value 3s. the property of James Cohill.

GUILTY.

To be privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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459. ANN GIMMELL was indicted for feloniouſly ſtealing, on the 28th day of February laſt, three cotton gowns, value 18s. a black gown, value 10s. a duffield cloak, value 6s. one book muſlin half handkerchief, value 6d. the property of Henry Cox.

GUILTY.

Privately whipped, and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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460. MARGARET CREED was indicted for feloniouſly ſtealing on the 12th of March laſt, twenty-five yards of Iriſh linen cloth, value 37s. the property of Richard Geſton Caſs, privily in his ſhop.

The proſecutor called on his recognizance, and not appearing, the priſoner was

ACQUITTED.

The Court ordered the recognizance to be eſtreated.

461. **JAMES NAPIRE** was indicted for feloniouſly ſtealing, on the 1ſt of March laſt, one metal watch, value 5s. one ſilver ſeal, value 1s. the property of Robert Collyer the younger, privily from his perſon.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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462. **JOHN FRY** was indicted for feloniouſly ſtealing, on the 19th day of February laſt, eight pair of pole pieces, value 3l. the property of William Wright and Co. in the dwelling houſe of Lionel Lukin.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Baron EYRE.

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463. **WILLIAM COFFIN**, otherwiſe **COGGAN**, was indicted for feloniouſly ſtealing, on the 6th day of April, one dove marble table, value 10s. the property of John Wheeler.

The proſecutor called on his recognizance, and not appearing, the priſoner was

ACQUITTED.

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464. The ſaid **WILLIAM COFFIN**, otherwiſe **COGGAN**, was again indicted for feloniouſly ſtealing, on the 19th of April, eight marble peſtles, value 10s. a cloth jacket, value 2s. the property of William Booth.

GUILTY.

Whipped, and hard labour ſix months.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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465. **WILLIAM HUNTLEY** was indicted for feloniouſly ſtealing, on the 8th day of March laſt, five hempen ſacks, value 5s. twenty buſhels of malt, value 4l. the property of Walter Powney, being in a certain barge on the navigable River of Thames.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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466. **SARAH ALLEN** was indicted for feloniouſly ſtealing, on the 24th day of March laſt, one ſilver watch, value 3l. 3s. the property of John Greening, privily from his perſon.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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467. **HUMPHRY MOORE** was indicted for feloniouſly ſtealing, on the 5th of February laſt, twenty guineas, value 21l. and four pieces of foreign gold coin, called doubloons, value 14l. 8s. the property of John Field, in the dwelling houſe of John Brown.

Mr. Garrow, Council for the Priſoner. I requeſt the witneſſes may go out of Court before Mr. Sylveſter begins.

Mr. Sylveſter, Council for the Proſecution. May it pleaſe your Lordſhip, and you, Gentlemen of the Jury, this is an indictment againſt the priſoner for ſtealing twenty guineas and four doubloons, the property of John Field: Gentlemen, the facts to bring this charge home to the priſoner are ſhort. The proſecutor on Thurſday the 5th of February was walking along St. James's-ſtreet, Covent-garden, when he was accoſted by a perſon he did not know, and they got into converſation; they ſoon ſtopped, and ſtooped and picked up ſomething, which upon examination proved to be a purſe; he immediately ſaid to the proſecutor, I have been ſo fortunate as to pick up a purſe, and you are intitled to half of it; the proſecutor,

tor, who has returned from Gibraltar, was highly pleaſed with his good fortune, and fell into the trap; they went into a houſe, and were ſoon followed by the priſoner; and when he came in, ſays he, Gentlemen, has any thing extraordinary happened; no, nothing extraordinary, only a purſe found; ſays he to the man, did you find it, was that gentleman in company with you? yes; Oh! then he is intitled to half certainly; to be ſure, no doubt of it: one end of this purſe contained a receipt from ſome eminent jeweller, for two hundred and ten pounds, paid for a brilliant diamond cluſter ring; and in the other end of the purſe was this diamond ring; pray, ſays the priſoner to the other man, have you any money; ſays he to the proſecutor, have you any money; ſays he, I have none about me; perhaps you have got ſome at home; yes: ſo they all three got into into a coach, and away they went to this man's lodgings at Chelſea; he had only twenty guineas and four doubloons; it was then propoſed, Sir, you have the ring and I have this twenty guineas and four doubloons; and, Sir, I will have the ring myſelf, and return you one hundred pounds for your ſhare, and propoſed to meet the proſecutor at the Chequers; the poor man, mightily pleaſed, called at the Chequers, and might have waited from that time to this, for neither of the gentlemen ever appeared; application was made to Bow-ſtreet, and thoſe gentlemen deſcribed who were very well known there, and Mr. Moor was taken into cuſtody, he affected to return part of the money, the poor man would gladly have received it, and 13l. odd was given back, the remainder was not paid; and the Magiſtrate told him, you cannot do it, the juſtice of the country requires that this man ſhould be brought to juſtice: Gentlemen my Lord will tell you that this is a complete robbery; for wherever a perſon makes uſe of a fraud to get into their poſſeſſion the property of others, fraud will not excuſe the felony; theſe very caſes have been ſubmitted to the twelve Judges, they have determined this offence to be a complete felony: Gentlemen, the next queſtion will be for you to judge, whether the priſoner was or was not concerned with the other man, and whether it was not a ſcheme to rob and plunder the firſt man that they met with; the priſoner goes into a public houſe and interferes as an innocent man would not have done; then goes into the coach to this man's lodgings at Chelſea, and comes away with the other man, then when he is taken up he offers to make reſtitution, theſe are for your conſideration: If he is connected with the other, he is equally guilty of the felony; of that there cannot be a doubt in point of law, but if the facts do not warrant your verdict of Guilty, in that caſe you will acquit him.

JOHN FIELD *ſworn.*

On the 5th of February laſt, I was going towards Holborn, croſſing Covent-Garden, and in James-ſtreet, I believe it is, there was a man came up to me, and ſaid, Sir this is a dirty black guard place, he ſpoke two or three times, and at laſt he came and joſtled againſt me, I ſaid, I perceive you are a ſtranger; and as we were juſt turning the corner coming up Long-Acre, I ſaw a purſe laying at a door; immediately he ſtops and picks up the purſe.

Court. Was the purſe near a door in the footway?—Yes, he put it into his pocket, he walked I believe 40 or 50 yards, he walked faſter than I did, for I kept my pace, come, ſays he, we will go in and have a pot of porter, and ſee what we have pick-up, no ſays I, I will not drink any thing, I am going to a gentleman, if you have any thing, open it here; no, ſays he, we muſt not open it here, and he inſiſted on my going in, and he over perſuaded me; he called for a pot of porter and a room, and I ſaid I could not ſtay, he ſaid you muſt ſtay; he pulled out the purſe, and out of one end he pulled out a receipt, he read it and gave it me to read.

(The receipt produced.)

Mr. Garrow. Has it been in your cuſtody ever ſince?——Yes.

(The receipt read.)

“ February 2d, 1784 :—Bought of William Smith, one brilliant diamond cluſter ring, value 210l. and received at the ſame time the contents, in full of all demands, by me William Smith.”

I took and read the receipt, ſays I to him, this is ſome gentleman that has dropped the receipt; however, ſays he, I have got the bird as well as the neſt, and he opened the other end and produced the ring, *(the ring produced)* he gave me the ring to look at, and I returned it to him again; as we were talking together, in comes the priſoner Humphry Moore, rubbing his hands, with a glaſs of brandy; gentlemen, ſays he, is there any thing extraordinary, like a ſavage peeping out of a wood; yes ſays this other man, but I believe it is not worth mentioning, and he produces the receipt to Moore; he read it, O, ſays he, this is only ſome lady that has dropped it; O, but ſaid Moore, with a large oath, it was the fineſt thing that ever he ſaw, which of you picked it up? it was me, ſays he; O, ſays the other, it is no matter, I ſuppoſe this gentleman was with you; yes, ſays he, I am a countryman come out of Shropſhire, I carry on buſineſs, my wife is in the grocery, I come up here to buy ſome goods, I have an order here for three hundred and fifty pounds, mentioning the merchant's name; O, ſays he, I know him very well, he is juſt gone out, I was with him juſt now for caſh; he ſaid to me, what are you doing here? I ſuppoſe you are a ſerjeant, I ſaid yes, perhaps you have ſome money, ſays he, I will be willing to ſettle it with you, as we are both ſtrangers.

Mr. Sylveſter. Had you differed before that at all?——No.

Had either of you deſired him to enquire into the buſineſs?—Not a word, he ſaid to the gentleman, have you no money? no, I only brought a guinea and half to London with me, and my ſupper and my bed, and a friend drinking with me, I have very little left; ſays he, I ſhall have plenty to-morrow; ſays I, if you have not money, you had better advertiſe the ring; no, no, ſays he, we muſt not advertiſe it, I ſhould have bought ſuch a ring to have made a preſent to Lord Derby; as I do not want money, I will give you your ſhare if you can be content till to-morrow, nine o'clock; the priſoner ſays to me, have you any money; I ſaid I had none about me; have you any at home; I told him I had; can you get it if we go home with you; to be ſure I can, ſays I; how much money do you think you have at home; I do not doubt but I have forty or fifty pounds at home; that will juſt do, ſays he, we will have a coach and we will go; we went all three in a coach, and went up to my lodging; Moore ſtaid behind, the other man and me went up to my quarters, and ſat down and drank ſhare of a ſhilling's worth of punch; when I got the money, we left Moore in the Five Fields, but he was at the Cheſhire Cheeſe when we came down, I put down the money, twenty guineas and four doubloons, the other man put it in his purſe, and gave me the ring, and deſired me to meet him the next morning at nine o'clock, that he would return me that money, and give me one hundred pounds for my ſhare of the ring, which accordingly I did, I went the next morning, and waited there till four in the afternoon, but never ſaw the two ſtrangers.

Mr. Sylveſter. How long did they ſtay in the houſe at Chelſea after you gave them the twenty guineas?——Not two minutes.

Did they go away together?—Both went away together, they would hardly ſtay to drink the punch I had treated them with; after that I gave information at Bow-ſtreet.

Look at that man, was that the man?—That was one of them.

When he was taken up; what did he ſay to you?——When I went into the room, I told the conſtable that was the man.

Court. When did you give the firſt information in Bow-ſtreet, where did you find this man?——I found him in a publick-houſe; I knew him directly, he did not deny it.

What did he ſay?—He ſaid he was the man, he was ſorry for it, he would make it up, and get me the money if he could.

Court. What publick-houſe was it?—I do not know, he ſaid he was ſorry he had taken me in, but he would make friends and get me my money back again if he could.

Mr. Garrow. Your anſwer to my friend's laſt queſtion was, that he was the man, that he was ſorry for it; then you mended your evidence, and ſaid he was ſorry for taking you in?—I do not recollect I ſaid he took me in.

That is very material?——My Lord, I mean nothing but to be correct.

You ſee when my friend aſked you what paſſed between you when you firſt ſaw him, you ſaid that he was ſorry for it, then you do not recollect at all, that he ſaid that he was ſorry he had taken you in?—No.

What did you charge him with doing?—I deſired that he would get me my money.

Court. What did you ſay when you firſt ſaw him?—I told him to his face, and the conſtable that took him, that that was the man that was in company when I was defrauded of my money.

And like an honeſt man, and feeling for your loſs, the priſoner ſaid, I am ſorry for it?—I cannot tell what was his anſwer rightly, I know he ſaid ſomething to that purpoſe, that he was ſorry, and would get me the money if he could.

I believe he was as good as his word, and did endeavour to get you the money?——I do not doubt but he did, he ſtrove very much.

You yourſelf propoſed that a jeweller ſhould be ſent for, and the money divided?—Yes, I did.

Conſequently you very voluntarily parted with your twenty guineas?—Yes.

You have told us very freely too, that this man did not take the money, the other man took it from you?—The other man took it from me.

My friend aſked you if you met them the next morning; your anſwer was more correct, you ſaid *he* gave me the ring, and appointed me to meet him; but it might be an omiſſion?—I ſhould have ſaid *them*, becauſe they both promiſed to meet me.

Court. Did Moore promiſe to meet you?—Yes, I think ſo, to the beſt of my knowledge, but I will not poſitively ſay; they were both to meet there, becauſe we were to give him a guinea apiece; therefore he muſt be there.

Mr. Garrow. Then it excludes the poſſibilty of his ſharing in the plunder.

Court. That may be rather a ſtronger inference than we may draw.

You went the next day to this place at Charing Croſs?—Yes, I did.

Did you never leave the ring with any body before you went to Bow-ſtreet?—Indeed I did, I believe General Boyd and his lady had it; I cannot tell who had it.

To whom did you give it?——I gave it to my ſon-in-law Robert Mitchell.

Court. When was that?——I cannot ſay what day.

Recollect as near as you can?—I dare ſay it was four or five days after.

Before the priſoner was taken up?—Yes.

How long might your ſon-in-law have it?——I believe he had it a day.

He returned it to you?—Yes; my ſon, as I have heard, gave it to General Boyd, I cannot tell what came of it when it was out of my poſſeſſion.

Did you make a mark upon it?——I did not.

You are but very little acquainted with cluſter diamond rings?—I am not, I never ſaw one before.

And never may again perhaps?——I hope not.

When the ring was produced by the ſtranger out of the purſe, you took it for granted it was a cluſter diamond ring?—Yes.

It is only from the information of ſomebody elſe that you can gueſs that it is not a diamond cluſter ring?——It is not.

If I were to aſk you upon your oath, and from your own knowledge, could you tell me whether this is a diamond ring or not?——I could not.

Then the ring may have been changed, having no mark and you having no judgment in brilliants, it is poſſible?——I do not think my ſon-in-law or General Boyd would change it.

But otherwiſe you have no mark, no gueſs, no poſſibility of knowing whether it was the ſame?——No, I had not.

You ſay you never ſaw the priſoner in the ſtreet, previous to your going into the public houſe?——No.

He was not in the public houſe when you firſt went in?——He came after we came in.

While you were reading this paper, and examining that identical ring?——Yes.

Now, was there any thing that induced you to think that that man at the bar and the other are at all acquainted?—To ſpeak my opinion, I really took them to be ſtrangers, I did indeed.

I believe when you were picked up in the ſtreet you had a note of ſome value in your pocket?——Yes, I had a two hundred pound note in my pocket.

Did you or did you not give that note of two hundred pounds to the priſoner to get it diſcounted?——Yes, I did.

How many days had it to run?—Three or four days; the priſoner went out, and came back and delivered it to me.

The two hundred pound note that had but two or three days to run was better to ſteal than twenty guineas; my friend aſked whether they did not come away together?——They walked away together, or run, they were out of my ſight in five minutes; I left the houſe when they left it.

Did you not invite the priſoner to go to Chelſea?——No, for the priſoner propoſed when he found I had ſome money at home, to take a coach and go.

I believe you are not much a loſer by this fraud, taking for granted for a moment, that neither you nor I know that this ring is not worth ſixpence, I believe you are not much loſer from the fraud?——Upon my word I am, where is my four doubloons?

Have you or have you not a note for the remainder?—No.

Have you never had?—There was ſome kind of a note that the priſoner drew out there; he returned me the money about ten hours after he was taken up.

What is that note for?——For value received.

His note is for a part of this balance?—I believe ſo.

You had a note of Moor delivered to you?—I did not deſtroy it.

Priſoner. You will find in the courſe of the witneſſes, that Mr. Field accepted of the note.

Proſecutor. It was there, and burnt before all our faces: I believe I did read it, but I did not keep it in my poſſeſſion half a minute, it was given to one Buckery, he was the perſon who was to keep it.

You had no idea of proſecuting this man till it was put into your head at Bow-ſtreet?——I do not know whether I had or not.

Was it not from the advice of the runners of Bow-ſtreet that you brought this proſecution?—I do not think it was; Sir Sampſon Wright and Mr. Bond ſent down ſome of his people, and took us all priſoners.

For what?—I was not a priſoner three minutes, every one in the houſe was taken up.

Did not Sir Sampſon Wright ſay he would ſend you to Bridewell if you did not proſecute?—I told him I wanted to go over to Ireland, and he told me I ſhould not go, I ſhould ſtay and proſecute the priſoner.

Do you recollect writing any letter to the priſoner, ſince he has been in cuſtody on this ſubject?——Yes, I did.

What might have been the purport of that letter?——I have forgot.

Was it not to obtain ſatisfaction that unleſs the notes were taken up, and ſatisfaction made, you would proſecute.

Priſoner. You will find that the day I was taken into cuſtody, that ſame ring was ſeen in the poſſeſſion of a private ſoldier.

Mr. Garrow. Do you not recollect

ſending to your wife by a common ſoldier?—I do not.

Did you ſend to your wife for the ring?—I cannot tell whether I did or nor.

Do you recollect that it was locked up?—I do not recollect.

Do you recollect your being at the publick houſe with the Conſtable, on the day the 13l. was paid, and then ſending to your wife for the ring?—What the day the priſoner was taken up, upon my word I believe it was, I cannot recollect rightly.

Then by whom did you ſend?——The perſon is not here, he was a Serjeant.

Can you be ſure this is the ring that he brought you?—I think I could.

By what marks?——I did not mark it.

It depends you know very much on the honeſty of that man, whether he might not have changed it or no?——It certainly does.

Priſoner. I wiſh to put another queſtion to Mr. Field.

Mr. Garrow. Send the queſtion to me in writing.

Do you recollect correctly whether the guinea apiece was to be given the next day, or that it was not given at Chelſea that day?—No Sir, no ſuch think mentioned, I would not deny it if I did.

Mr. Silveſter. Who propoſed going to Chelſea?——Mr. Moore.

Who propoſed meeting the next day?—The other man and Mr. Moore.

Now this note of yours, the 200l. note, what kind of note was it?——It was a note from the paymaſter to the agent.

Which they could not get diſcounted?—I do not know whether they could or not.

As to the ring, is that the ſame?——I really believe this is the ſame ring, I have not the leaſt doubt in the world.

Have you any doubt of the receipt being the ſame?—None, that is the receipt.

When the man was taken up, he propoſed paying you ſome money and giving you a note, what was that for?—For the remainder of the ſum he had got from me.

Did he ever pretend to you that he had not received any money?—Yes Sir, he told me he had received no money, he offered to get all he could for me.

What was the purport of this note he gave you?—I do not know.

Mr. Silveſter. I do not know that I need call any more witneſſes.

Court. Uſe your own judgment about that.

FOR THE PRISONER.

GEORGE BAIKIE *ſworn.*

Mr. Garrow. I believe you are an acquaintance of Mr. Field's?—Yes.

Did you at any time receive from Mr. Field authority to ſettle the buſineſs which is the ſubject of this enquiry?——Yes, I live at Chelſea, in Jews-row, at the King's head, very nigh the proſecutor, when the proſecutor was ſwindled out of his money, I knew nothing at all of it till it was over, when he was going into the country he left an order for me to ſettle the matter for him, and receive what money I could get, he was then going to his officer to ſettle ſome matters in the regiment that he left unſettled behind him.

Was there in conſequence of that authority any negociation between you and any other perſon for the purpoſe of ſettling for him?—He was not gone when an order came up to Chelſea for me to go down and ſettle it, therefore I took him with me to ſettle it.

What paſſed at the meeting in ſettling it, and who were there preſent?——There was the priſoner Moor, a Conſtable of the name of Rhodes, a Serjeant, and Mr. Field.

What paſſed?—When we went in, the Conſtable aſked Mr. Field if he knew the priſoner Moor, and he told him he did, and Mr. Moor ſaid I am the man, Field ſaid I want my money, to which Moor anſwered I have not the money to give, I am ſorry for it.

Was there any money paid at all to Field?—Yes, there was 13l. in my preſence, ſome odd ſhillings, with a bill of Mr.

Foſter's likewiſe, which was given in balance for the reſt.

In balance for what?—In balance for 35l. I think for 20 guineas and 4 doubloons, 13l. he got, and ſome odd ſhillings, and a note of Mr. Foſter, a note of hand for 19l. it was made in my name, that I was to receive the money for Mr. Field, it was a note of hand from Moor the priſoner for 19l. that note was delivered to me for Mr. Field as a Truſtee for him, it was made over in my name, it made up the whole ſum as far as I knew.

What became of that note?—We deſtroyed it as we thought it was of no uſe, Mr. Field was ſatisfied with what balance he had got, as the man could not raiſe any more money, and we were all going away, there was a party came from Bow-ſtreet, by whoſe means I know not, and they apprehended the whole and took them to Bow-ſtreet, and Mr. Field was obliged to go with us, it was all ſettled.

It was all over then, when that party came and fetched you, and the note was deſtroyed.

Mr. Sylveſter. When you was in company, what had the conſtable to do then?—Moore was in cuſtody, then he was charged with dropping the ring.

What elſe?—Nothing elſe.

Yes, it muſt be ſomething elſe?—Field charged him with being in company with another man, which had defrauded him of ſome money; the other man was charged with taking away the money, but he charged this with being an accomplice in taking it.

What did the priſoner ſay?—I am ſorry for it; ſays the other I want my money; ſays he, I have it not to give you; he had not got the money at firſt, he ſent out and collected thirteen pounds; I did not hear what the Juſtice ſaid.

GUILTY.

Of ſtealing, but not in the dwelling houſe.

Judgment reſpited till next ſeſſions.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

468. MARGARET ALLEN was indicted for feloniouſly ſtealing on the 10th of April, one callimanco petticoat, value 12s. the property of Ralph Steel, privily in his ſhop.

GUILTY, 4s. 10d.

Recommended to mercy by the Jury.

Privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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469. MARY GREEN, alias WOOD, and MARY BOND were indicted for feloniouſly ſtealing on the 11th of March laſt, ſix yards of printed cotton, value 15s. the property of Robert Huſſey, privily in his ſhop.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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470. JOHN KIRBY was indicted for feloniouſly ſtealing on the 7th of March, 78 pounds weight of lead, value 5s. belonging to Daniel Sullivan, then and there fixed to a a certain dwelling houſe of the ſaid Daniel, againſt the ſtatute.

GUILTY.

Publickly whipped, and confined to hard labour twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury, before Mr. Baron EYRE.

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471. JOSEPH BRADFORD was indicted for feloniouſly ſtealing on the 7th of April, one linen ſheet, value 2s. one woollen blanket, value 2s. two callico ſhirts, value 3s. a cotton waiſtcoat, value 6d. one pair of cotton ſtockings, value 6d. one pair of worſted ſtockings, value 6d. one ſtock, value 6d. one cotton night

cap, value 2d. the property of Patrick M‘Ewen.

GUILTY

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury, before Mr. Baron EYRE.

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472. **JOHN ASHBY** was indicted for feloniouſly ſtealing, on the 9th of September, one man's cloth great coat, value 20s. the property of Edward Wolfe.

GUILTY.

To be privately whipped, and impriſoned one month.

Tried by the ſecond Middleſex Jury, before Mr. Baron EYRE.

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473. **ABEL DRUDGE** was indicted for feloniouſly ſtealing on the 10th of March laſt, ten ounces weight of butter, value 3d. and four-pence in monies numbered, the property of Mary Leach.

GUILTY

To be publickly whipped, and confined to hard labour in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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474. **WILLIAM LEE** was indicted for feloniouſly ſtealing, on the 8th of April, two table cloths, value 1s. 6d. ſix linen ſhirts, value 12s. one pair of linen ſheets, value 12s. four towels, value 1s. two flannel petticoats, value 1s. two linen ſhifts, value 10s. the property of Richard Drew.

GUILTY.

Publickly whipped and diſcharged.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice NARES.

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475. **DANIEL SMITH** was indicted for feloniouſly ſtealing, on the 6th of March laſt, one linen ſheet, value 2s. the property of Sarah Maſters.

GUILTY.

To be publickly whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice NARES.

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476. **JOHN RAPIER** was indicted for feloniouſly ſtealing, on the 6th of March laſt, one quart pewter pot, value 2s. four pint pewter pots, value 2s. the property of Elizabeth Dowle.

GUILTY.

Publickly whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond London Jury, before Mr. JUSTICE NARES.

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477. **MARY BROWN** was indicted for feloniouſly ſtealing, on the 17th day of March laſt, one man's ſaddle, value 4l. the property of Robert Clark.

GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury, before Mr. JUSTICE NARES.

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478. **MARY M‘NEALE** was indicted for feloniouſly ſtealing, on the 11th of March laſt, one half gallon pewter pot, value 2s. the property of Joſeph Arthur.

GUILTY.

To be privately whipped, and confined to hard labour twelve months in the Houſe of Correction.

Tried by the ſecond London Jury before Mr. JUSTICE NARES.

479. **JOSEPH WILLIAMS** was indicted for feloniouſly aſſaulting, in a certain field near the King's highway, Sarah Sanderſon, on the 2d of April, and putting her in fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one ſilk cloak, value 20s. the property of William Martin Sanderſon, and one ſcarlet cloth cloak, value 10s. the property of George Hodges, one ſilk handkerchief, value 2s. one half guinea, value 10s. 6d. four halfpence, value 2d. one metal ſeal, value 2d. and two baſe metal pocket pieces, value 1d. the property of the ſaid Sarah.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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480. **JOHN LIVELY** was indicted for feloniouſly ſtealing, on the 17th of April, one wooden caſk, value 1s. 6d. and eight iron hoops, value 1s. the property of Oliver Dickſon and William Young, and one other wooden caſk, value 1s. 6d. and eight iron hoops, value 1s. the property of William Wild, and Co.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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481. **THOMAS BRADY**, otherwiſe **BREADY**, was indicted, for that he, well knowing that one Michael Power ſerved on board the Pallas, and that certain wages and pay were due to him, on the 18th of November, falſly, willingly, and knowingly, did falſly aſſume the character of the adminiſtrator of the ſaid Michael Power, in order to receive the ſame.

A Second Count charges him, for that he afterwards, that is to ſay, on the 18th of November, feloniouſly, willingly, and knowingly, did falſly aſſume the character of a relation of the ſaid Michael Power, to wit, the brother of the ſaid Michael Power, in order to receive the ſaid wages and pay.

NOT GUILTY.

Tried by the ſecond London Jury, before Mr. Juſtice NARES.

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482. **WILLIAM EDWARDS** was indicted for feloniouſly ſtealing, on the 23d of February laſt, a pair of iron chains, called butt chains, value 20s. the property of Robert Barclay, and Co.

A Second Count, for the ſame offence, only laying the property to be the property of Barlow and Perkins.

NOT GUILTY.

Tried by the ſecond London Jury, before Mr. BARON EYRE.

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483. **JOHN MANN** was indicted for feloniouſly aſſaulting, on the King's highway, John Geddes the younger, on the 17th of March laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a check apron, value 6d. and three pair of womens ſtays, value 40s. the property of John Geddes, the elder.

NOT GUILTY.

Tried by the ſecond London Jury, before Mr. Baron EYRE.

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484. **EDWARD COLLINS** was indicted, for that he, on the 5th of April, ſixty pounds weight of lead, value 10s. belonging to Robert Milne, Eſq; fixed to a certain houſe belonging to the ſaid Robert, feloniouſly did rip, cut, and break, with intent the ſaid ſixty pounds weight of lead

then and there feloniouſly to ſteal, take, and carry away.

GUILTY.

Confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond London Jury, before Mr. RECORDER.

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484. JOHN FORD was indicted for feloniouſly ſtealing, on the 12th of March laſt, four pair of mens ſhoes, value 20s. the property of Alexander Gordon.

GUILTY.

Fined 1s. and impriſoned three months in Newgate.

Tried by the ſecond London Jury, before Mr. RECORDER.

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485. WILLIAM TAYLOR was indicted for feloniouſly ſtealing on the 10th of April, an iron hatch gate, value 8s. the property of Benjamin Mee, Eſq.

GUILTY.

To be publickly whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond London Jury, before Mr. RECORDER.

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486. ELIZABETH DEMPSEY was indicted for feloniouſly ſtealing, on the 6th of April, one pewter pint pot, value 6d. the goods of Elizabeth Brockwell.

GUILTY.

Privately Whipped.

Tried by the ſecond London Jury, before Mr. RECORDER.

487. JOHN SMITH was indicted for feloniouſly ſtealing, on the 15th of April, one piece of leather, called calf ſkin offal, value 2s. the property of Robert Wyatt.

GUILTY.

Whipped.

Tried by the ſecond London Jury before Mr. RECORDER.

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488. MARY CONNERLY was indicted for feloniouſly ſtealing, on the 8th of March laſt, one pewter pint pot, value 6d. the property of John Hopkins.

GUILTY.

Privately whipped and diſcharged.

Tried by the ſecond London Jury, before Mr. RECORDER.

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489. JOHN THOMAS was indicted for feloniouſly ſtealing, on the 14th of March laſt, thirty pounds weight of copper, value 20s. the property of George Crew.

THOMAS RUTTER *ſworn.*

I ſaw the priſoner come and take away this copper; I ſaw him take it, and I took hold of him, and brought him back with the copper.

(The copper depoſed to.)

PRISONER's DEFENCE.

When the gentleman ſtopped me, I ſhewed him the man that gave me the copper to carry.

SOLOMON DAVIS *ſworn.*

I have the copper in my poſſeſſion.

Priſoner. I came from Barbadoes.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury, before Mr. RECORDER.

490. **WILLIAM KIBBLE** was indicted for feloniouſly ſtealing, on the 7th of January laſt, four pounds weight of braſs, value 16d. the property of Thompſon Warner.

A *Second Count*, for ſtealing on the 1ſt of March, twelve pounds weight of braſs, value 4s. the property of the ſaid Thompſon Warner.

GUILTY.

Privately whipped.

Tried by the firſt London Jury, before Mr. RECORDER.

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491. **GEORGE HOWARD** was indicted for feloniouſly ſtealing on the 17th of April, two pounds three quarters weight of tobacco, value 4s. the property of a perſon unknown.

GUILTY.

Whipped.

Tried by the firſt London Jury before Mr. RECORDER.

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492. **WILLIAM SHUFFLEBOTHAM**, and —— **COWPER** were indicted for feloniouſly ſtealing on the 14th of November laſt, two reams of printed paper, value 20s. the property of John Nicholls.

GUILTY.

SHUFFLEBOTHAM *confined to hard labour ſix months in the Houſe of Correction.*

COWPER *to be privately whipped and diſcharged.*

Tried by the firſt London Jury before Mr. RECORDER.

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493. **WILLIAM RAY** was indicted for feloniouſly ſtealing on the 27th of February laſt, one linen handkerchief, value 2s. the property of George Onſlow, Eſq.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. RECORDER.

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494. **ANN JONES** was indicted for feloniouſly ſtealing on the 8th of April, one pewter pint pot, value 1s. and one pewter half pint pot, value 6d. the property of Joſeph Parker.

GUILTY.

Twice privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt London Jury, before Mr. Baron EYRE.

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495. **THOMAS BATES, THOMAS EBBON**, and **JOSEPH STURDMORE** were indicted for feloniouſly ſtealing on the 15th day of March laſt, nine packs of meſſage cards, value 5s. the property of Thomas Splitt.

ALL THREE GUILTY.

To be privately whipped, and confined to hard labour twelve months in the Houſe of Correction.

Tried by the Firſt London Jury, before Mr. Juſtice NARES.

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496. **JOHN KELLY** was indicted for feloniouſly ſtealing on the 20th day of March laſt, one copper pot plated with ſilver, value 5s. the property of Joſeph Hancock.

GUILTY.

To be privately whipped and diſcharged.

Tried by the firſt London Jury before Mr. Baron EYRE.

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497. **ISAAC CASS** was indicted for feloniouſly ſtealing on the 2d of March

laſt, ſixteen pounds weight of bacon, value 10s. the property of John Gardner.

GUILTY.

(Recommended by the Jury.)

Privately whipped, and diſcharged.

Tried by the firſt London Jury before Mr. BARON EYRE.

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498. JAMES BRADLEY was indicted for feloniouſly ſtealing on the 18th day of March laſt, two iron half hundred weights, value 5s. the property of William Staines.

GUILTY.

Publickly whipped, and confined ſix months to hard labour in the Houſe of Correction.

Tried by the firſt London Jury before Mr. RECORDER.

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499. SARAH HOUSE was indicted for feloniouſly ſtealing, on the 17th day of April laſt, one pewter pint, value 1s. the property of Henry Stevens.

GUILTY.

To be privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond London Jury, before Mr. RECORDER.

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500. JOHN BEWLEY was indicted for feloniouſly ſtealing, on the 5th of March laſt, two pounds weight of pimento, value 2s. 8d. the property of certain perſons unknown.

Recommended to mercy by the Jury.

To be privately whipped, and impriſoned three months in Newgate.

Tried by the ſecond London Jury before Mr. RECORDER.

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501. WILLIAM COX and ANTHONY WILLIAM STONE were indicted for feloniouſly ſtealing, on the 28th of February laſt, four gold locket buckles ſet with diamonds, value 50l. the property of Richard Clark and Thomas Abbott Green, privily in their ſhop.

BOTH NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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502. The ſaid WILLIAM COX, and WILLIAM ANTHONY STONE were again indicted for feloniouſly ſtealing, on the 9th of February laſt, one gold ring ſet with pearls, value 50s. and 8 gold rings ſet with chryſtals, value 50 pounds, and one black leather caſe, value 1s. the property of James Chater and William Chater, privily in their ſhop.

BOTH NOT GUILTY.

Tried by the ſecond London Jury, before Mr. RECORDER.

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503. ROBERT BLAKEY (aged 12 years) was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Joſeph Smith, at the hour of nine in the night, on the 1ſt of April, and feloniouſly ſtealing therein, one ſteel hilted ſword, value 1s. the property of Joſeph Smith.

GUILTY.

Of ſtealing, but not of breaking and entering the dwelling houſe.

To be privately whipped, and paſſed to his Pariſh.

Tried by the ſecond London Jury, before Mr. RECORDER.

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504. JOHN NICHOLLS was indicted for feloniouſly ſtealing, on the 20th of March laſt, fifty-ſeven razors, value 4l. ſix powder puffs, value 48s. forty-eight hanks of ſilk, value 7s. ſix bunches of human hair, value 40s. ſixty-two ivory combs, value 35s. a razor-ſtrap, value 2s. twelve pair of ſciſſars, value 9s. twenty-two boxes of ſoap, value 2s. twelve rolls of pomatum, value 6s. nineteen pound weight of hair powder, value 10s. thirty-ſix yards of wig ribbon, value 10s.

twenty-four ſilk cauls, value 12s. twenty-three ſilk and thread cauls, value 5s. one looking glaſs, value 12d. three ſilk purſes, value 6s. one hat bruſh, value 6d. one leather tobacco box, value 4s. twenty yards of wig ribbon, value 4s. four pounds of brown powder, value 8s. ſix rolls of other powder, value 2s. and a ſilk powder puff, value 9s. the property of Thomas Weſt and William Thomas.

The witneſſes examined apart at the requeſt of Mr. Roſe the Priſoner's Council.

WILLIAM THOMAS *ſworn.*

I am partner with Thomas Weſt, we are hair merchants and perfumers; the priſoner was our ſervant and aſſiſtant to the porter, he came the beginning of January and ſtaid with us to the 20th of March; on the 21ſt a meſſage came to our houſe that Nicholls and his brother were ſuſpected of ſelling our goods.

Mr. Roſe Priſoner's Council. Do not tell us of any hearſay.

Court. In conſequence of that meſſage what did you do?—I went to enquire of the goods, and I ſaw an article at the houſe of Richard Serle, a hair dreſſer, who is now preſent, which is our property, which was a bag to hold hair powder, marked with my mark, the priſoner was to have come to work on Monday, but he made off.

Court. Had you ſold that powder bag to any body?—Not that I know of.

You ſell thoſe things?—We do, but it is moſtly wholeſale, and in the country; he ſhewed me the priſoner's brother, and I took him up; I then went to his brother's lodgings, and there I found ſome of our property: I then looked out for John, I apprehended his rout was towards his native country which was Hertfordſhire; I enquired at the inns whether any thing had been forwarded in his name, at the Swan I found a box directed there for him.

Where did you trace the priſoner to?—To Worceſter, and I ſent our man, his name is Samuel Hutchens; I know nothing further till I ſaw the goods before the magiſtrate Mr. Alderman Bates in London; I ſaw ſeveral of our things with my mark.

Mr. Roſe. Pray was you partner with this gentleman Mr. Weſt when this perſon came into your ſervice?—Yes.

Are you partner now with him?—Yes.

Had you any character with this man when he came into your ſervice?—His brother was a porter of ours and introduced him, we had no other character.

You ſay he left you and did not appear on the Monday?—I did not ſee him.

Had he given you any warning at that time?—We expected him to come to work.

Had he before that given you any warning that he ſhould leave your ſervice?—He gave us a kind of warning, he ſaid he would go away if we thought he was guilty of taking 30 doz. of ivory combs, which are not mentioned in the indictment.

Court. When did he ſay ſo?—He did not ſay ſo to me.

Mr. Roſe. Did he ever deſire you to look out for another man in his ſtead?—He did to my partner.

Did you know that this man was going to leave you?—No, I heard he ſaid he would go if he was ſuſpected, he aſked my partner to let him ſtay three months; I did not expect him to go on the Monday.

Did his brother William ever come to your houſe?—I cannot tell becauſe we have thouſands come.

Yours is a pretty large ſhop, is not it?—Yes.

How many people have you?—I am not ſure, there may be twenty or not ſo many.

SAMUEL HUTCHINS *ſworn.*

I am ſervant to the proſecutor, I was ſent to on the 24th of March, I found John Nicholls at the Town-hall at Worceſter, with ſome goods, he was then before the magiſtrates, and the goods were there, various articles that were locked up in a cheſt; the priſoner ſaid before the magiſtrates in my hearing, that he bought them of different people in the ſtreets; on the 26th I was ſent again, and there was a box of his which came by the waggon, with more of the ſame kind of articles, and I believe he ſaid the ſame of them, the cheſt was put into the hands of John Jones and brought with the priſoner to London, I put no mark upon it, nor upon none of the goods, for they were part of them marked, and Jones marked them all, I know ſome of the commodities to be my maſter's.

Mr. Roſe. Were the puffs and things put into the the cheſt?——Yes.

You did ſee them all put into the cheſt? ——Yes.

You ſay there was a box produced that came by the waggon, how do you know it came by the waggon?—There was a direction on the box to John Nicholls, the things were all put in the cheſt together.

ROBERT JONES *ſworn.*

I live in Broad-ſtreet, Worceſter, I am an officer there, I was applied to on the 19th of March laſt; about an hour after Mr. Thomas's man came down to me and informed me, and in conſequence of that information, I took up the priſoner on ſuſpicion of ſtealing the contents of the box, I found part of the property on his perſon, and part of it in the box at his lodging at the inn, I found ſeveral articles on his perſon, marked Weſt and Thomas.

(Recites a great variety of the articles mentioned in the indictment.)

Did you find all theſe things upon him? —I found them in a baſket, he was offering them for ſale at a ſhop.

(Recites more articles.)

Where did he lodge?—At the houſe of one Thomas Dyſe in Silver-ſtreet.

Did he acknowledge that he lodged there? —Not to me.

Then you do not know that he lodged there only from information?—I found the box at that lodging, directed for him at Worceſter.

What is the direction?—To be left at the Rein Deer, Malchapen-ſtreet, Worceſter, till called for by John Nicholls.

Court. What did you do with the things after he was examined before the Juſtice? —I took them into my charge before he was examined, and locked them up, and after they were produced before the Juſtice, I locked them up in a box which is here, no man can open the box but myſelf with my key; I am ſure that the things are the ſame that were put into the box, I have had it under lock and key; when I got him firſt of all I aſked him if his name was Nicholls, he ſaid it was; ſays I, who does that belong to in the baſket? ſays he, it belongs to me; then ſays he, do not make a thief of me, it is not my property, a man gave it me to ſell.

Court. That was with reſpect to the things in the baſket?——Yes, I aſked him the name of the man, he ſaid he never ſaw him till yeſterday, he did not know his name, nor where he was to be found, I told him he ſhould come along with me.

Mr. Roſe. He was ſelling them publickly in the ſhop?—Yes.

As for his lodgings, you ſay you do not know any thing about them yourſelf at all? —I was informed it was.

Have you brought the direction with you?—Yes.

Do you know the hand-writing?—No.

You ſay all the things were put into a box, and you believe that box was never opened in the way to London, I ſhould be glad to ſee this key of this lock that nobody can pick; is that your reaſon for ſuppoſing that it has never been opened?——I have always had the key in my cuſtody.

Has the box been out of your ſight?—— It has.

In whoſe hands?—When I brought the priſoner to London, I brought the box with me, and put a chain round it, and put a padlock round that, and locked it beſides, it was taken to Mr. Weſt and Thomas by a porter, it might be nine or ten days out of my ſight, I thought it was as ſafe as if it was in ſight, it was locked up by me, and I unlocked it at Guildhall, and locked it again, they were then taken to Mr. Thomas's houſe by one of his ſervants, and this morning I ſaw them at Mr. Thomas's, they were never out of my ſight till they were locked up.

RICHARD SERLE *ſworn.*

The priſoner came to my ſhop and offered to ſell me ſome long hair, about the middle of March, about ſeven or eight days before Mr. Thomas came to my ſhop; when Mr. Thomas came, he ſaw a powder bag and puff, which I had of a brother of the priſoner.

Is that brother here?—No, I bought no hair of the priſoner, I had them in my poſſeſſion and it was delivered to his brother, he likewiſe told me he had eighteen or twenty pounds of powder to ſell, and he brought me a ſample of the powder, and the price.

WILLIAM GRAHAM *ſworn.*

I know the priſoner has robbed my maſters, Meſſ. Weſt and Thomas, of goods that I have ſeen produced at Guildhall, which were found in his poſſeſſion; I did not find them.

What do you know yourſelf?—I know ſeveral things were ſtolen out of the houſe, I never detected him in any robbery.

What do you come here to prove?—— I can prove ſome of the goods.

ELIZABETH TUCKEY *ſworn.*

William Nicholls, the priſoner's brother, left this bundle in my poſſeſſion.

Is William Nicholls here?—No.

Then do not tell us; did John Nicholls come for them?—No, I do not know the man at the bar, I know one William Nicholls, I know nothing but what I heard from him.

Court. Let the cheſt be opened.

To Proſecutor. I ſuppoſe you have looked over theſe things?—I have.

Are there among theſe things any of them ſo marked that you can poſitively ſwear to them?—Yes.

Pick out a few of thoſe that you can ſpeak with the moſt certainty of.

Conſtable. Theſe are the articles that were found on his perſon.

(The proſecutor depoſes to a great many of the articles.)

Court. You never ſold any of theſe goods to this man or his brother?—No, I never ſaw the brother that is talked of here, till I took them up.

Have you looked over the reſt of the goods, and do you believe them to be your property?—Yes, I believe all the other things to be ours, except one ſingle article.

(Hutchins depoſes to part of the property as his own work.)

PRISONER's DEFENCE.

I bought this hair of different people in London, and paid for it.

Court. Can you produce who you had theſe things from?—No, I cannot.

Have you any witneſſes to your character, or to any fact.

Mr. Roſe. He had a certificate of the churchwardens and inhabitants where he lived, but we cannot produce that.

Jones. I have made an enquiry of ſeveral people in the town of Worceſter, and they ſpeak well of him, that he was a very honeſt lad; his maſter in the country was a very bad maſter.

Mr. Roſe to Jones. Has he a wife and family?—I believe he has at Leominſter.

GUILTY.

Tranſported for ſeven years to Africa.

Tried by the firſt London Jury, before Mr. RECORDER.

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505. MARY JACKSON, was indicted for feloniouſly ſtealing, on the 22d of March laſt one Callico ſhawl, value 9s. the property of William Tilſley.

GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond London Jury, before Mr. RECORDER.

506. **MARY CLARK** was indicted for feloniouſly ſtealing, on the 22d of April, five linen handkerchiefs, value 8s. and one ditto, value 20d. the property of Edward Nicholſon, privily in his ſhop.

GUILTY.

Of ſtealing, but not privately.

To be privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond London Jury, before Mr. RECORDER.

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507. **SARAH SPILLER** was indicted for feloniouſly ſtealing, on the 30th day of March laſt, one quart pewter pot, value 2s. the property of Griffith Thomas.

GUILTY.

Privately whipped and diſcharged.

Tried by the ſecond London Jury before Mr. RECORDER.

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508. **ANN BRIDGEN** wife of John Bridgen was indicted (together with one JOSEPH HARRIS) for having in her poſſeſſion, a mould for making ſhillings and ſix-pences.

There being no evidence, ſhe was

ACQUITTED.

509. **JAMES HOUGHTON** otherwiſe **JAMES DEPHNE**, was indicted with two other perſons for burglariouſly breaking and entering the dwelling houſe of William Wright, at the hour of nine in forenoon, on the 6th of November laſt, Elizabeth Wright, and others of his family being therein, and burglariouſly and feloniouſly ſtealing therein 20 guineas, value 21l. and 23 half guineas, value 12l. 1s. 6d. the property of William Wright.

The proſecutor not appearing the priſoner was

ACQUITTED.

Tried by the firſt London Jury, before Mr. RECORDER.

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510. **MARY JONES** was indicted for feloniouſly ſtealing on the 6th day of April two pewter pint pots, value 2s. the property of Thomas Biggerſtaff.

GUILTY.

To be twice privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt London Jury, before Mr. RECORDER.

MISDEMEANORS.

511. **WILLIAM ALLEN** was indicted for unlawfully, knowingly, and deſigningly obtaining from the ſervant of Lewis Johance, a piece of blue Perſian ſilk, under pretence that he was ſervant to William Tiffin, and ſent by him for the ſame.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury, before Mr. RECORDER.

512. **JAMES THOMPSON** was indicted for obtaining goods by falſe pretences from John Ireland.

GUILTY.

To be Fined 1s. and impriſoned twelve months in Newgate.

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513. **JOSEPH HARRIS** was indicted for attempting to break the dwelling houſe of Thomas Lewis, with intent to enter the

ſame, and the goods of the ſaid Thomas then and there being feloniouſly to ſteal.

GUILTY.

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514. SUSANNAH CLARKE was indicted for wilful and corrupt perjury.

GUILTY.

To be fined 6s. 8d. and confined two years in Newgate.

Tried by the firſt London Jury before Mr. RECORDER.

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515. SAMUEL FIELD and WILLIAM HOGG were indicted for that they on the 9th day of April laſt, unlawfully did forge, and counterfeit, and cauſe and procure to be forged and counterfeited, a certain mark and ſtamp to wit, the mark and ſtamp of a Lion, uſed and to be uſed, for the ſtamping of plate by the Company of Goldſmiths againſt the ſtatute.

A ſecond Count, For unlawfully ſtamping certain wares, with a certain mark and ſtamp in immitation of, and to reſemble the ſaid mark and ſtamp of the Lion.

A third Count, For that they unlawfully, wilfully, and knowingly had, and were poſſeſſed of a certain mark and ſtamp, that was made to reſemble the ſaid mark and ſtamp.

JOHN CLARKE *ſworn*.

On Friday the 9th of April, I was informed, that the two priſoners at the bar, were finiſhing buckles and ſpoons, I went and in a ſtreet near Red-Lion ſquare, I found the two priſoners.

Whoſe houſe was it?——I forget whoſe houſe, it was the lodging of Field, they were up two pair of ſtairs, and in a pail of water that ſtood by the window, I found four buckles that had juſt been coloured, and a table ſpoon, they were then wet.

Mr. Silveſter Council for the Proſecution.

Had they the appearance of ſilver at that time?——They had, but they were not ſilver, they were covered with clock face ſilver, I found two ſtamps in the window.

Court. Where are they?—I delivered them to the Aſſay Maſter.

Priſoner Field. Did Mr. Clarke ſee me do any thing?—No, I did not.

Court. Where were the priſoners?——The priſoner Field ſtood by the window, and Hogg at the table, they was a buckle on the table, and in the window was the ſtamps and the colouring.

FENDALL RUSH *ſworn*.

I am Aſſay Maſter to the Goldſmith's Company, I have got the impreſſion of a Lion, and likewiſe the initials of the workman's name.

Mr. Silveſter. How came they into your cuſtody?—They were given me by Mr. Clarke, the Lion is paſſant, the two letters are I. I.

What elſe have you?—The ſpoon, there is the mark of the Lion upon it.

Is it ſilver?—No, I think there may be the quantity of one penny weight in a pound of metal, there are five buckles of the ſame quality, of one penny weight in the pound.

Is this the Company's mark?—No, but the reſemblance that is made in imitation of the Company's mark, might impoſe upon any one, but thoſe who were critically verſed in things of this ſort.

Mr. Clarke. Theſe are the ſame I gave the Aſſay Maſter.

Mr. Silveſter. Had they the appearance more of ſilver then, than they have now?—Yes, they had much more the appearance of ſilver then, the air will take off the ſilver in a very ſhort time.

GEORGE CORNE *ſworn*.

About three weeks ago, I met the two priſoners, and they aſked me if I could pledge a ring for them, I took the ring from Field, it appeared to be garnets ſet in gold, they deſired me to aſk 4s. for it, but the pawnbroker refuſed to let me have ſo much upon it, when I came out I told Field, he ſaid damn it, I have ſomething that will do, and he took out a pair of buckles, and went in with them.

Mr. Fielding. When was this?—It was about a month ago, Field came out and told Hogg he had got ſeven ſhillings for them.

Court. Was the other priſoner by at that time?——Yes; they aſked me if I would drink, I told them I would; they aſked me if I would go home with them, I ſaid I would go with them; I went to Hogg's houſe, and he aſked me what I thought of theſe buckles, Field aſked me the ſame queſtion, I ſaid I did not ſee them, and I could not ſay much about them, he ſaid, don't you think they are ſilver? I ſaid, I don't know.

Court. Did Field go with you to Hogg's houſe?—Yes; my Lord, he then went to the cupboard, and pulled out a piece of rag with two bits of iron, they ſeemed to be like files; Mr. Field withdrew, and Hogg ſaid I will tell you the uſe of it, and he made the impreſſion of a lion upon the buckles and upon a ſpoon, and he ſaid, if I could meet with any metal buckles and bring them to him, he would make it an advantage to me; one of thoſe ſtamps was broke in the uſing, and one was ſhorter than the other, two or three days after I ſaw them again, and they ſaid if I would call on them, I could do them much ſervice, and it would be an advantage to me, I was to go to Field's houſe, but that night I went and laid an information in Bow-ſtreet, I was ſent to Mr. Reynolds, and he ſent me to Mr. Clarke, I went to this place ſome minutes before Mr. Clarke came, I ſaw the priſoner ſtamp the mark on ſome buckles, he made the mark, and then delivered them to Field.

(*The Buckles produced.*)

Are theſe the buckles you ſaw him mark?—Theſe are them I ſaw him mark before I came out, they were all coloured as well as marked, Hogg marked them, and Field rubbed them over to have the appearance of ſilver, and threw them in water, they deſired me to go and fetch an engraver, inſtead of that I went to Mr. Clarke, as Field did them he let them drop in the pail.

Did that change the colour?—Yes, it changed them white, I ſaw two buckles ſtamped and a ſpoon, one of the ſtamps was broke in the marking.

Croſs examined by Mr. Fielding.

Was you ever convicted for ſome offence or other?—Yes.

What was it for?—It was for an affair where I lived.

What did the court in that caſe?—I have been on board the lighter.

For how long time?—Three years.

Where do you live?—No. 37, Eagle-ſtreet.

——— HURD, Pawnbroker, *ſworn.*

This man came in, and brought a hoop garnet ring.

Court. You had it from one of the priſoners?—I had, it was from the man in the red coat.

Have you any reaſon to doubt it was him?—No, it was him.

Croſs-examined.

You ſay you remember this ring being brought in?—Yes.

You did not lend any money on it?——No, I tried the ring, and found it was baſe metal, I ſaid take the ring and go about your buſineſs; the buckles were brought me by Field, I verily believe it was him.

Priſoner Hogg called four witneſſes, who all gave him a good character.

Priſoner Field called four witneſſes, who all gave him a good character.

Samuel Field, Guilty
On the two laſt counts, but not on the firſt.

William Hogg, Guilty
On the two laſt counts, but not on the firſt

Each to be tranſported for fourteen years.

Tried by the firſt London Jury before Mr. Juſtice Nares.

516. **JOHN WORLEY** was indicted for fraudulently extorting and obtaining monies and a promiſſory note from one Mordaunt Atkinſon, by threatning to proſecute him for keeping a gaming houſe.

There being no evidence he was

ACQUITTED.

517. The ſaid **JOHN WORLEY** was again indicted for fraudulently attempting to extort and obtain monies and a promiſſory note from one Peter Wilder, by threatning to proſecute him for the ſame offence, unleſs he would give him twenty-five guineas.

There being no evidence he was

ACQUITTED.

The Trials being ended, the Court proceeded to give Judgment as follows:

Received ſentence of death, 24, viz.

Thomas Randall, Robert Ganley, otherwiſe Ganby, Archibald Burridge, Daniel Bean, Drummond Clarke, Elizabeth Vickery, John Taylor, William Hobbs, Patrick Birmingham, Samuel Hall, John Linch, James Farrell, Simon Young, Charles Creſswell, John Moſeley, Peter Haſlet, otherwiſe Edward Veruley, Patrick Burne, Charles Barton, James Davis, Iſaac Torries, William Smith, Joſeph Hawes, James Hawkins and John Boyle.

Tranſported for fourteen years. 4.

Joſeph Marſhall, John Carroll, otherwiſe Cannon, Samuel Field, William Hogg.

Tranſported for ſeven years. 37.

William Snaleſham, George Robinſon, George Banniſter, John Nurſe, John Pettit, John Eyres, John Crouch, David Logan, Samuel Hawkins, James Stewart, Andrew Goudry, Nicholas Todd, George Cayton, alias Clayton, William Tuckey, Francis Gardner, James Gardner, Samuel Mobbs, John Ruſſell, John Stevens, John King, Henry Griffiths, John Herbert, James Nowland, John Hall, John Thomas, John Nicholls, *(Africa)* William Ray, Aquilla Beak, John Lane, John Moſeley, Richard Kilminſter, Henry Vincent, Edward Goodwin, Thomas Wilkins, John Moreing, William Allen, George Atkinſon, Thomas Smith, otherwiſe Harries.

To be confined to hard labour twelve months in the houſe of correction, 12.

William Marks, Benjamin Stevenſon, Daniel Stevens, John Cannard, Mary Alport, John Kirby, Mary M'Neale, Thomas Bates, Thomas Ebbon, Joſeph Sturdmore, James Thompſon, *(fined* 1s.) Joſeph Harris, *(fined* 1s.)

To be confined to hard labour ſix months in the houſe of correction. 25.

Robert Bradley, Thomas Breeze, Mary Black, Thomas Hill, Mary Higgins, John Harford, Thomas Hopkins, Richard Wilſon, Frances James, William Coggin, Joſeph Bradford, Abel Drudge, Daniel Smith, John Rapier, Mary Brown, Edward Collins, William Taylor, William Shufflebotham, Ann Jones, James Bradley, Sarah Houſe, Mary Jones, John Tinney, Mary Jackſon, Mary Clark.

To be impriſoned three months in Newgate, 3.

Mary Howell, John Ford, John Bewley.

To be impriſoned one month in Newgate. 2.

James Jones, John Aſhby.

Whipped, 15.

Daniel Ward, William O'Neal, Thomas Breeze, Benjamin Stevenſon, John

Harford, Thomas Hopkins, John Cannard, Peter Collins, William Coggan, John Kirby, Abel Drudge, William Lee, Daniel Smith, John Rapier, James Bradley.

Branded. 1.

James Logan.

John Seas, whoſe ſentence was reſpited laſt ſeſſions, was ordered to be whipped, and ſix months hard labour in the Houſe of Correction.

Daniel Hickman, alias Higgins, received his Majeſty's pardon, on condition of being tranſported to Africa for fourteen years.

Joſeph Harris, on condition of being tranſported to America for ſeven years.

And John Baker, George Molton, Thomas Jones, Ann Moore, Sarah Partridge, alias Roberts, William Bell, William Clark, John Jacobs, Samuel Selſhire, John Smith, Alexander Cullum, James Burne, and William Hubbard, on condition of being tranſported for ſeven years.

Joſeph Dunnage to be tranſported for natural life.

Charles Manning to hard labour on the river Thames for three years.

The next Seſſions will begin on Wedneſday the 26th of May at the Old Bailey.

THE

TRIAL

OF

Patrick Nicholſon, James Ward, Joſeph Shaw,
James Murray, *and* Others,

FOR

The Wilful Murder

OF

NICHOLAS CASSON,

AT

COVENT-GARDEN,
On MAY the 10th, 1784;

WHO WERE TRIED AT

JUSTICE HALL *in the* OLD BAILEY,
On TUESDAY the 1ſt of JUNE, 1784.

TAKEN VERBATIM IN SHORT-HAND BY

E. HODGSON,

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MDCCLXXXIV.

[PRICE ONE SHILLING.]

BEFORE the Right Honourable ROBERT PECKHAM, Eſq; LORD MAYOR of the City of London; the Honourable JOHN WILLES, Eſq. one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable Sir RICHARD PERRYN, Knt. one of the Barons of his Majeſty's Court of Exchequer; The Honourable JAMES ADAIR, Eſq; Serjeant at Law, Recorder of the ſaid City; and Others his Majeſty's Juſtices of Oyer and Terminer of the City of London and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

INDICTMENT.

PATRICK NICHOLSON, JAMES WARD, JOSEPH SHAW, and JAMES MURRAY, late of the pariſh of Saint Paul, Covent-garden, in the County of Middleſex, labourers, were indicted, for that they, not having the fear of God before their eyes, but being moved and ſeduced by the inſtigation of the devil, on the 10th of May, in the twenty-fourth year of his Majeſty's reigh, with force and arms in and upon one Nicholas Caſſon, in the peace of God and our Lord the King, then and there being, did make an aſſault; and that he, the ſaid Patrick Nicholſon, with a certain large wooden ſtick, value 1d. which the ſaid Patrick then and there had and held in his right-hand, in and upon the head, neck, ſtomach, ſhoulders, arms, back, belly, ſides, loins, legs, and thighs, of the ſaid Nicholas, then and there feloniouſly, wilfully, and of his malice aforethought, did divers times ſtrike and beat, and caſt and throw down to and againſt the ground, giving him then and there, as well by the ſtriking and beating with the wooden ſtick as aforeſaid as by the caſting and throwing down to and againſt the ground as aforeſaid, one mortal fracture on the ſkull of him the ſaid Nicholas Caſſon, in and upon the left ſide of the head, and divers mortal bruiſes in and upon the head, neck, ſtomach, ſhoulders, arms, back, belly, ſides, loins, legs, and thighs, of him the ſaid Nicholas, by which ſaid mortal fracture of the ſkull, and the ſaid mortal bruiſes as aforeſaid, the ſaid Nicholas Caſſon did languiſh, and languiſhing did live, and on the 11th day of May of the ſaid mortal fracture did die; and that they the ſaid James Ward, Joſeph Shaw, and James Murray, at the time of committing the felony and murder aforeſaid, feloniouſly and wilfully, and of their malice aforethought, were preſent, aiding, abetting, aſſiſting, and comforting him the ſaid Patrick Nicholſon him the ſaid Nicholas Caſſon to kill and murder; and ſo the Jurors ſay, that him the ſaid Nicholas Caſſon, they the ſaid Patrick Nicholſon, James Ward, Joſeph Shaw, and James Murray did kill and murder.

They was alſo charged upon the coroner's inquiſition with the like murder.

JURY.

John White,
Robert Winkſworth,
William Morris,
Thomas Neale,
Joſeph Berks,
John Hayter,

William Sherman,
William Roberts,
And. Cunningham,
Thomas Alſop,
Charles Hayley,
Robert Sudlow.

Council for the Proſecution.

MR. MORGAN, MR. SYLVESTER.

Attorney. MR. JONAS.

Council for the Priſoners.

MR. ERSKINE, MR. PIGOTT,
MR. FIELDING, MR. GARROW.

Attornies.

MR. COCKER, MR. CROWDER,
MR. LOTON.

The witneſſes examined apart at the requeſt of the priſoners Council.

Mr. Sylveſter opened the indictment.

And Mr. Morgan opened the caſe as follows:

My Lord, and you, Gentlemen of the Jury, you will pleaſe to favour me on the part of the preſent proſecution; this is a very ſerious and a very important buſineſs, and therefore it is peculiarly neceſſary that you ſhould pay a particular attention to the evidence that will by and by be produced before you: Gentlemen, a very wiſe regulation was recommended by one of the Judges yeſterday, to one of the Council for the priſoners and me; that this cauſe ſhould be tried by a Jury of Gentlemen who are not inhabitants of Weſtminſter, for the expreſs purpoſe of trying the priſoners at the bar with the utmoſt impartiality; I addreſs you therefore, Gentlemen, looking upon you as men, uninfluenced by that unhappy ſpirit that has raged for a conſiderable time laſt paſt in the city and Liberty of Weſtminſter; and as men who, I truſt, will on this occaſion uſe their ſoundeſt judgment and their cooleſt deliberations. If any of you have at any time been engaged in the party diſputes that have lately ſubſiſted, and if you have heard or read any thing concerning thoſe diſputes, I truſt you will remove from your minds every impreſſion that you have hitherto received, but more eſpecially any impreſſion you may have rereceived unfavourable to the priſoners at the bar. Gentlemen of the Jury, it is a duty becoming me, ſtanding here as Council for the proſecution, to ſtate to you the outlines of the tranſaction, for the mere purpoſe of guiding your attention to the eſſential part of the evidence, when that evidence ſhall be produced to you, and for no other purpoſe; therefore, I ſhall not conſider it as incumbent on me, when I have ſtated the facts to you, to preſs you with obſervations on that evidence; the learned Judge will ſum up the whole with that preciſion and impartiality which becomes high authority, ſitting in a ſeat of Judgment, and I truſt in this matter, no party ſpirit whatever will interfere in the adminiſtration of publick juſtice: Gentlemen, I need not ſtate to you, that the late election for Weſtminſter was carried on, and conteſted, and prolonged, in a manner that ſcarce ever was known in that city; nor need I inform you, that the candidates were the right honourable Charles James Fox, Lord Hood, and Sir Cecil Wray, the huſtings were held in the portico of the church, in St. Paul's, Covent Garden, there was a booth run up in front, and extended to the end of the church, that part next Henrietta-ſtreet was in general occupied by Mr. Fox and his friends, the other part next King-ſtreet, by the other party; during the time of the election which laſted many days, an immenſe croud of people aſſembled on the huſtings, I need not till you that there was a great deal of clamour, and of noiſe, as there is at all elections; at one end of the huſtings crying out Fox for ever, no Wray, at the other end of the huſtings, crying out Hood and Wray for ever, no Fox; ſome of the gentlemen, friends to Mr. Fox, uſed the houſe known by the ſign of the Unicorn, between Henrietta-ſtreet, and the end of the huſtings; at that houſe likewiſe from time to time aſſembled a great body of Iriſh chairmen, Welch porters and others, armed with ſticks and bludgeons, but eſpecially towards the cloſe of the poll, they ſeveral times forced their way in among the croud, and endeavoured to preſs through that part of the croud, which faced the part where Mr. Fox ſtood, up towards King-ſtreet; on one day towards

wards the cloſe of the poll, a body of them were incenſed, becauſe ſome perſons would not call out Fox for ever, and all at once as if in conſequence of a ſignal given, they drew their bludgeons, and flew inſtantly on the people; proceedings of this kind; induced the Duke of Northumberland to write to Mr. Manwaring, to take into conſideration what ſhould be done, for the purpoſe of preſerving the peace, particularly at the cloſe of the poll; the magiſtrates met, and I underſtand, one of them, Sir Sampſon Wright, in conſequence of this wrote to Mr. Elliot, the high conſtable of Tower Hamlets, and requeſted him to attend with the conſtables of the diviſion, on Monday morning the 10th of May, to go down to Guildhall Weſtminſter, and there receive his inſtructions; he attended accordingly with his conſtables, and among theſe conſtables was the unfortunate Nicholas Caſſon, who was killed on that day; Mr. Elliot went to Guildhall, he did not receive any particular inſtructions, and repaired to his men; the poll did not finally cloſe that day, nor did it within a week afterwards; about the cloſe of the poll within the compaſs of a few minutes, an Iriſh chairman who is ſuppoſed to be one of the banditti, for I cannot help calling him ſo, was puſhing about, and very ill uſing a black man; one of the peace officers obſerved him, he interfered, and there was a reſiſtance, and they got the black from this man, reſcued him and put him into ſafety; this I ſuppoſe laid the foundation for an attack by ſeveral of the men, and if I do not miſtake, by the priſoners Murray and Shaw, upon the peace officers; the conſequence of which was, after ſome little ſtruggling, Murray and Shaw if I do not miſtake, were taken up and carried to Paterſon's rooms, while this was doing a larger body of men aſſembled with ſticks and bludgeons, and the priſoner Nicholſon as I am inſtructed to ſay, and will be proved in evidence, with a large ſtick or bludgeon knocked Caſſon down; this was followed by ſeveral violent blows, I am not clear whether Ward was there, Murray and Shaw had been upon the ſpot and active, but whether they were taken from the ſpot before or after, you muſt learn from the evidence; there has not been time to prepare a regular brief, and what I am ſtating now, is from the depoſitions of fifteen or ſixteen different people: The two men that were taken up had been upon the ſpot; upon this the men forced their way; after they had knocked down Caſſon, they endeavoured to keep the conſtables off; ſeveral of them purſued their blows, and ſtruck the man ſeveral blows over the head, and other parts of the body, and to conclude the buſineſs, I believe one, if not more, got upon his body, trampled upon him, and broke three of his ribs; there he lay on the ground ſpeechleſs, and whilſt he ſo lay, he received ſeveral wounds; from that moment the man never ſpoke; a very violent attempt was made to ſurround the body, and keep off the conſtables; their object was to remove the body, which they did with infinite difficulty into Wood's hotel; the man died in the courſe of a few hours; the coroner's inqueſt ſat on the body the next day, and brought in their verdict wilful murder by ſome perſon or perſons unknown: in the attempt to carry off the body, ſeveral of them were knocked down, and treated, as I may uſe the expreſſion, in a very cruel manner; one of them, a Mr. Naſh, was purſued up King-ſtreet, and up the ſteps of Lowe's hotel; then the men turned round towards King-ſtreet, where they continued the riot.—Gentlemen, theſe are the outlines of the caſe that I have to lay before you in evidence: Gentlemen, I ſcarce need tell you, under the direction of the learned Judge, that if a body of men armed, drawn up in battle array, three or four in a rank, and a great number of them in depth; if they aſſemble to commit indiſcriminate inſult on his Majeſty's ſubjects, though they may not maim, ſo as to occaſion the death of any man, yet if death enſues, and their deſign was illegal, the event will be murder, and they muſt be anſwerable for that offence. If I clearly prove that Patrick Nicholſon ſtruck the firſt blow, it is of no conſequence whether he ſtruck the fatal blow or not; it will appear Gentlemen, that Shaw was upon the ſpot when Caſſon was knocked down, and that he was one of the very active rioters; it will appear likewiſe that Murry was there at the time under ſimilar circumſtances; but I am inclined to think that Ward was taken into cuſtody either a few minutes before or after; but however that may be, Patrick Nicholſon ſtruck the firſt blow; if Shaw and Murry were active upon the ſpot, committing acts of violence, though they did not actually ſtrike the man that died, but ſtruck other perſons, I ſhall ſubmit they were equally culpable with Nicholſon: if it ſhould appear that Ward was preſent and active at the time, he is equally guilty; but you will not pay any other attention to this ſtate of the caſe than what is neceſſary to induce you to attend particularly to the evidence, and to diſcriminate between the caſe of every one of the priſoners, if you find them clearly and decidedly active, committing acts of violence, beſides Nicholſon who actually ſtruck the ſtroke, you will ſay ſo; but if the Judge and you ſhould be of opinion that they ought not to be found guilty of conſtructive murder, then you will give that verdict: I only deſire you will carefully attend to the evidence, exerciſe cool judgment on the ſubject, baniſh every idea of the circumſtances from your memory, exerciſe a ſound diſcretion on the occaſion, and let a verdict be found on the cleareſt evidence.

Court. All the witneſſes ſhould be out of Court.

THOMAS DAVY *ſworn.*

Examined by Mr. Sylveſter.

I am a porter; I live at Mr. Adam's, in Grafton-ſtreet.

Was you at Covent-garden on Monday the 10th of May?——Yes.

At what hour did you come there?——About nine in the morning.

How long did you ſtay there?—I did not leave it till three.

Was there any particular diſturbance happened about that time; I ſaw a great deal of diſturbance in regard of rioting.

Tell us what you ſaw, and who the perſons were that began the riot?—The party were chairmen, and butchers with cleavers.

What did you ſee the chairman and butchers do?——I ſaw the butchers begin with the marrow-bones, and then the cleavers, and they went marching on, and the chairmen followed the butchers, and were marching from Henrietta-ſtreet to King-ſtreet; they croſſed the huſtings.

That is from Mr. Fox's ſide, to Lord Hood's and Sir Cecil Wray's ſide?—Yes.

What did you ſee theſe men do particularly?—The conſtables came, part of them were in Henrietta-ſtreet and part in King-ſtreet; the butchers I thought were going right through, to go homewards, but in the room of that they let the Iriſh chairmen in till ſuch time they got right facing the conſtables: Mr. Loton, the high conſtable, I ſaw him go down from Wood's hotel, but I did not hear what he ſaid; he walked as if he was going to Henrietta-ſtreet: the Iriſh chairman began to play with their ſtaves, many of them I know well, and they faced the conſtables; one of the chairmen called out to his companions, *Go it, my boys, go it.* Then the chairmen began playing with their bludgeons; I did not ſee the butchers ſtrike any perſon, the chairmen began cutting and knocking down every perſon they met, knocking away with their ſticks.

About what hour of the day was this?—As near as poſſible I can gueſs, it was juſt about three, or it might be ten minutes paſt, but it was after the poll books were ſhut, which ſhut in general at three; to ſay that I obſerved particularly the time I did not, it might be half an hour, it might be three quarters.

What elſe did you ſee them do?—I ſaw ſeveral people that were very much injured by blows brought away.

Did you ſee any one in particular?——I cannot ſay I ſaw any one in particular; I ſaw the deceaſed man lay, but I did not ſee him till after he was brought into Mr. Wood's hotel; I never ſaw any perſon ſtrike him.

Look at theſe men?—I do not know any of them.

Croſs-examined by Mr. Erſkine.

You was a pretty regular attendant upon the poll I believe, Mr. Davy; you are out of place I believe now the election is over?——I have been out of place ever ſince Chriſtmas.

You was not employed there then?——No, Sir, I was not.

You gave a great deal of your time there?——I did, Sir, it was my pleaſure, I was not there every day, I miſſed one day, and I would have been there if I could.

You are the man that ſtood before St. Clement's pariſh?—Always.

And was always very abuſive there?——Sir, I do not know I abuſed any perſon.

Did you never call to a gentleman by name to come out of the huſtings?——No, Sir, I called to a great many gentlemen.

Do you know Councellor Baldwin?—Yes, I never inſulted him.

Have not you called to Mr. Loton, *You Loton, come out?*——No, never.

Do you mean to ſwear that you never called out to this gentleman that ſits by me in a moſt inſulting manner?——No, Sir, never in my life, there is the gentleman now.

Now, Sir, attend; do you mean to ſwear Sir, before the Court and the Jury, that you never in the courſe of the poll called out to this gentleman?——No, Sir, I can ſafely ſwear that, I do ſwear it.

Are not you the man without the tooth?—You need not mind my tooth, you have loſt one as well as I.

Did you not call out to Mr. Crowder and Mr. Loton, time after time, to come out to you?—I never called to this gentleman to come out to me particularly, no other ways than when they were examining a vote, I have many times ſaid, if you cannot examine them, let them come down to me, and I will examine them.

Have you not in the whole courſe of the day?—I have called out Hood and Wray for ever, many times.

You never received any money for this?—No, Sir, never.

You are a very generous man indeed; you was out of place then?——Yes, Sir.

Is that the ſuit of clothes you had at firſt?—I have got another ſuit of clothes, I got them by hard labour, I have clothes to put on at any time; I have lived in the pariſh of St. Ann's eight or nine years.

When Mr. Fox came on the Huſtings, did not you throw dirt?—I never threw dirt, I never threw any one thing in my life, nor was ever ſeen doing ſo; if any man can ſay ſo, let them.

You have ſworn that you never did abuſe and inſult either this gentleman Mr. Loton, or this gentleman Mr. Crowder?—No, otherways than in talking juſt as I may to you.

Did you never call to them to come out to you?—No, Sir I never did, when I have ſeen people ſhaking and trembling as they came up, I have ſaid it is a falſe vote, ſend them down to me, and I will examine them.

You never ſaid come out to me Loton?—No, never in my life.

You do not know at what *time* this man was killed?—I do not, I ſaw him lay before he came to Wood's Hotel, he was brought by people, I do not know the time he was killed, I ſaw him lay.

Was you in Covent Garden, near the Huſtings about the time he was killed?—I do not know, I did not ſee the man killed, nor did I ſee any man killed.

When did you firſt know that there was any man killed?—That might be about four o'clock or after, it was near four.

Do you know whether he was killed before or after what you have been deſcribing?——I do not know.

Then all this, for any thing you know,

might have happened long after this man loſt his life?—I cannot ſay any thing of that.

What was you doing at Wood's Hotel? —No harm, I could go there when I pleaſed.

Was not you employed by that party? —No Sir, I did not eat nor drink, only what I paid for.

Had you never money given you during the time of the election, or victuals by ſome of the committee, or by ſome perſon concerned for Lord Hood or Sir Cecil Wray? —I have eat and drank, but never at any perſon's coſt of the committee, I never eat or drank at any one's coſt but my own, at Wood's Hotel.

Did you ever pay any money at Wood's Hotel?—For whatever I pleaſed to call for, I have many a time gone into the room as other people did, and never have either eat or drank, I have had a glaſs of rum at Wood's Hotel, and paid for it to Mr. Wood himſelf.

What meat had you there?—I cannot ſay.

Have you not eat repeatedly every day of your life?—No Sir.

How often will you ſwear to, three times?—It is impoſſible for me to tell where I have eat and drank.

Will you ſwear, you did not eat ten times?——Yes, I can.

Will you ſwear, that you did not eat five times?—Yes, I can.

You paid for all this meat?—I did not, if I went in to get a glaſs of any thing, there was victuals always ready, and I have taken a reliſh.

Now what can the Jury think of you: attend Sir, we are not all deaf?—I do not know whoſe coſt it was, if a man goes to get a glaſs of any thing, and gets a mouthful, I do not call that a thing to be paid for.

You ſaid you paid the money to Wood himſelf?—Yes, I eat and drank what I pleaſed, I drank what I called for, I go and eat frequently when I like, if I call for a glaſs of wine, I can have a mouthful of any thing.

Let us look at your left hand. (*A finger wanting*).†

Mr. Erſkine. That is not the worſt part about you, by a great deal; than you do not know, but Caſſon had been killed before theſe people had come up?—No, it was before Caſſon loſt his life.

Then you ſwear, that the butchers followed the Chairmen, before Caſſon loſt his life?—Yes Sir, but they went back again.

You told me three or four minutes ago, that you knew nothing about Caſſon's having loſt his life, till you went to Wood's Hotel at four o'clock?—I tell you now the ſame.

Then how do you know, that he was not killed till after theſe men went acroſs? —I ſaw the poor man brought in, I cannot tell exactly the time.

One queſtion more, you told me a moment ago, when I aſked you whether all that you have been deſcribing, happened before or after the death of Caſſon, you ſaid you did not know, now you take upon yourſelf, poſitively to ſwear, that all this happened before?—I mean to ſtick to the beſt of my knowledge.

Which will you ſtick too?—I cannot ſay, whether the man when he was brought into Wood's Hotel was dead or no.

Where do you live?——In Church-ſtreet, at Mr. Gregory's, at the Coach and Horſes.

JOHN WILD *ſworn.*

Examined by Mr. Morgan.

I am High Conſtable for Holborn diviſion, I live No. 21, Chancery-lane.

Was you preſent on the 10th of May, before the huſtings?——I was.

Give the Court an account of the earlieſt part of the buſineſs, that you ſaw?—I will Sir, to the beſt of my knowledge, I think it was about twenty minutes or half an hour paſt three, there was a diſpute between a black ſervant and another man, the one hallooing out Fox, and the other ſaid no Fox.

Which called out Fox?—It was the white man.

What ſort of a man was the white man?—He appeared to be a working man, he had a frock on to the beſt of my knowledge, I remember very well he had a large handkerchief about his neck, upon which I ſpoke to him, I was withinſide of the rail, and deſired them to be peaceable and quiet, and to ſeparate and not to have words, upon which the black man came up towards King-ſtreet, the other rather followed him, and two or three more huſtled him againſt the black man, I ſpoke to the white man, and the man did not ſeem to return back; and I ſpoke to a peace officer, to go between them, and ſeparate them, for the black man to go away, if he was going, and to turn the other man the other way to prevent any diſturbance; the man with the handkerchief was rather obſtinate (the white man) and I went to him myſelf, and put my hand againſt the white man's ſhoulders, and deſired him to go the other way, I walked with him down to the bottom of the huſtings, and when I came there, he got up on the flat ſtones adjoining to the pump, and there he was peaceable and quiet; upon which I turned my head, and there I ſaw a man laying on his back by the pump, my face was facing Henrietta-ſtreet end; I afterwards found that man to be Caſſon.

In what condition was the man, when you ſaw him?—He was laying on his back, and appeared to have had a blow from ſome perſon, who I cannot tell, under the left ear, I ſtooped down and ſaid, good God here is a man knocked down, Mr. Loton the high conſtable, was near me, and he ſaid we will give him ſome aſſiſtance, and immediately there was a diſturbance between many people with ſticks in their hands, oppoſite to the end of the huſtings, near Henrietta-ſtreet, upon which I went in between them, I mean that end next to Henrietta ſtreet, I ſpoke to them, and they were peaceable and quiet, for ſome little time; at that time I think I was ſpoke to by a gentleman, which I think was Mr. Sheridan, and deſired to withdraw the conſtables; I believe it was him, I have not much knowledge of the gentleman, my anſwer was to the beſt of my knowledge, theſe conſtables do not belong to me, I have no power over them.

What was doing about Caſſon at that time?—I was not near him at that time, Mr. Loton, was near him I believe, Mr. Loton or ſomebody elſe ſaid, we could not go away and leave the man in that ſituation, to the beſt of my knowledge, I think it was Mr. Loton.

How far was the pump from the Unicorn?—I cannot ſay, it may be twenty yards, then ſome gentlemen ſaid we will take care of the man, or proper care of the man; upon which I being ſatisfied upon hearing that reply made to Mr. Loton, I withdrew towards King's-ſtreet, I believe Mr. Loton went with me, but I cannot be very ſure, whether he did or not; upon which the marrow-bones and cleavers came on, I followed them, I ſpoke to them, and deſired them to go on peaceably and quiet, I firſt ſaid, I wiſhed them to turn back again, I think ſo to the beſt of my knowledge, they made me ſome reply, but what I was not able to underſtand, from the noiſe of the marrow-bones and cleavers, but I do not believe it was any impertinent anſwer; and as the marrow-bones and cleavers paſſed by towards King-ſtreet, or towards that end of the Garden, that leads to King-ſtreet; preſently many men came on after them with their ſticks, and I walked on very unconcerned, I took no notice at all, they did not appear to me for breaking the peace, as I thought; when I had gone a few yards further, I received a moſt violent blow from ſome perſon, I cannot tell who, on the back part of my head.

Mr. Baron Perryn. When Caſſon was upon his back, did he appear inſenſible the firſt time that you ſaw him?—He did to me, my Lord.

Croſs examined by Mr. Pigott.

I ſhall give you very little trouble, becauſe I believe the teſtimony you have given, is perfectly conſiſtent with what paſſed at the time.

Court. He has given a fair evidence.

Mr. Pigott.

Mr. Pigot. You ſay every thing was perfectly quiet, till there was a little diſpute between a black man and a white man?——Yes.

I would aſk you, whether the interference of the gentlemen, on the ſide that was called Mr. Fox's ſide, appeared to you to contribute to keeping the peace at that time, or otherwiſe?——I ſhould think ſo to the beſt of my knowledge, I ſhould imagine ſo at that time, what happened after I cannot tell.

After the little difference between the black and the other man was perfectedly quieted, and you ſaw the ſubſequent tranſaction, were any of the conſtables at the Henrietta ſide of the huſtings?——Yes, there were.

What conſtables were they?—I believe they belonged to the Tower Hamlets.

They were not of your diviſion?——Mine were moſt of them gone home, I had only three or four.

They were not the Weſtminſter conſtables?—I believe there was ſome Weſtminſter conſtables amongſt them, but I believe the major part was from that end of the town.

They were not the conſtables that were originally attending the huſtings for the purpoſe of preſerving the peace and order?——No.

Do you happen to know whether they were conſtables at all or no?——No further than I was informed by Mr. Elliot.

If there had been any appearance of a riot, or diſturbance, would your conſtables have gone away?——I do not believe they would, if they had ſeen it.

How long had theſe men been conſtables?—I underſtood four or five days.

I aſk you from your obſervation of the general conduct of thoſe conſtables that came from the Tower Hamlets, whether they contributed to preſerve the peace that day?—I ſhould imagine ſo.

For the purpoſe I have no doubt, but, I only want to aſk you, whether the bringing them did in your opinion contribute to the preſervation of the peace that day?—I cannot take upon myſelf to ſay that, I was not at that end of the huſtings, at that time.

Under what magiſtrate did they act?—The high conſtable will inform you that.

But I ſhould like to have it from you, if you know, becauſe every thing you ſay will be attended to?—I was informed, it was from Sir Sampſon Wright.

Mr. Morgan. That will not do.

Mr. Pigott. Did you ſee Mr. Juſtice Wilmot that day?—Yes, Sir.

Upon the huſtings?—I will not take upon me to ſay that.

Where were theſe people lodged, theſe Tower conſtables as they are called?——I do not know.

Do you know the number of them?—I do not.

Had Mr. Juſtice Wilmot uſually attended the poll every day?—I do not recollect he had.

JAMES LOTON *ſworn*.

Examined by Mr. Sylveſter.

I am high conſtable of Weſtminſter, on the 10th of May, ſoon after the cloſe of the poll, I was ſtanding within a part of the rail, at the front of the huſtings, and the voters were coming up with Mr. Wild and ſome other peace officers, and there was ſome little affray; I deſired Mr. Wild to tell the officers to ſtick cloſe to one another, Mr. Wild, firſt of all, was the man that ſpoke to the perſons that were making a ſcuffle, and he immediately deſired the men to go down to the ſouth part of the huſtings, I followed him very cloſe, and when we had got to the ſouth end near the pump, I heard Mr. Wild ſay, good God, here is a man knocked down! I ſtooped forward, and I ſaw the deceaſed Caſſon laying upon his back very near the pump, with his head towards the pump, and his feet towards the coach-way, and on the foot pavement there was a great number of people ſtanding armed with large ſticks, and there was ſome perſon from among them ſaid, when I came forward and ſaw the man, here is a conſtable that is knocked down, and none of your conſtables dare come to his aſſiſtance; Charles Carey, a peace officer, went immediately to endeavour to lift him up, aſſiſted by ſome others, immediately the people who were armed with ſticks began to make a hallooing, and the ſticks were all thrown upright; Mr. Wild and myſelf immediately went forward, and deſired them to be peaceable and keep good order; almoſt immediately, Mr. Sheridan and Mr. O'Brien came forward, and ſpoke to Mr. Wild, and another gentleman came and ſpoke to me, and deſired I would withdraw with the officers; I told the gentleman I could not take away the peace officers, or go away myſelf, till the perſon that was knocked down was taken proper care of, and I ſaid the ſame to Mr. Wild; the ſame gentleman who had ſpoke to me before came again to me, and told me the perſon ſhould be taken care of, that no further hurt ſhould be done to him, I told him he behaved ſo much like a gentleman that I could not refuſe him, I did not know who he was, but I have ſince been informed that his name was O'Kelly, and he told me upon his word and honour he would take care of the man.

Did you ſee the priſoner or any of them do any thing at that time;—No, I did not.

It was after this that the riot began?——There was a great ſcuffling, but there was no blows ſtruck; we formed a line for the marrow bones and cleavers to go along, and a whiſtle was then given, I ſaw the right-hand priſoner Ward with a marrow bone and cleaver in his hand.

Mr. Erſkine. This was afterwards.

Croſs-examined by Mr. Fielding.

How many conſtables had you that day?—About ſixty.

Theſe men were under your eye as well as your direction, you told them to keep cloſe together?—Yes.

The men from the Tower Hamlets were among the other conſtables?——I knew they were ordered there, I did not know where they came from, I do not know their reſidence.

Do not you know that they were lodged in Wood's Hotel, and that that was the common rendezvous?——No, Sir, they were not to my knowledge, my conſtables in general were ordered to Patterſon's room for the purpoſe of having their names called over.

Patterſon's room was a houſe of Sir Cecil Wray's?——Yes, I did not ſee what paſſed between the black and white man, I only knew that there was ſome ſcuffle.

On what part of the huſtings did the ſcuffle firſt begin?—About the third part of the north end of the huſtings, rather more to Hood and Wray, than to Mr. Fox's, that is quite at the lower part of the huſtings, where he lay was nearer to the Unicorn than to Wood's hotel.

It did not occur to you that it would be more convenient to take the man into the Unicorn, than into Wood's hotel?——I ſhould not have choſe to have taken him into the Unicorn for this reaſon, I ſaw a number of people there with large ſticks, I had had ſeveral blows before by theſe people, and I ſhould not have choſe to have carried him through them; I never ſaw any thing of him after the gentleman that promiſed me he ſhould be taken care of quitted me, I never ſaw him after I quitted him, till the whole affray was over, I then ſaw him laying in the yard.

HENRY HARVEY *ſworn.*

Examined by Mr. Morgan.

What are you?——I am one of the conſtables belonging to the pariſh of Saint Ann's, Limehouſe, it was on the 10th of May, I only know that man in the brown coat, that is James Ward, I never ſaw him before, nor I have never ſeen him ſince, I never ſaw any one of the others to the beſt of my knowledge.

Mr. Morgan. Go to the priſoners, look at them.

Mr. Erſkine. Good God, Mr. Morgan!

Mr. Morgan. Sir, becauſe I know what he has ſworn before.

Mr. Garrow. My Lord, it is now my turn to croſs-examine this witneſs, and I aſk your Lordſhip, whether it is ever permitted in a criminal court of juſtice, to tell a man, or to hint to a man, what he has ſworn elſewhere; and, I truſt, my Lord, I ſhall not be told now, as I was a ſhort time ſince, that I am too young to do my duty to my client.

Mr. Morgan. Do you recollect the perſons of either of the others?—To the beſt of my knowledge I do not.

Did you ſee any thing done to Caſſon?——I was there attending my duty, with many other peace officers, I was near to the deceaſed when the riot firſt began, I was cloſe to the end of the huſtings, where Lord Hood's diviſion was; there was ſome ſquabble, and a man came out with a white wand, who, I ſuppoſe, was under the direction of the high bailiff, and ordered us to go into the huſtings on that ſide; after the books were ſhut up, I went into the church, and the riot began at the end of the huſtings where Mr. Fox's party were; I went down to aſſiſt Mr. George Elliot, the high conſtable on the Henrietta ſide.

For what purpoſe was you ordered to go?——I imagined to keep the peace, in caſe any thing happened.

Did you ſee any thing done?—When I came there, there was a number of chairmen and Iriſhmen, with ſticks and bludgeons lifted up, amounting to fifty or ſixty.

Was Caſſon then knocked down?—No, that riot was quelled, and I put my ſtaff in my pocket, and I went through the Iriſh mob, and came round the back of the church; I returned into the front of the huſtings, and I acquainted Mr. Elliott the high conſtable, and Juſtice Wilmot, that there were a number of people with ſticks and bludgeons at a houſe opened for the purpoſe of Mr. Fox; Mr. Elliot and Juſtice Wilmot were then at Lord Hood's corner of the huſtings; Mr. Wilmot made anſwer, *You fooliſh blockhead, we are able to beat off five thouſand of them*; with that I ſtood cloſe to the high conſtable and the Juſtice, and many more of my brother officers, expecting theſe butchers with their marrow-bones and cleavers to go along.

Did you ſee Caſſon ſtruck?—I ſaw the blows given by many of the men, but who gave the blows I cannot ſay; theſe blows were given to many of the people, and myſelf.

Did you ſee any body ſtrike Caſſon?—I did not.

Was Ward upon the ſpot?—That man was there.

When did you firſt ſee him there?——I never ſaw him till the ſecond riot began.

Do you know whether Caſſon had or had not been knocked down?

Court. Long before the marching of the marrow-bones and cleavers Caſſon was killed.

Jury. Was Caſſon alive when you ſaw Ward there?——I ſaw the tall man, there might be about a dozen or fourteen with ſticks upright, and the dead man was as far off as that gentleman.

Jury. I wanted to know if Caſſon was alive at the time of that ſecond riot?——I ſaw him alive at the firſt beginning of the ſecond riot.

Was Caſſon before that ſecond riot knocked down or not?—Not to my knowledge.

Mr. Morgan. I beg to have that queſtion repeated?—I ſaw Ward before.

Had Ward a ſtick in his hand?—I cannot ſay, there were a great many of them, and they had ſticks.

Croſs-examined by Mr. Garrow.

What are you beſides conſtable?—I am conſtable and beadle of the pariſh of St. Ann's, and a gardener by trade.

Have you been a gardener lately?—Yes, I follow it every day.

You was attending your duty in Covent-garden the day you have deſcribed?——Yes.

How did it happen to become your duty, who were a conſtable at Limehouſe, to attend

tend to preſerve the peace at the Weſtminſter election?——Here is my inſtructions.

The inſtructions read, directed

"To the conſtables and headboroughs of
"Limehouſe, and every of them, requiring
"them, in his Majeſty's name, to meet the
"high conſtable with their long ſtaves the
"next day, and ſigned
"George Elliott, high conſtable."

Did you attend ſo?——Yes.

Does your long ſtaff go into your pocket?—It is a two foot ſtaff, I put it into my coat pocket for my conveniency.

You talk of ſomething happening near Mr. Fox's houſe, that was the Unicorn, was it?—I never ſaw the ſign.

What countryman do you happen to be?—I am what you may call an Old Engliſhman.

How did you know that was an Iriſh mob?—The Iriſh are a ſet of people that are very frequently in thoſe caſes.

So you take every man that is in a riot to be an Iriſhman?—Sir, I do not ſay every mob is compoſed of Iriſhmen, I believe there were more Iriſhmen than Engliſhmen.

So you came round the back of the church you ſay?—I walked all round the church, I went through a paſſage that comes into King-ſtreet, and I told my brother officers and the Juſtice, that there was a number of people with ſticks at Mr. Fox's houſe; I had been inſide the huſtings, and was ordered out when the high bailiff went off, and Mr. Fox went out.

How long was you in marching round through Henrietta-ſtreet, King-ſtreet, and the Huſtings, before you told your brother officers what was likely to happen?—About ſeven or eight minutes.

Your companion, Mr. Wilmot, however told you, you fooliſh blockhead, we are able to beat five thouſand?—Mr. Wilmot was not my companion, I looked upon theſe gentlemen as appointed by the laws of this country to keep the piece there.

Was theſe five thouſand to be beat by your gang armed with tattoos and bludgeons?——It was not my gang.

I beg your pardon if I have offended you or Mr. Wilmot; but by whom were the five thouſand to be beat, was it not by the men from the Tower Hamlets, that Mr. Wilmot was ſuppoſed to beat the five thouſand?—I do not know what you mean by tattoos.

Was it not by theſe Tower Hamlet fellows?——I look upon the officers belonging to the Tower Hamlet as capable as any others.

Was it not by the men that came from the Tower Hamlets?——I cannot ſay any ſuch thing, how do I know any thing of the principles of other people, I knew my own.

Had not the regular Weſtminſter peace officers quitted the garden?—I do not know them, there were a hundred with long ſtaves.

Were they Weſtminſter conſtables?—I cannot ſay.

How many came with you from the Tower Hamlets?—Only four out of my pariſh, I do not know how many.

Where was you muſtered when you went to Covent-garden?—At a place they call an auction room.

Is it not called Patterſon's room?——I cannot tell, it was in King-ſtreet.

How many of you were aſſembled at this muſter room on the morning of the 10th?——I cannot tell.

Were there ſo few as ſixty?—I cannot tell.

Were there ſo few as one hundred of you muſtered there?—I ſuppoſe the room would not hold one hundred.

Were there aſſembled in that morning ſo few as two hundred?——I cannot tell.

Were there ſo few as three hundred upon your oath?—I have been a peace officer ſeven years laſt Eaſter Tueſday; I am conductor of all the offices in the pariſh.

What office do you hold immediately under Mr. Wilmot?—None at all, I never received a farthing of his money in my life; I was

I was ſent for by a gentleman, who is the high conſtable's ſon, Mr. Elliot.

How long ago is it ſince he found you out?—He ſaw me there.

You know that is not my queſtion?—I believe it might be in the courſe of a day or two afterwards.

Was not you ſent for before the Coroner's inquiſition ſat on the body of Caſſon?——I do not know when that ſet; I ſaw Ward with his ſtick up like the other chairmen.

Had he his blue great-coat on?—I cannot ſay, I was not cloſe to him above a minute before I was knocked down.

You had never ſeen Ward before in your life?—No; I remember the features of the man, I do not know whether he has the ſame clothes on or no; I do not remember any thing particular he had in his dreſs.

Mr. Baron Perryn. Did you ſee any body ſtrike the deceaſed at any time?—No, my Lord, I did not.

JOSEPH GILMORE *ſworn.*

Examined by Mr. Sylveſter.

What are you?—A carpenter; I live at the Three Tuns in Fleet-ſtreet; I was at Covent-garden on the 10th of May.

Did you ſee the deceaſed Caſſon ſtruck?—I did.

Who ſtruck him?——This man in the blue coat with a red cape, Patrick Nicholſon.

What did you ſee him ſtrike the deceaſed with?——A ſtick, a large ſtick, a ſtick with a nob to it.

Where did he ſtrike him?—On the ſide of the head.

Where did the deceaſed ſtand at the time he was ſtruck?——Near to the pump.

Which ſide of the head did he ſtrike him?——That I cannot ſay particularly, whether it was the right or left.

Did he fall with the blow he received?—He did, Sir.

Did any thing happen after that?—There was a great concourſe of people, I did not ſee any thing more; I ſaw him taken into **Wood's hotel two minutes after, I followed him.**

Are you ſure that man was the man that ſtruck the deceaſed?——I am ſure, I never was any ways acquainted with him; I am ſure of it, upon my word, upon my honour, and upon my oath.

Have you ſeen him ſince the affair?——Never.

Croſs-examined by Mr. Erſkine.

Pray, Sir, was you examined before the coroner?—No, I was not.

When was it that you made this diſcovery to any body that you are telling us now?——Yeſterday in the afternoon, the reaſons I will tell you preſently.

You ſaw this man ſtruck by the priſoner at the bar?——I did.

Then you knew at the time, for you ſay you ſaw him carried into Wood's hotel, that that was the man that was killed?—I imagined him to be the man by his dreſs.

Perhaps then you can favour us with the reaſon why you did not make the diſcovery ſooner?—My reaſon was this, I had made application before concerning the ſtriking of Mr. Naſh, one Kenny had ſtruck Naſh, I gave my addreſs as living over the water, at the General Elliot, in Blackman-ſtreet; I had never heard any thing of the matter, and I came up to the Old Bailey yeſterday about a little buſineſs I had of my own in hand, and I lighted of Mr. Naſh; I ſpoke to him, and aſked him if that affair was coming on; he ſaid it was to come on this day, and therefore deſired I would attend the Old Bailey; I then gave a ſecond addreſs where I did live, and as ſuch I received notice to attend this morning.

As ſoon as this man was ſtruck you ſaw him carried into Wood's hotel?—I went away from there and went round, and I came round to Wood's hotel, and the man was brought in.

You ſaw Naſh aſſaulted?—Yes.

How long after?—I ſuppoſe it might be very near an hour after that affair happened.

Have you ever ſeen the priſoner at the

bar before ?——I had ſeen him in the Garden before, and I had ſeen him at ſome houſes, I never ſaw him do any outrageous acts.

Was not you examined before the Juſtice about Kenny ?—Yes, and that is the very reaſon I aſſert.

You told nobody of this there ?——No, I was never aſked.

You knew Caſſon had been killed at this time ?—He had.

You knew that ?—I did.

You never mentioned it ?—I was aſked whether that was the man that hit Caſſon, I told them no; I was not aſked whether or no I ſaw Caſſon hit or no, that queſtion was never aſked me.

Will you ſwear that ?—I will, Sir; the queſtion was never aſked me to my knowledge; the queſtion aſked me was, whether I had ſeen that man ſtrike Caſſon; I ſaid, no.

Did you ſay you had ſeen him ſtruck ?—I did.

Did you ſay by whom ?—I did not, becauſe I did not know his name.

Did you endeavour to deſcribe his perſon, that he might be apprended ?——No, I never was aſked.

You knew that the Juſtice was ſitting to enquire into the death of Caſſon ?—Yes.

For that purpoſe, and for that purpoſe only ?——Yes.

You came to give evidence about Naſh ?——Yes.

Was not you then aſked ?——Never to my knowledge, there was not ſuch a queſtion put to me.

Do you know that gentleman ?—Yes.

Did he not put any ſuch queſtion ?——No.

Did you not know that the very purpoſe for which the magiſtrate was ſitting, was to ſee whether it could be found out who it was that ſtruck the mortal blow ?——The purpoſe that I went for was, for me to be a witneſs whether that man was the man or not; I was aſked whether Kenny was the man, I did not ſay to the Juſtice that I knew who the man was; I ſaid ſo far as this, that I knew ſeveral that was in the croud.

Now you know that Kenny was only charged with aſſiſting ſomebody that killed him ?—Yes.

Not charged with having ſtruck the blow at Caſſon himſelf, but with aſſiſting ſomebody that had; you knew that fact ?——I did.

Then you knowing who the perſon was, that was unknown to the Juſtice, that had ſtruck him, whom Kenny was ſuppoſed to have aſſiſted, did not tell the Juſtice ?——The queſtion never was put.

Who ſhewed you Nicholſon yeſterday ?——Nobody at all, I did not ſee him yeſterday; I knew the man when he came to the bar, and I had not ſeen him but five or ſix times.

What was your other buſineſs at the Old Bailey ?—I had a little job, a lock, and I was going to get a key to it.

Was it about no trial ?—No, Sir.

Nor never was examined about any trial ?——I have had no notice.

Did not you come with Naſh with a brief to that gentleman ?——No, never in my life, I deny it to the gentleman's face, nor never knew him.

Nor you know nothing of the matter ?—No, Sir, I do not.

You ſay nobody aſked you if you ſaw who was the perſon ?——I ſay ſo.

Court. How did you know that this was the man that was taken in cuſtody when you did not know his name ?—I heard that the man was in cuſtody, and as I was coming, as I told you before, I ſaw Naſh, and aſked him when his affair came on concerning Kenny; he ſaid he did not know; ſays I, I have had no notice of it, it has amazed me much; ſays he, I believe it will come on to-morrow as the men are in cuſtody, you muſt attend to-morrow morning at nine o'clock; accordingly this morning a perſon came to me to deſire me to come down to the Old Bailey, and I was then informed that the men were in cuſtody, as ſuch I was called.

Did you know his name before ?—I did

not, nor I do not know that that is his name now.

You came quite accidentally to the Old Bailey yeſterday ?—Yes, I did not know till yeſterday that I came up that theſe men were to be tried, I did not know a word of it, I was going to ſearch the brokers for a key, I went to ſeveral, their names I do not know.

In what ſtreet, did you go to any ſhop ?—In Turnmill-ſtreet, and Peter-ſtreet, and Cow-croſs, and now the lock lays at Mr. Ive's, ironmongers, in Fleet-ſtreet, I could not get a key to it.

Do you remember the marrow-bones and cleavers ?——I do.

Was it before or after this man received his death wound that they marched ?—The marrow-bones and cleavers came firſt.

Did not you ſay it was in King-ſtreet you ſaw the affray ?——I ſaw Naſh knocked down in King-ſtreet.

Mr. Silveſter. When you was before the magiſtrate, were either of the priſoners in cuſtody then ?—Not that I ſaw.

EDWARD ARNOLD *ſworn.*

Examined by Mr. Morgan.

What are you ?—A carpenter and joiner by trade.

Court. He is not upon the indictment neither.

Mr. Fielding. No, theſe are all new diſcoveries.

Mr. Morgan. Where do you live ?——At No. 2, in Mount Pleaſant; I was at Covent-garden on the 10th of May, I ſaw Caſſon ſtruck.

How was he dreſſed ?——In a ſnuff coloured coat and a green waiſtcoat.

What ſort of ſtuff was his waiſtcoat made of ?—Shag.

Do you know either of the priſoners at the bar, look at them.

Mr. Fielding. And look round the Court, look here.——That is the man in the blue coat and a red cape, Nicholſon, that is the man I ſaw ſtrike Caſſon twice.

Did you ſee him do any thing elſe ?——I think he jumped upon him.

Did you ſee any of the other men ?—I did.

(Mr. Erſkine ſent word to have the priſoner Nicholſon removed from the corner of the bar to the middle.)

Croſs-examined by Mr. Pigot.

How happened you to be at Covent-garden ?——I happened to be ill, and curioſity led me there; I had no hand in the riot; I was there between one and two, and ſtaid there till the election was over.

You only took a ſolitary walk ?—Yes.

Do you know Gilmore ?—Yes,

Where does he live, in your neighbourhood ?—He is an old acquaintance of mine; we were not together.

He was there by accident, as you was ?—Very likely.

You ſay Nicholſon is the man ?—I think he was the ſame man, the perſon in the blue coat and red cape, that gave the blow.

Did you ever ſee him before ?——Never in my life.

Did you ever ſee him ſince ?—Never.

What did he ſtrike with ?—A ſtick.

What ſort of a ſtick ?—I believe it was an aſh ſtick, with a club at the end of it.

How was he dreſt ?—I remember only his features, he had loſt his noſe and one eye.

So the features of a man whom you have never ſeen before and never ſaw ſince, you know perfectly well ?——I think he is the very man.

Now, Mr. Arnold, you do not know how he was dreſſed ?——No, it is the features of the man; I ſaw the man carried to Wood's hotel, I never moved from the place where I ſtood.

How near was it from the place where Caſſon received the blow ?—I ſtood a little diſtance from the back of the gentlemen, by the ſteps going up to the huſtings; when the man was carried away I went up to the other end of the huſtings, I went with him; I never quitted the place where I ſtood till he was carried to Wood's hotel.

Was he carried immediately from the place where he fell to Wood's Hotel?—In the courſe of two minutes.

And you followed him?——Yes.

There was ſome examination into the matter by the coroner's inqueſt?——I did not ſtop any longer.

Do you know, or do you not know, that whenever a man is killed there is always an examination before a coroner?——Yes.

Did you go before that coroner's inqueſt, and tell that you knew the man that had given Caſſon a mortal blow?——No.

Did you ever offer to talk with Gilmore?——I told him, we were ſpeaking together, and I ſaid it was a cruel thing to ſee a man murdered in that way.

When might you happen to have this converſation with Gilmore, laſt Friday ſe'ennight?—No, Sir, it was laſt Wedneſday, I met him promiſcuouſly.

What did Gilmore ſay upon that?—He ſaid he could give his oath that he ſaw the man, and I told him the ſame when we were in diſcourſe together laſt Wedneſday.

Court. Gilmore ſaid he never ſpoke to any perſon about it, let him be aſked.

Mr. Fielding. My Lord, he has been in Court all the time.

You never converſed with Gilmore about it till laſt Wedneſday?——No.

You met him accidentally?—I did, and he ſaid he thought he could ſwear to the man; I ſaid I thought I ſhould know the man too.

Did you tell any body elſe of it?—The perſon I work for, Mr. Stokes, he adviſed me to come and tell what I did know; I have not mentioned a word about it till this day.

Then from Saturday till to day you never ſpoke to any body?——No.

Not to any of the people that conduct this proſecution?——No.

You come here perfectly voluntary, never been ſubpœned, never deſired?——No.

Court. I cannot ſee how he was upon the gentlemen's briefs.

Mr. Pigot. No, my Lord, it is not to be accounted for.

Mr. Morgan. In a croſs-examination of ſuch witneſſes in ſuch a cauſe, it is perfectly extraordinary, but perfectly conſiſtent with the whole conduct of the parties, to intrude obſervations.

Mr. Pigot. And with ſuch a witneſs in ſuch a cauſe it deſerves a reprehenſion, and I wiſh it was in my power to give it ſuch a reprehenſion as it deſerves.

Mr. Pigot. You came here to day without any ſubpœna?——Yes, in company with a gentleman I work for.

Is he a witneſs too?——No, I believe not.

Have you ſeen Gilmore to day at all?—Yes, I have, but had no converſation concerning this.

No, that I dare ſay.——He was in the room, there was no converſation about this buſineſs.

You never heard by any accident that any reward was to be be given?—I do not wiſh for any reward.

I know you do not wiſh for it, becauſe I know you are quite above it; but I want to know, whether you ever heard of it by any accident?——No, never.

You never read the newſpapers?——I never ſaw it in the newſpapers.

I know you never did.——I ſometimes read the newſpapers.

You never walk abroad?—My buſineſs lays abroad.

You never read any hand bills that are ſtuck up at the corners of ſtreets?—I never ſaw it.

Did you never caſt your eyes to the corners or ends of ſtreets, or thoſe places where they ſtick up hand bills?—I have ſeen different things, but I never ſaw that.

You read ſuch things ſometimes they intereſt you a little?—Unleſs I am going by, I do not take any notice, they are things that do not concern me, but this I never ſaw nor never heard of.

There were ſome marrow bones and cleavers at the front of the huſtings?—Yes.

That was before Caſſon was killed, was

no

not it?—Yes, and I don't know how long after; it was there before and after the time I ſtaid.

The marrow-bones and cleavers were there before?—They were there before at the bottom part, but not at the top part.

Court. Was not this bill of indictment found on Friday?—Yes.

JOHN JOSEPH *ſworn.*

Examined by Mr. Sylveſter.

Was you at Covent Garden on the 10th of May?——Yes, I am a coal-porter in Duck-lane, Weſtminſter.

Did you ſee the poor man that was killed ſtruck?—I do not know gentlemen whether that was the man or not.

Where did the man ſtand that you ſaw ſtruck?—He ſtood within ſix or eight yards of the pump, to the beſt of my knowledge.

How was he dreſſed?——In a ſnuff coloured brown coat, and green ſhag waiſtcoat, to the beſt of my knowledge, he had a round hat on, and I think it was his own hair.

Where was he ſtruck?——On the left ſide of his head.

What was he ſtruck with?——With a flat bludgeon, the nob of the bludgeon was flat.

Deſcribe the end of it?—The noſe of the bludgeon was flat, the head of the bludgeon was flat.

Who ſtruck him that blow on the head?——Gentlemen I cannot ſwear that, I cannot ſwear that the man that Patrick Nicholſon ſtruck was the man that was murdered, I ſaw the beginning of it, but the ending of it I did not ſtop to ſee, I ſaw the priſoner Nicholſon ſtrike a man dreſſed in a brown ſnuff coloured coat, and a green ſhag waiſtcoat, and a round hat.

What became of that man who received the blow from Nicholſon?——I do not know, I did not ſtop, I went away immediately; at the blow that came from the priſoner Nicholſon, the man fell down like a block.

Did you ſee the priſoner Nicholſon after?——Yes, I ſaw him and took him, I lived by him for years.

Are you ſure he was the man?—I am ſure he was the man that ſtruck the blow, but whether that was the man that had his death from the blow, I cannot ſay.

Did any thing paſs the next day?—The next morning I came to my own door, it rained very hard, and Nicholſon and a girl that he kept ſtood together, he ſaid, I believe I ſhall not be at the huſtings to day, for I expect a warrant againſt me.

Look at thoſe other men?——I do not know one of them.

Court. How long have you known Patrick Nicholſon?—About four or five years.

Croſs-examined by Mr. Erſkine.

How long was this after the marrow-bones and cleavers went acroſs?——The marrow-bones and cleavers went twice, and at the ſecond time of their coming, this happened, the firſt went from Henrietta-ſtreet, towards King-ſtreet.

You ſay at the ſecond time?——I have given my evidence as plain as I can; have I given my evidence, or have I not.

But you muſt anſwer a little more?—I ſay, as they came back again the ſecond time with the marrow-bones and cleavers.

Court. Was this before ſuch time as the blows were given?——Yes, it was at the time the blows were given.

Mr. Erſkine. You call yourſelf a coal porter?——Yes.

You was a ſoldier once?——Yes.

You are not a ſoldier now?——I am a ſoldier now.

That diſcipline was a little too ſevere?—What do you mean by diſcipline.

Many a better man than I or you either have had diſcipline; but never a worſe man than you I believe?—I always did my duty as a ſoldier.

You have been in America, have not you?——Yes.

You have had a pretty ſevere flogging there?——So has many more.

Can you remember what it was for?—It was for robbing.

Did not you charge a man with an attempt to commit an unnatural crime upon you?——No, Sir, I did not.

You will ſwear that?—I will ſwear it and prove it, I dare any man to ſay that.

I ſay it, Sir, and will prove it?——I inſiſt upon it that you would.

You did not?——Never, I will front the man that ſays ſo.

Perhaps you do not know Mr. Hubbard?——I know him, ſend for him if you pleaſe; I inſiſt upon his being ſent for.

He went over to America with you?—Yes, I know him well.

You were in the ſame regiment with him?——Yes, and in the ſame company.

And was not you flogged?——I am not come here to be flogged.

But I will flog an anſwer out of you; was you, or was you not with Hubbard in America; and did not you receive five hundred laſhes?——That does not concern this buſineſs, I am not come on that buſineſs now, this is not what I came about.

Court. You have no right to aſk him for what crime he was flogged, I do not think a man is obliged to anſwer any queſtion to his own turpitude.

Mr. Erſkine. My Lord, with great ſubmiſſion, I have always underſtood, that no man is in a Court of Juſtice to be aſked as to any thing that may bring a proſecution upon him; but in order to get at the veracity of a witneſs, and to ſee whether this man is really ſpeaking truth or not, I have a right to aſk him to an offence which is paſt and gone, and for which he cannot receive puniſhment again.

Court. I have always underſtood that no man or woman is to be aſked a queſtion that tends to diſgrace themſelves, I have known a woman aſked whether ſhe ever had a baſtard child, and it has always been ſtopped.

Mr. Erſkine. It is quite ſufficient for me upon this occaſion that the man has poſitively ſworn that he never was flogged?—I defy you or any man in this kingdom to ſay that I have ever robbed any man.

Then you have been very unfortunate in having been taken for other people.

Do you know Mr. Rothen?—Yes, as honeſt a man as ever touched the gallows.

How often have you been in the watch-houſe?——I have been in the watch-houſe a dozen or fourteen times, always for fighting.

And nothing elſe?—No, Sir, nothing elſe, I defy you.

Perhaps you do not know Mr. Groves?—Who is he?

He knows you?—He knows me, what can he ſay; that I have been whipped again.

Do you recollect reſiſting him with knives along with Champneſs?—No, Sir, I never did.

When he had a warrant againſt you?—You mean I aſſiſted him.

I mean you would not ſuffer yourſelf to be taken, but reſiſted him with knives?—If you will ſhew me the gentleman I will tell you, but I cannot without you do.

GEORGE ELLIOTT *ſworn.*

I am a broker by trade, I am high conſtable of the Tower Hamlets.

Did you attend the huſtings on the 10th of May?—Yes, with my conſtables, in conſequence of an order from Sir Sampſon Wright.

Was Caſſon one of your conſtables?—Yes.

Did you ſee the deceaſed whilſt he was on the ground?—Yes.

What was his dreſs at the time?—I am not clear as to the colour of his coat, but I believe he had a ſort of a green ſhag waiſtcoat.

Did, or did not that man die?—He died at Wood's hotel, as I heard.

How many conſtables did you take up?——I am not poſitive to the number, that man had only three with him, and himſelf, I ſuppoſe I had between fifty or ſixty.

Croſs-examined by Mr. Pigot.

You have given a very proper evidence; were there not a good many conſtables made and brought to the huſtings?——I did not ſee a man there that was not a pariſh officer, unleſs it was four; there were four came to me to receive orders, I told them I did not know them.

Court. Was you preſent at this muſter in Pattiſon's auction room, in Covent Garden?—I could not get them together there, Caſſon was the firſt man that was there, I was ſeveral times in the auction room; on Monday fortnight I muſtered them all in that room.

Had you the Tower Hamlet conſtables there a fortnight before?——I had as many as I could get.

JONATHAN REDGRAVE *ſworn.*

Examined by Mr. Sylveſter.

I am a conſtable of St. James's Clerkenwell, I was at Covent Garden on the 10th of May, when this unfortunate man met with his death.

Did you ſee who it was ſtruck him?—No.

Did you ſee any perſons particularly active at that time?——I did, I ſaw James Murray very active in knocking people down, and likewiſe he ſtruck me down.

Was that before or after this poor man met with his death?——I believe it was after; it muſt be after.

How long after?—Ten minutes.

Was you there at the time Mr. Caſſon received his death?——I was towards Wood's hotel, and this was done towards the pump.

WILLIAM SEASONS *ſworn.*

I am a conſtable at Clerkenwell, on the 10th of May I ſaw Ward, and the man with the one eye, that is Shaw, I did not ſee the man knocked down.

Was you engaged in taking either of theſe men into cuſtody?—I was not.

Did you ſee them taken, either of them?—I did not, but I was there after they were taken.

CHRISTOPHER YOUNG *ſworn.*

I am a Taylor in White-croſs-ſtreet.

Was you at Covent Garden the 10th of May?—I was twenty-three days there, but I cannot ſay the day I firſt went, I was there at the very time, and place, where the poor man was killed, I did not ſee him, but I was knocked down at the ſame time by James Ward.

Was that before, or after Caſſon received his death blow?—I do not know, my breath was out of me, I was taken up for dead.

Croſs examined by Mr. Garrow.

Ward was among the marrow-bones and cleavers?—Yes, he had a marrow-bone in one hand, and a cleaver in the other, dreſſed as a butcher in a white jacket.

Had he a ſtick in his hand?—No.

Did the butchers wear white jackets?—It was white jackets, or flanell, or ſomething, I cannot ſay what.

ROBERT LINNEL *ſworn.*

Was you at the huſtings when Caſſon was knocked down?—No, Sir.

Was you at the huſtings on the 10th of May?—Yes.

Did you ſee any thing done?—Not in regard to the murder.

You do not know when Caſſon was knocked down?—No, Sir.

Mr. Morgan. I wiſh to call Mrs. Caſſon, to prove the dreſs.

Mr. Garrow. She has been in the gallery all the time, therefore I object to it.

Mr. Erſkine. It is a very uncommon thing.

(The widow wiſhed to ſpeak from the gallery, but was not permitted by the Court:)

JOHN HUNTER *ſworn.*

I am a Surgeon, I attended the wounded man, I was called on by two gentlemen of my acquaintance to go to Wood's hotel, to ſee a man who had received ſome injury at the huſtings, at Covent Garden; between eight and nine in the evening, I went there, and found a man in bed, perfectly in his ſenſes, having all the marks attending either a violent blow on the head, or ſome injury done to the vital parts of the ſtomach or the heart; I was informed that he had been bled, and ſome phyſic was ordered, I ſaw nothing more couldbe done, I examined the man every where as narrowly as I could, but I ſaw no marks of violence,

lence, there was a ſurgeon ſaid, that there was a mark of violence on the left ſide of the head or neck, but I did not obſerve it; as there was nothing to lead me to a further examination I left him, deſiring that he ſhould be kept quiet, and I would call in the morning, but I believe I ſignified that I did not ſuppoſe that I ſhould find the man alive in the morning, I happened to be out that evening, ſeveral people called on me, and I was told that Mr. Sheldon, the ſurgeon, had been ſent for to meet me, it was paſt twelve when I returned, and I wrote an anſwer that I would meet Mr. Sheldon on the morrow morning at ten o'clock, the ſervant came back, and told me the man was dead, and Mr. Sheldon was there then, I then thought there was no neceſſity to meet Mr. Sheldon; I received an order the next day, to attend the Coroner at five the next evening to open the body, Mr. Sheldon and I opened the body; on opening the body we found in his cheſt, three ribs broke on the left ſide, and ſome other ſmall marks of violence not of much ſignification, there was ſome extravaſated blood in the cheſt; I next examined the head, upon making an inciſion into his cap on the left temple, I obſerved extravaſated blood where a blow moſt probably had been received, when the ſkull was removed we obſerved more blood to iſſue than common; at the firſt membrane of the ſkull, we found oppoſite to the extravaſated blood, a conſiderable quantity of congulated blood laying between the two membranes of the brain; we examined the ſcull on the inſide, and oppoſite to that from where the firſt extravaſated blood had appeared, there were found ſeveral fractures.

Court. Were thoſe the occaſions of his death?——No, thoſe were the appearances of it; the extravaſated blood found on the right ſide, oppoſite to where the blow was given, occaſioned by the blow, was the cauſe of his death.

What do you ſuppoſe the blow was given with?——I ſhould ſuppoſe it was given by a blunt inſtrument; a ſharp heavy inſtrument, ſuch as a rod of iron, will make a very conſiderable external appearance, perhaps greater than an internal one; but an inſtrument of a conſiderable ſize, and with conſiderable velocity, may make no external appearance, becauſe it covers ſo large a ſurface, but it may give the head ſuch a ſhock, ſuch a quick velocity, as to produce extravaſation.

Court to Jury. What do you ſay with reſpect to the priſoners Ward, Shaw, and Murray; do you think it neceſſary to put them on their defence.

Jury. We think not.

Court to Priſoner Nicholſon. Now is the time to make your defences, your Council cannot ſpeak for you.

Priſoner. I leave it to my Council, and God Almighty!

CAPTAIN GARSTON *ſworn.*

Examined by Mr. Erſkine.

Was you at Covent-garden on the 10th of May?—I was.

Was you there at the cloſe of the poll?—I was.

In what part of Covent-garden?——Abreaſt of the pump.

At what diſtance?—I ſuppoſe about four yards, I was ſitting on a coach-box.

Did you ſee a perſon at the pump that had been ſtruck by ſomebody?——I did.

Which you know now to be the perſon we have been talking about to day?——I imagine ſo.

Was he laying under the pump?—He was leaning back in a man's arms, there were ſeveral people about him, and they were giving him air; I did not ſee the blow given.

How long had you been there before you ſaw this man in that condition?—About a quarter of an hour, previous to the cloſe of the poll.

In what ſtate was the huſtings at that time in reſpect to tumult?—It appeared to me to be perfectly quiet; previous to the time the perſon lay under the pump, there had been a ſmall affray, in which the conſtables beat the people on the right and on the left.

Did you ſee what was the cauſe of that little affray?——A man appeared to me to be holding up ſomething, which appeared to be a halfpenny, and there was a ſcuffle about a black man; it appeared to me that the conſtables jumped over the outward rail, and endeavoured to take theſe people that had been in that little ſcuffle into cuſtody; it appeared to me as a trifling affray, comparatively ſpeaking, to the buſtle I ſaw one day before, near the huſtings.

How long was it before the confuſion became conſiderable?—It was a conſiderable time afterwards; in about four or five minutes after the conſtables jumped over the rails, I ſaw this man down; the conſtables came out in very great force, I ſpeak as to number: about four or five minutes before I ſaw Caſſon down, they were driving people to the right-hand and left, the conſtables beat them and thumped about exceſſively, they ſtruck them with their ſhort ſtaves, they had ſome ſhort ones; the people that were in the front went away of courſe; Caſſon was killed in that little affray, I ſaw him laying under the pump ten or twelve minutes.

Did the proceedings that you obſerved in the conſtables appear to be neceſſary to quiet the diſturbance?——It is a matter of opinion, I did not obſerve it.

Did you ſee any reſiſtance?—No, none, nor a ſtick held up at that time, except the common little buſtle; I thought there was a vaſt number of conſtables to take away two or three people that committed a paltry riot.

A conſiderable time after, I believe there was a ſcuffle?——There was.

How long after was it when it began, and how did it begin?—About ten or twelve minutes, or a little more; the man was laying under the pump at this time: there were marrow-bones and cleavers came round to the Unicorn from the end of Henrietta-ſtreet to the rails the other ſide of the pump, a little way where the man laid on the pavement, and they kept beating their marrow-bones and cleavers for ſome time, and the mob at that time appeared to be in ſpirits; they went on with a degree of ſpirits: this was the firſt time I ſaw the marrow-bones and cleavers go off. The conſtables appeared to me rather too open; it appeared to be a manœvre of the conſtables; as ſoon as they got them within their reach, they attempted to cloſe upon them.

If any of the perſons who were on the outſide at the time the conſtables jumped over the rails had aſſaulted the conſtables, do you think you muſt have ſeen them?——I think I muſt; it appeared that there was no aſſault on the conſtables till after the man had been killed ten or twelve minutes.

Croſs-examined by Mr. Morgan.

How long had the company of butchers with the marrow-bones and cleavers been there before?——I did not ſee the marrow-bones and cleavers; he could not have been knocked down but a very few minutes by this mob.

Did not you when you firſt came ſee the mob?—The marrow-bones and cleavers, I ſaw the men in whitiſh coats; I ſat on the coach-box about four or five yards from the breaſt of the pump.

Were there not marrow-bones and cleavers there?——They might be, but I did not ſee them, not until after Caſſon had been killed; I firſt ſaw them on the other ſide of the pump, I never ſaw them on that day.

Where were they when you firſt ſaw them?—They were there when I firſt ſaw them.

Were they Iriſhmen?—It is impoſſible to diſtinguiſh a man's country by his face, I ſaw nothing particularly extraordinary; I very honeſtly confeſs myſelf, that I thought the man was killed in the indiſcriminate hurly burly; I ſaw no ſtaff by him.

How many men did you ſee, chairmen?——About twenty-five or thirty, not more than that.

Do me the favour to look at the priſoners, and tell me if you remember them?——I

——I took notice of Ward, the butcher, with one eye, and I recollect him particularly that day being on the other ſide of the pump, coming up long after Caſſon was killed: they came down in a very large body, they intirely filled up the huſtings and booth; they appeared to me to be a hundred and thirty; I took notice to the coachman that I ſat by, that there were a great number of conſtables aſſembled that day.

Do you really limit the number of chairmen to twenty-five?——No, I think there might be thirty.

How many of them might be about Caſſon when he was under the pump?——I do not recollect ſeeing above two or three people about him, and they had ſticks beating the hands of the people.

Were they chairmen?—I cannot charge my memory with ſeeing any chairmen about him.

Does not the pump ſtand at ſome diſtance from the huſtings?—Yes; they went off, but they returned again, but they did not advance at the time; when Caſſon was killed the conſtables retreated; there were a few ſtragglers about the body, who got about him, and gave him ſome water.

Court. They could not all be gone?—— The people on both ſides could not get away; it was the people in front that ran away, thoſe that were on the left ſide were beat and thumped moſt unmercifully.

AARON ABBOT *ſworn.*

Examined by Mr. Pigott.

I am beadle and conſtable of St. Paul's, Covent-garden; I have been four years beadle, and two years conſtable; I was in Covent-garden on the 10th of May, I was on the leads at the Unicorn, I could ſee the pump and a long way beyond it, and a part of the front of the huſtings; I was there when the poll cloſed at three o'clock, and I was there before that time.

Was there any rioting in the front of the huſtings? I cannot ſay there was any rioting much, only a parcel of conſtables came puſhing people about.

Was there any diſturbance then?—Only that they would not let people ſtand quietly.

After the cloſe of the poll was there any diſturbance?—There was ſome ſcuffle in the front, a man held ſomething, it might be a halfpenny, and called out Fox for ever, and one man whom they call Lucas, that generally wears ſpectacles, he jumped over the rails to ſtrike him, and the affray began on that; that is my opinion of it: from that there came a great body of them together, parading backwards and forwards to the amount of two hundred, down by the huſtings with their ſticks, knocking people about.

Did they follow Lucas?—I believe they followed him in general.

Did thoſe conſtables ſtrike?——They ſtruck a great number of people with their long ſtaves.

Were thoſe people reſiſting them?—Not that I ſaw, they came down as low as the pump and came back a ſecond time, ſome of them ſtruck at the whole of them.

They ſtruck indiſcriminately?—Yes Sir.

Was there any cry about any body's being knocked down?—Then there was a cry as I really believe, of a high conſtable that had knocked a man down.

Did you ſee the man knocked down?— I did not ſee him ſtruck, I ſaw him when he was down, there was a mob of people.

Did you at that time obſerve any of the chairmen or butchers there?—There were none nigh to my knowledge, not one nigh at that time.

Did the conſtables go away after that?— After that they began ſtriking violently.

Did the marrow-bones and cleavers come acroſs after that?—At that time they ſtood by a row of coaches all quiet, with their cleavers over their arms, much in this form, but they went towards the pump and returned again, and went and ſtood very quiet by Mr. Jennings's door, then they were taken one by one, and taken to the committee room.

Croſs-examined by Mr. Sylveſter.

If I underſtand you right, you were upon the leads of the Unicorn?—Yes, it projects a good way out.

The huſtings were incloſed in by the boards?—Yes.

Lucas was within the huſtings?——No, Sir, there is a way intirely through in the front of the huſtings, and there is a rail, and he was there, there was a ſcuffle.

Between whom?—By the conſtables in general, as I ſaw, I do not know but they might ſcuffle one another, they hardly knew one another, and the conſtables went to knock down every man that called out Fox for ever, they did not knock down any other perſon whatever, I did not ſee who ſtruck the deceaſed, there was one Mr. Elliott, he was very buſy and ſtruck away very violently, and there was Mr. Wild equally the ſame, very buſy.

Did he ſtrike any body?—I ſaw him ſtrike people, Lucas, who wears ſpectacles, he was very buſy all the whole time, and indeed the whole of the election.

Was there no chairmen nor butchers about Mr. Fox's ſide?—There were not, and there were plenty of ſpectators, they might have ſticks, I did not take particular notice.

Then how can you take upon yourſelf to ſwear, you do not mean to ſay, that round this pump there were none but conſtables?——There were the moſt conſtables of any body, but I cannot ſay that there were none but conſtables.

Did you know the priſoner?—I cannot ſay.

CHRISTOPHER JACOB *ſworn.*

Examined by Mr. Fielding.

What are you?—I am an Umbrella maker, I live in Round court, I was at Covent-Garden on the 10th of May.

In what ſituation was you when the poll cloſed?—In the front of the huſtings about the middle part.

And at that time all was quiet?—There was a ſcuffle enſued between a black man and a white man, and there were ſome conſtables before the rails, and they jumped over the rails, they preſſed forward, and they were immediately joined by another body of conſtables, the name of one is, as they ſaid, Lucas.

From what ſide of the huſtings did this body of conſtables come?—From Wood's hotel, every one of them.

How many conſtables might there be collected there?——There was a large body of them, there might be forty, I cannot ſay exactly, they came bearing down their ſtaves, and this man in black with a pair of ſpectacles and a light coloured two curled wig, I am told his name is Lucas, he ſtruck at ſeveral people, they came bearing down with their ſtaves, they bore me down as well as ſeveral other people, and they preſſed onwards towards Henrietta ſtreet, the people gave way towards the pump.

What happened by the pump at that time?—When they came down nearer the pump there was a man dreſſed with white ſtockings and black breeches; his waiſtcoat I cannot be ſure to, but his coat was of the olive kind, but I believe his waiſtcoat was green; I ſaw this man fight with Lucas in ſpectacles, with a conſtable's ſtaff in his hand, and they ſaid the man in black ſtruck a blow, which blow that man received.

Court. Where did that blow light?——Whether he ſtruck at him with a deſign I cannot ſay, but a blow that man received ſomewhere on the ſide of his head, it made him ſtagger very much, the man that made the blow at me, lifted up his ſtaff at the ſame time, and that took my attention from the man, I did not ſee him drop, but I ſaw him reel, I was preſſed conſiderably, and ſoon after I came up upon the flag ſtones facing the watch-houſe, then I looked and ſaw the ſame man under the pump, they were rubbing water down his temples, I was not two yards from him, I am ſure it was the ſame man, I ſaw no others than conſtables that were about him at that time when I ſaw the blow given; when I came on the flag ſtones, Mr. Sheridan aſked me who the man was that lay under the pump, I ſaid I did not know who he was, but I heard he was a conſtable, I ſaw no other but conſtables.

Did you ſee any chairmen or any perſon reſembling chairmen at the pump at that time ?—No, Sir, I do not know that that was the man, I never ſaw him after, the man that was under the pump I ſaw the blow given to.

Did you ſee the priſoners there ?—No, I did not.

Mr. Morgan. What are you ?—An Umbrella maker.

Are you a Jew or a Chriſtian ?—I am a Chriſtian, Sir, my name is Jacob, I was there moſt days, I was there that day from one, I was not paid.

You did not ſee this unhappy man trampled on, did you ?—No, I did not.

Had you ſeen Caſſon any time before to fix your attention upon him, ſo as to obſerve whether he was an officer or not ?——I do not know that he was an officer, only as the people ſaid, I did not ſee him with a ſtaff in his hand, I did not deſcribe him ſo.

WILLIAM JENNER *ſworn.*

Examined by Mr. Garrow.

I am a Breeches maker, I live in St. Martin's Lane.

Was you in Covent Garden the 10th of May ?——I was near the church, but I was drove down by the mob down by the pump, that might be between three and four, I went there about half paſt twelve, and was there till ſix.

Who drove you down to the pump ?—I was drove entirely by the conſtables.

Did you ſee any thing remarkable near the pump ?——Yes.

What was it ?—I ſaw the conſtables all bear down in a full body from Wood's hotel, which is King-ſtreet end of the huſtings down to the pump ; when they came down to the pump, I was ſtanding facing the ſpot, and there came a head conſtable with the whole kit of the conſtables, each had a black ſtaff with ſilver tipped at each end, and a crown at top ; it was about two feet long, I was ſtanding there, and if I had not moved I ſhould have been knocked down by it, he held it up in his hand, and he was knocking down all before him, I was obliged to move out of his way, or elſe I ſhould have got a blow, he was followed by a large number of other perſons, the multitude ran away, they were obliged to run away.

Did you ſee any body ſtruck ?—Yes, there was a man on the right hand ſide of me near the pump, he was a talliſh man between forty and fifty, dreſſed in a darkiſh coloured coat and a green feathered waiſtcoat, a green ſhagg waiſtcoat, he was ſtruck with this high conſtable's ſtaff on the left ſide on the temple.

Did the blow appear to be ſevere ?—No it did not, but he fell with the blow, after he was knocked down he was trampled over by the other conſtables, he was taken to the corner of Mr. Fox's houſe, the Unicorn, and taken up one pair of ſtairs, and there continued an hour.

Where was he carried to afterwards ?—I do not know, I never ſaw him afterwards, I was up there half an hour in the room.

Croſs-examined by Mr. Silveſter.

You know the high conſtable of Weſtminſter ?—Yes.

It was not he that knocked the man down ?—I do not know that I ſhould know him again.

Look at each of theſe high conſtables, was it either of them ?—No, I do not ſay it was, but I am ſure it was a high conſtable, the man I ſaw had no ſtaff, there was a ſerious ſcuffle between the two parties, Mr. Wray's party drove off Mr. Fox's.

They were all pretty peaceable when this blow was given ?—He had no ſtaff in his hand, the man that was knocked down, not as I ſaw, I cannot rightly ſwear to the conſtable's hat, but I could to his wig, I am ſure he was an high conſtable.

Mr. Erſkine. The other witneſſes that have ſworn againſt the priſoners, have ſworn to the direct contrary.

WIL-

WILLIAM FOSSET *ſworn.*

Examined by Mr. Erſkine.

I was near the huſtings on the 10th of May, I remember the conſtables coming round from King-ſtreet way out of the huſtings, and driving the populace before them, there were a vaſt number of them indeed, but one I particularly obſerved was one Lucas, as I was in the populace, I was obliged to make way, and obſerved Lucas ſtriking a man who happened to cry out Fox for ever.

Did he ſtrike him in a violent manner?——Strike him in a violent manner.

That was his only fault was it?—That was the only fault I ſaw in him.

What were the populace in general doing when the conſtables were driving them with their ſticks?—Nothing but crying out Fox for ever, they were doing no miſchief, nor offering to do any miſchief, I particularly ſaw this Lucas almoſt knock a man down.

After this did you happen to be near the pump?—I will tell you; firſt and foremoſt, in coming along, I called out gentlemen conſtables, the election is over and the books are cloſed, why do not you diſperſe, and the mob will diſperſe afterwards, and juſt as I ſpoke thoſe words, a conſtable with a ſhort ſtaff, which I ſuppoſed to be a conſtable, made a blow at me, he tried to make a ſecond at me, but I flew into the mob to get out of his way.

What had you been doing to deſerve this blow?—No other than what I have ſaid, I was then coming nearer the pump, and I ſaw a man fall.

At this time was the populace reſiſting the conſtables?—There was no reſiſtance at that time, the conſtables came up to the pump, and were knocking and clearing with their ſticks, I cannot tell how the man fell; I heard a great cry immediately that the conſtables had knocked down a man, and killed him, theſe were the conſtables that came from King-ſtreet.

Croſs examined by Mr. Morgan.

Had you paid any particular attention to this man that was knocked down at the pump, before he was knocked down?——No Sir, I did not, there was a great affray enſued ſome time after, I was among the populace, and ſaw a number of conſtables with ſticks, I never ſaw any with bludgeons that I could particularize.

You never ſaw them draw them out of their coats all at once?—I never did, I ſaw none to my recollection but the conſtables about the man when he was knocked down, I did not go to the place.

Did you go after?——No.

CHARLES GIBSON *ſworn.*

Examined by Mr. Pigott.

I am a Breeches-maker, I was at Covent Garden the 10th of May, about ten minutes before three, upon the leads belonging to the Unicorn, and about a quarter after three, Mr. Fox came out from the huſtings and went to one Mr. Jennings's, and in about five or ſix minutes, a parcel of conſtables came down with long ſtaves in ranks like ſoldiers.

Did they ſtrike any of the people?——Firſt of all, there was ſome before them crying out Fox, and they collared ſome numbers of them, and others reſcued them but there were no weapons uſed on Mr. Fox's ſide.

When the conſtables came on, did the people make any reſiſtance?—Not the leaſt for 20 minutes; there was a man knocked down by the pump, within about a yard.

Was he taken into the Unicorn afterwards?—He was under the pump ten minutes before he was taken into the Unicorn, and bathed with water to bring him, to.

Who was about there?——There were conſtables round about him, but there was nobody with bludgeons about him.

Was there any perſon there making any reſiſtance?—Not the leaſt in the world, he was led through the ranks of chairmen man which had ſticks in their hands, and was taken to the Unicorn, he remained there very near half an hour.

Then it was three quarters of an hour before he was carried to Wood's?—Yes, the guards were there ſome time before he was taken to Wood's.

Croſs examined by Mr. Silveſter.

You are a journeyman breeches-maker? —A maſter, I was next to Covent Garden in the front of the leads, they came 11 or 12 in a rank, and the high conſtable before them, Caſſon was in the firſt rank, I ſaw a man give him a blow, they had all ſtaves, but as for him, I did not ſee his ſtaff, I did not ſee him till the man knocked him down, there was no ſcuffle for twenty minutes after, only juſt then people cried out Fox, and they took them into cuſtody, and the people went to reſcue them again, but they had no arms, ſo there was a ſcuffle, there were ſtaves on one ſide, and no ſticks on the other; I ſaw the deceaſed receive a blow ſomewhere about his temple, I think I ſhould know the man that gave the blow, I do not ſee him there, I do not know his name, I ſaw the ſtaff go twice, and the firſt blow I ſaw him give, and there was another blow given at him, but whether it was by him or no, I cannot tell.

Mr. Fielding. It will not be neceſſary to trouble your Lordſhips with any more evidence, we have an infinite number of witneſſes as to the ſecond riot, and how it began.

RICHARD BRINSLEY SHERIDAN,
Eſq; *ſworn.*

Mr. Fielding. I need not trouble you Sir, with any queſtion?——I will ſtate as ſhort as poſſible all I know of the matter; about a quarter before three, Colonel Fitzpatrick and myſelf came to the poll, we found we were late, and we came down through the alley which was made for the voters of Lord Hood and Sir Cecil Wray, at the King-ſtreet end; there was the common cry made that was uſually made to Mr. Fox's voters, but no inſult till we came to the huſtings; when we came there, we found that part that is railed for the voters, partly filled with a large company of people that had conſtable's ſtaves n their hands, and ſeveral men with ſtaves in their hands, but otherwiſe not at all appearing like peace officers, callled out, No Fox, and ſeemed as if unwilling to let us paſs; but ſeveral of the other conſtables that knew us, and who appeared to be the Weſtminſter conſtables, called to them, and told them our names; I obſerved they ſeem to be a very extraordinary ſort of people, not in the leaſt reſembling peace officers, otherwiſe than having a great many painted ſtaves, which ſome of them had not; I went to the huſtings, two men waited to ſpeak to me, I brought them round to the deſk, I tried to get them to the deſk, but theſe men, upon hearing they were to poll for Mr. Fox, drove them down again, and prevented their polling for Mr. Fox; the poll was then ſuddenly cloſed, five minutes before the right time, and ſeveral of our friends complained that Mr. Atkinſon had cloſed the poll five minutes before the time, by which means Lord Hood and Sir Cecil Wray had the majority; upon ſeeing the conduct of thoſe people who were preſent, that had been ſworn in, in a very irregular manner, by Mr. Wilmot, I thought it a right to go round into the veſtry to the High Bailiff, I never had been there before, Mr. Fox and the other candidates were caſting up the poll; I complained of the conduct of theſe men; Mr. Atkinſon and me had ſome altercation upon the ſubject, and after ſome converſation we went to the door into Bedford-ſtreet, out of the Church-yard; when we got through the door, I was to turn to the left, and go towards Jennings's, where ſome ladies were waiting; as ſoon as I came into Henrietta-ſtreet, I ſaw a vaſt number of people running away, it ſurpriſed me me very much, I aſked what was the matter, and ſeveral people anſwered me, that Wilmot's Conſtables had fallen on Mr. Fox's people, and driven them before them; I turned the corner as quickly as I could, and I conceive that it muſt have been pretty nearly at that time that Caſſon was ſtruck; I did not ſee the blow given, there had been a ſmall affray or tumult that had ceaſed for a moment, but there was a threatning of another affray by the conſtables ſhouting and brandiſhing their ſtaves; I could only judge by the ſort of tumult, and the general appearance, I had a perfect conviction in my own mind, as well as from intelligence, that there was a determination to make an affray, and that ſome miſchief ſhould be done; to prevent which I run up between the conſtables, and that part of the men that ſeemed to oppoſe them, and called out to Mr. Fox's people, if you wiſh well to Mr. Fox, ſtand back and keep the peace; many of them called out, that thoſe ſcoundrels of Wilmot's had behaved ſo ill, that they were ſure they came there on purpoſe to make a riot, I told the mob ſeveral times the only means to diſappoint them was to be peaceable; I then went up towards the conſtables, they were drawn up in a body, they were brandiſhing their ſtaves, and ſeemed threatning the people in a manner to provoke a riot, and ſeeing one conſtable who appeared at their head with a ſtaff with a ſilver tip, whoſe name I afterwards underſtood was Wild, the perſon examined to-day; I went and told him my name, and two or three people behind me hooted out, No Fox; I put my hand on Wild's ſhoulder, and begged him to come two or three paces from theſe conſtables, which he did; I then ſaid, you ſeem to have the command of theſe people, why don't you remove them and take them away; Wild replied he had no command over them, they were Wilmot's people; I ſaid their intention was certainly to breed a riot, and Wild anſwered me that he was afraid it was, but he would go back and ſee what he could do; Wild ſaid ſomething to me about a perſon being knocked down; I did not make the anſwer, that the man ſhould be taken care of, but I ſhould if I had known of it; I muſt in juſtice ſay, that while I ſaw Wild, he endeavoured to do his utmoſt to prevail on theſe people to go back; if they had there would have been nothing further: juſt after I had finiſhed ſpeaking to Mr. Wild, a perſon ſaid to me, pray, Mr. Sheridan, let this poor man have room, and I looked round, and ſaw a circle made round a man who was raiſed up, with two men by him, one of which was faning him; I aſked them why they did not get water and throw it in his face; there was ſome Weſtminſter conſtable aſſiſting the man, and a great body of people that were ſuppoſed to be in Mr. Fox's intereſt were there, the general cry was, that he was knocked down by the conſtables; others ſaid no, that he was a conſtable, and knocked down by one of his own conſtables; I remember two or three people ſaying, theſe Wapping conſtables were pretty fellows to fight, for they have knocked down one of their own men; the general cry was very ſtrong, that he was knocked down by a conſtable.

The difference of opinion was, whether he was a conſtable or one of Fox's party, but there was no difference of opinion who had knocked him down?——There was none; I was in hopes that there would have been perfect peace and quiet; I turned round and ſaw the other conſtables had not moved a ſingle ſtep; I ſpoke to Wild, he ſaid he could do nothing with them; I am poſitive there was not one marrow-bone and cleaver came up while I was there.

Mr. Morgan. I believe, Sir, you was frequently there?—Yes Sir, often enough to have obſerved any thing.

Was you there on Monday that this accident happened for any conſiderable ſpace of time?—I had not been there before that day, I came in at King-ſtreet end of the huſtings, conſequently I could not ſee the marrow-bones and cleavers, we came down James-ſtreet, we did not chuſe to come round the Garden, Colonel Fitzpatrick was with me.

I believe it was a ſettled rule with you to come in at the other end?—I very often came in at King-ſtreet end, it being more convenient to me, I did not chuſe to put myſelf out of the way, the general ill conduct of the perſons at the end of Lord Hood and Sir Cecil Wray, had made it neceſſary to come in at the other end.

You do not mean to ſay that all the noiſe was made on Lord Hood and Sir Cecil Wray's end?—Moſt certainly not.

How many days had the chairmen and other people, armed as we ſay with ſticks and bludgeons, attended?

Mr. Pigot. You do not mean to aſk that queſtion.

Mr. Morgan. How many men were there that day?——I will ſave Mr. Morgan the trouble of keeping the Jury with unneceſſary queſtions; the huſtings were conſtantly ſurrounded, as ſtated by the learned Council in opening this curious proſecution; for he ſtated, that the huſtings were conſtantly ſurrounded with immenſe numbers, and that is a fact, though ſtated by him; and there were complaints for people to come up and poll; the conſequence was, that there were daily advertiſements from both Committees, in all the publick papers, each ſide boaſting, that great care was taken to keep a line for the voters; there were many conſtables employed on both ſides; any man that would lend his aſſiſtance, if he had a cane, or rattan, or any thing, was much better qualified to do it; I obſerved the line on the King-ſtreet end was better kept than the line on the other; but it was by both parties admitted, and found abſolutely neceſſary, that whoever would lend his aſſiſtance, it was doing a ſort of ſervice, as theſe people always conducted themſelves: no perſon can deny that there were people with ſticks at both ends of the line, but their numbers I do not know.

Mr. Erſkine. I ſhall now proceed to ſhew your Lordſhip and the Jury, that this man of the name of John Joſeph, is unworthy of all credit in a Court of Juſtice.

SERJEANT HUBBARD, of the Coldſtream Regiment of Guards, *ſworn.*

Examined by Mr. Erſkine.

Do you know John Joſeph, who has been examined here as a witneſs to day?—Yes, ten years and upwards, I am of the ſame regiment; I recollect his receiving puniſhment by the ſentence of a court martial, for extorting money from an American, and he could not pay him the money, and after that he laid an unatural charge againſt him.

He denied that here to day, he ſays there is no truth in it.—It is truth, he was tried for that crime, and convicted, and received puniſhment as far as I have heard in the court martial; I ſaw part of the puniſhment inflicted on him.

You have known this man a great while, and of courſe know his general character; would you believe him upon his oath?——Why, I would not.

How many laſhes had he?——The ſentence was a thouſand.

Mr. Sylveſter. You are a ſerjeant in the guards, and he is a ſoldier in the guards?—No.

Was you preſent?——I heard part of the ſentence of the court martial read.

You was not preſent when he was tried?—I did not hear the whole of the charges; none of the officers are here that were preſent there.

Court. This is quite irregular, you ſhould produce the ſentences, all that the Jury will attend to is, that the man has known him ten years, and would not believe him upon his oath.

HENRY WRIGHT *ſworn.*

I am keeper of Tothill-fields Bridewell eighteen years, I have known Joſeph ten or twelve years; he was committed to our priſon at the laſt Weſtminſter election for ſtealing a poker.

Court. Aſk Wright his general character.

Would you believe him upon his oath?—I do not think that any body would in ſuch a matter as this; upon my oath I would not believe him.

How long has he been out of your cuſtody?——The laſt Weſtminſter ſeſſions.

SERJEANT PHILLIPSON *ſworn.*

I was formerly ſerjeant in the guards in America; I know Joſeph perfectly well, I knew him three years in America.

He is a man of very good character, is not he?——A very bad one.

Would you believe him on his oath?—Really I would not.

You do not think him, from your knowledge of him, deſerving of any credit?——I do not.

JOSEPHUS ROFFEY *ſworn.*

Do you know Joſeph?——Yes.

What are you?—I am a ſhoe-maker by trade, and a patrol; I know him exceedingly well.

What ſort of a man is he as to his character?——He has an exceeding bad character.

Would you believe him on his oath?—Not for a farthing.

Mr. Morgan. I can let you into a ſecret, he has juſt as good an opinion of you.——That may be ſo, but I have a better opinion of myſelf than he has of himſelf.

Court to Jury. Gentlemen, the priſoner, Patrick Nicholſon, ſtands indicted for the wilful murder of Nicholas Caſſon; and with reſpect to the three laſt priſoners, after having gone through the evidence on the part of the proſecution, I ſtated to you whether you wiſhed that they ſhould be put on their defence, and you thought as I did, that there was not ſufficient evidence to put them on their defence, as to being preſent at the time; therefore, in the long evidence which I am going to ſtate to you, you will conſider the priſoner Patrick Nicholſon only. The firſt witneſs was Thomas Davey, he is contradicted by almoſt every other witneſs, and his evidence is very little material as to the charge againſt this priſoner; you will obſerve that neither Gilmore nor the other witneſſes were examined before the coroner, before Juſtice Wilmot, or before the Grand Jury who found the bill laſt Friday; and the caſe reſts upon the credit you give to theſe three witneſſes on the part of the proſecution, to which you muſt ſubjoin the evidence reſpecting the character of John Joſeph, who is the only perſon that was examined before with reſpect to this tranſaction. The other witneſſes were never known to be witneſſes till this morning, and the Council ſay they have not their names in their briefs; if you believe theſe three witneſſes, to be ſure the charge is proved againſt the priſoner: but ſuppoſing you ſhould give credit to theſe three witneſſes, ſuppoſing you can poſſibly give credit to the three witneſſes examined for the proſecution, with all their variations and contradictions, and the character of Joſeph, there is another matter for your conſideration, which is, what is the offence? now every one of the witneſſes that have been examined on the part of the priſoner, and not contradicted at all, own, that the firſt attack was given by the conſtables; if ſo, what the people did, may be ſaid to be in their own defence, and one of them giving an accidental blow, you cannot make it any thing but man-ſlaughter: but for my own part, I think on the variations and contradictions that appear on the part of the witneſſes for the proſecution, it is for you to determine whether you will not acquit the priſoners.

PATRICK NICHOLSON,
JAMES WARD,
JOSEPH SHAW,
JAMES MURRAY, } NOT GUILTY.

Mr. Erſkine. My Lord, Mr. O'Brien, who was included in this indictment, came here for the purpoſe of ſurrendering himſelf; if you can ſpare a few minutes to have him arraigned, I believe I may truſt to the candour of the learned Gentlemen on the part of the proſecution, that they have no further evidence.

Mr. Morgan. I cannot ſay I can give ſtronger evidence againſt him than I have already given.

DENNIS O'BRIEN, Eſq; was then indicted for the wilful murder of Nicholas Caſſon, and aiding, abetting, and aſſiſting in the ſaid murder.

There being no other evidence, he was

ACQUITTED.

PATRICK KENNY and THOMAS NICHOLSON were indicted (the next morning) for the wilful murder of the ſaid Nicholas Caſſon.

Mr. Garrow. My Lord, the Council for the Crown decline to give any evidence againſt theſe priſoners.

BOTH ACQUITTED.

The remarkable Trial of Thomas White, ſervant to Lady Forreſter, for robbing his Lady's houſe of a great quantity of plate, who was found with his hands and legs tied; alſo the Trials of John Richards for burglary, George Dane for burglary, Sarah Slater for ſhopliſting, and the reſt of the capital Convicts, are in the Preſs.

*** Alſo the remarkable Trial of William Robertſon, Eſq; for forgery, who was acquitted, with the arguments of Council on poſtponing his Trial.

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of MAY, 1784, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable ROBERT PECKHAM, Eſq; LORD MAYOR of the City of London; the Honourable JOHN WILLES, Eſq. one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable Sir RICHARD PERRYN, Knt. one of the Barons of his Majeſty's Court of Exchequer; The Honourable JAMES ADAIR, Eſq; Serjeant at Law, Recorder of the ſaid City; John William Roſe, Eſq; and Others his Majeſty's Juſtices of Oyer and Terminer of the City of London and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
John Moore	John White	Thomas Vardy
John Wynne	Robert Winckworth	Robert Willarton
John Parker	William Morris	George Martin
Robert Jobling	Thomas Neale	John Iveſon
Charles Dare	Joſeph Barks	John Pickering
Richard Gardner	John Hayter	John Cooke
John Wathen	Thomas Tomlins	James Morris
William Syms	Francis Underwood	Robert Cotterell
Elias Hibbs	William Sherman	Robert Barker
* James Renat Sims	William Roberts	Ralph Walker
John Baylis	Andrew Cunningham	William Dickins
Robert Moore	Thomas Alſop	William Mortlock.

* John Gould *ſerved the laſt day in the room of* James Renat Sims.

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519. JOHN RICHARDS and MOSES BUTLER were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of George Dodgſon, about the hour of three in the night, on the 9th of April laſt, and feloniouſly ſtealing therein, two ſilver table ſpoons, value 20s. one metal candleſtick, value 2s. 6d. one yard of ſilk ribbon, value 2d. one canvas bag, value 1s. an iron key,

value 2d. one linen table cloth, value 2s. the property of the ſaid George ; one muſlin apron, value 2s. one cotton gown, value 4s. two aprons, value 2s. one pair of ſtockings, value 6d. a bed gown, value 1s. two aprons, value 8d. one handkerchief, value 1s. 6d. one half linen handkerchief, value 6d. one cap, value 6d. one yard of ſilk ribbon, value 6d. one ſhift, value 2s. the property of Sarah Preſton, ſpinſter ; four linen ſhirts, value 8s. one ſilk handkerchief, value 1s. 6d. one velveret waiſtcoat, value 3s. the property of George Martin Hoggard ; one gown, value 8s. one pair of ſhoes, value 3s. three handkerchiefs, value 3s. four caps, value 1s. 6d. three ſhifts, value 4s. two aprons, value 5s. two cloaks, value 8s. and one linen handkerchief, value 1s. the property of Sarah Olier, ſpinſter.

GEORGE DODGSON *ſworn.*

I live in St. Martin's-le-grand, I am a houſe-keeper, on the 9th of April my houſe was broke open, two iron bars were taken out of the back part of the houſe from over the area, it is a place where I put my cloth ; they got into the houſe, and got off unperceived, the door was not broke open, they got in at the kitchen window, there is no other faſtening to the cellar window, but the iron bars which were gone.

Had you obſerved this area, and the cellar window the night preceeding the robbery ?—I ſaw them there the evening before, betwen five and ſix, I loſt the things mentioned in the indictment, there was a ſmall piece of ribbon which was wove on purpoſe for a brother of mine, which came from the Eaſt-Indies.

Court. What were the value of theſe things ?—The ſilver ſpoons were valued at a guinea, the other things that were taken away, were not my property, they were my ſervants, they took away every thing belonging to to the two maids, except what they had on the bed with them, I was not alarmed at all, the property was put in a canvas bag, which was in my houſe.

SAMUEL ROBERTS *ſworn.*

On the 9th of April, between five and ſix, I and two of the patrols were watching about Fleet-lane, about the houſes of the receivers of ſtolen goods, the two priſoners came to Mr. Small's houſe, and rung at the bell ; I ſuſpected they had ſomething about them they ſhould not have, and in about eight minutes Mr. Small opened the door, and I went in directly after them, and the patrols followed me, I brought them into the ſtreet, I ſecured their hands and ſearched the priſoner Richards, in his left hand breeches pocket, I found this flint and ſteel, and theſe two keys, one of which is the proſecutor's key of the ſtreet-door, in his right hand breeches pocket, I found theſe two ſilver table ſpoons, theſe things have been in my cuſtody ever ſince. I took one to one Compter, and the other to the other ; there was nothing found on the other but a braſs caſtor, which does not belong to this proſecutor ; I aſked the priſoner Richards where his father-in-law lived, he told me in Blue-court, Saffron-hill ; he did not lodge there ; I heard him ſay to Butler, let my father know, and he ſaid he lodged in Long-lane, his name is Denniſon, a taylor ; I went and ſearched there, and under the table I found all the property which is in the indictment, they were in a bag, and I divided them for each of the owners to own their property ; they are the ſame that were found in the apartments, (*the things produced and depoſed to*) belonging to the proſecutor.

EDWARD RYLAND *ſworn.*

I am one of the patrol ; I went into Small's houſe, in company with Mr. Roberts and Mr. Trew ; I ſaw Roberts take the two ſilver ſpoons, and the flint and ſteel, and the two keys from his pocket ; on the 9th of April, between five and ſix, we went into Fleet-lane, on purpoſe to look after ſome ſuſpicious perſons that we had ſeen there ; I ſaw the two priſoners go to Small's houſe and ring the bell, they went in, and we went after them ; Roberts ſearched them, and found theſe things.

Jury. What is Small ?—He keeps an old iron ſhop in Fleet-lane ; I went to ſearch the lodgings of the father-in-law, and found this bag full of all this property.

WILLIAM TREW *ſworn.*

I am one of the patrol; on the 9th of April I was with Mr. Roberts and Ryland in Fleet-lane, in order to apprehend any perſon or perſons that ſhould bring ſtolen goods, as we had information; between five and ſix in the morning, I ſaw the two priſoners come to the houſe of Mr. Small and ring the bell, I believe in about eight or ten minutes the door was opened, the two priſoners went into the houſe, and we purſued them; Roberts went into the houſe firſt, we brought out the priſoners and ſearched them; Roberts took the two ſilver ſpoons, the flint and ſteel, and two keys out of the pocket of Richards, we then took them to the two Compters, and as they parted, Richards ſaid to Butler, let my father-in-law know; we returned to Butler to enquire who the father-in-law was, he told us Mr. Dennis, who lived in a court in Long-lane; we went there, and in his houſe we found this bag with this property, which is owned by the proſecutor and his ſervants.

SARAH PRESTON *ſworn.*

I am ſervant to the proſecutor; on the 9th of April, I loſt the things mentioned in the indictment, the things were in a drawer in the kitchen.

Can you form any judgment of the value of them?—Ten ſhillings I believe.

Who was the laſt perſon up in the houſe?——The young girl.

(The things depoſed to belonging to her.)

SARAH OLIER *ſworn.*

How old are you?—Fourteen; I am a ſervant to the proſecutor; I went to bed about ten on the 8th of April, the bars were about nine all ſafe; I loſt the things mentioned in the indictment.

Court. What is the reaſonable value of all theſe things?——Twenty ſhillings.

(The things depoſed to belonging to her.)

GEORGE BARKER *ſworn.*

I faſtened up the front door of the houſe the night before the robbery; I ſlept in the houſe that night, I had the key of the door, and I went in and faſtened it after me.

PRISONER RICHARDS's DEFENCE.

I never ſaw the bundle before I ſaw it at Guildhall; I had the ſpoons in my pocket; I was going to work, and I found theſe two ſpoons and two keys at the end of Jewin-ſtreet, laid at the edge of the curve ſtones; I went into Long-lane, and I met the priſoner Butler, who was going to Fleet-lane, and we rung at Small's door, and we were taken; my father's is a lodging houſe, and any body elſe might put the things there as well as me; my goods were ſeized the day before, and I put this flint and ſteel in my pocket.

PRISONER BUTLER's DEFENCE.

I was in Long-lane, and I knew the priſoner, and I met him and went with him.

The priſoner Butler called four witneſſes, who gave him a good character.

JOHN RICHARDS, GUILTY Death.
MOSES BUTLER, NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

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520. GEORGE DANE was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Vandane, between the hours of eleven and five, on the 10th of March laſt, and feloniouſly ſtealing therein, one brown cloth coat, value 10s. one ſilk handkerchief, value 6d. two guineas, value 2l. 2s. one half guinea, value 10s. 6d. the property of the ſaid John.

A Second Count, for feloniouſly ſtealing the ſame goods, being in the ſame dwelling houſe, and afterwards burglariouſly breaking out of the ſaid dwelling houſe.

JOHN

JOHN VANDANE *ſworn.*

I live in Eaſt Smithfield, Butcher-row, near the Maypole, I keep a publick-houſe, on the 10th of March the priſoner concealed himſelf in my houſe before we went to bed.

How do you know that?—By his own confeſſion; I went to bed between twelve and one, I was the laſt perſon up, and locked up every place, I have ſeveral lodgers in my houſe, every door and window was made faſt, and the back door was bolted, my ſervant came to my chamber door and the chamber door was open, ſomebody had wrenched it, for I am poſitive I locked it the night before, and the key was on the inſide.

Who lay with you?—Nobody but my wife.

Did you hear any body in the night?—No, I did not; when I got up I miſſed two guineas and a half, that was in my breeches pocket under the foot of the bed, I did not miſs my money till a ſailor, to whom a guinea and a half belonged, came and aſked me for it, that was about nine in the morning, the money was in my pocket when I went to bed, I am poſitive to that; one of the witneſſes came to me and aſked me for his bag, which I had in my cuſtody; when I went up I found the bag was cut open, and a coat was taken out, the coat that was taken out belonged to one M'Mullens, and a handkerchief.

Court. How is it laid in the indictment?

Mr. Reynolds. The property of John Vandane.

Proſecutor. It was in my cuſtody; I alſo loſt a ſilk handkerchief of mine; I believe one Mr. Lee went down firſt, if the things had not been found upon him, I could not have ſaid that he robbed me.

When had you any converſation with him about this fact?—When he was taken, which was the ſame day.

Was his confeſſion taken in writing?—Yes, it was taken down I believe.

When did you firſt hear him confeſs any thing?—The ſame day before the Juſtice; he was taken at ten at night, he was going in the ſtage to Portſmouth, I was preſent, there was ſeven ſhillings and fourpence halfpenny on him, and a coat, and a handkerchief round his neck.

(*The handkerchief produced and depoſed to by the Proſecutor.*)

——— LEE *ſworn.*

I lodge at the proſecutor's, on the 10th of March I roſe in the morning between five and ſix, and came down ſtairs, it was juſt between light and dark, I went to the back-yard and found the door unbolted that leads to the ſtreet, it was juſt drawn to, but not quite to, I took the priſoner myſelf about a quarter after ten at night, on the 11th of March, we had ſome ſuſpicion of him, he had the proſecutor's handkerchief round his neck, and this coat on his back, I brought him to the proſecutor's, he ſaid when I took him, O good Lord!

Did you aſk him how he came by the coat and handkerchief?——I took him at the Spread Eagle, he was going to Goſport, we put him in a coach, and I found ſeven ſhillings and fourpence halfpenny in his hands, which he was ſhifting from one hand to another, and was going to throw it down; when he came to the proſecutor's, he ſaid he was ſorry for what he had done.

This was before he was carried to the Juſtice's?——Yes.

What did he ſay he had done?—He ſaid he had taken two guineas and a half out of the proſecutor's breeches pocket, and four ſhillings in ſilver out of his wife's pocket.

Did he ſay how he got in, or in what manner?—He ſaid he ſecreted himſelf up ſtairs and came down, and with a knife he puſhed back the bolt of Mr. Vandane's chamber door, and that he had taken the things away, the coat and handkerchief.

Did he ſay what time he took it?—He ſaid it was between three and four in the morning, he was taken before the Juſtice next day and ſearched.

Did he ſay what time he got out of the houſe?——He ſaid he came out immediately after he unbolted the back door, and went over the yard door.

Did he make the ſame confeſſion before the Juſtice?—He did, I believe it was not taken down in writing.

Court to Proſecutor. Was you preſent at this confeſſion?—Yes.

Was it as this witneſs has repreſented it?—Yes, much the ſame.

JAMES M'MULLENS *ſworn.*

I am a ſailor, I left my coat at the proſecutor's on the 10th of March in a bag, which the priſoner confeſſed robbing the proſecutor of, and two guineas and a half.

Did he ſay how he got into the chamber?—No, he did not confeſs that before me, I did not hear the whole of the confeſſion.

PRISONER's DEFENCE.

I met a man in the ſtreet, and he had this coat and handkerchief under his arm, and he aſked me to buy it, and I bought them of him.

Court to Jury. Gentlemen, this coat that is charged to be the property of the proſecutor, proves to be the property of another man, therefore it is only a circumſtance in the caſe; the ſtatute of the 12th of Queen Anne enacts, that if any perſon ſhall enter into the manſion or dwelling houſe of another by day or by night, with intent to commit felony, and ſhall break out to get out of the ſame, he or they ſhall be ouſted of the benefit of clergy; the breaking open any chamber door in the night time, if you are in the houſe before, in order to commit a robbery, is a burglary.

GUILTY Death.

The Priſoner was humbly recommended to mercy by the Proſecutor, who ſaid he was an unguarded youth, and had got into company with a bad girl.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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520. THOMAS WHITE was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of the Right Honourable Ann-Mary Lady Forreſter, about the hour of two in the night, on the 8th day of May, and burglariouſly ſtealing therein, one pair of ſilver candleſticks, value 5l. one pair of ſilver ſnuffers, value 20s. one ſilver ſnuffer-tray, value 20s. one ſilver ſoup-ſpoon, value 40s. two ſilver gravy-ſpoons, value 50s. ſeventeen ſilver table-ſpoons, value 9l. twelve ſilver deſert-ſpoons, value 40s. one ſilver ſugar ſpoon, value 8s. one ſilver muſtard ladle, value 5s. ſeventeen ſilver tea-ſpoons, value 63s. one ſilver muffineer, value 12s. one ſilver coffee-pot, value 6l. one pair of ſilver ſugar-tongs, value 12s. one pair of ſteel ſnuffers, value 5s. one linen table cloth, value 10s. one ſilver pepper ladle, value 5s. one ſilver ſallad fork, value 8s. twelve ſilver handled knives and forks, value 42s. ſix deſert knives and forks, value 18s. one pair of piſtols, value 50s. one man's cloth great coat, value 60s. the property of the ſaid Lady Mary.

BETTY KERTON *ſworn.*

Examined by Mr. Sylveſter, Council for the Proſecution.

I am houſe-keeper to Lady Forreſter in Portland-ſtreet, her family conſiſts of myſelf, a houſe maid, a cook, a man ſervant, and a boy.

When did the priſoner come into your lady's ſervice?——On Monday the 3d of May.

What happened on Saturday the 8th of May?—On five o'clock on Saturday evening, Lady Forreſter, attended by two chairmen, and her man ſervant, went to Lord Saliſbury's to dine there, the man ſervant was ordered to attend her at night to go to the opera, our houſe was made faſt by eight that evening, I faſtened ſome part, and the boy the other, and the houſe maid the other, I faſtened the door into the back yard, and I ſaw the boy faſten the windows in the pantry, that is what is commonly called the back parlour, that is the room where the priſoner laid, I believe the other parts of the houſe were faſtened by the other ſervants; I went over the houſe myſelf about half paſt eleven, I went to every door and window in the houſe, I found them all faſt, I bolted three inner doors below ſtairs on the ground floor, the other ſervants went to bed at eleven, I came down ſtairs from them, and went and examined the houſe, Lady Forreſter was not then come in, about ten minutes before twelve my lady knocked at the door, I came down and let her in, I went into the front drawing-room with her ladyſhip, to deliver ſome meſſages I had received, then went into her ladyſhip's bed-chamber, and waited till ſhe came there, when ſhe was undreſſed I wiſhed her ladyſhip a good night, ſhe ſaid good night Kerton, I expect that you ſee Thomas's candle is out, that was paſt twelve, I then went down ſtairs to Thomas's room, took hold of the handle of the door, the key was on the outſide, it was bolted within, and I held the handle of the door while I ſpoke to him, ſays I, Thomas I hope you have been very careful to put out your flambeaux ſafe, I ſaid likewiſe, I hope you are very careful of your candle; his anſwer was, he was very careful of his candle.

What faſtened the door on the inſide?—A ſlip bolt, which is a part of the lock, I then went to the front door; it is a rule of our houſe that the key of the ſtreet door ſhould always be taken up ſtairs by me, the bottom bolt was bolted, and the chain was up, I tried the lock, it was not locked, I double locked it, I am very ſure I double locked it, and put the key in my pocket, and then went to bed.

Court. Did you bolt the top bolt?—It will not bolt; about five o'clock the next morning I was alarmed by an unuſual noiſe as I thought, in a paſſage leading to the paſſage.

Where do you ſleep?—In the front bedroom, two pair of ſtairs.

Court. Nobody ſlept below ſtairs but the priſoner?——No, I got up and looked over the banniſters; ours is a well ſtair-caſe, and there I ſaw a man paſs along the paſſage.

Who was that man?——I cannot pretend to ſay.

Did he ſay any thing to you?——No, I returned immediately into my bed room, and threw up the window, there were ſeveral people about the door, and I ſaid, pray gentlemen what is the matter in our houſe? one of them anſwered me, they believed there was thieves in the houſe? I immediately went into the garret and ſaid, for God's ſake, maids, get up, for I believe there are thieves in the houſe; I returned immediately to my own room, and there was the foot of a man coming up ſtairs, which I apprehended to be one of the thieves, which frightened me very much, I faſtened my own door again, and opened the window, and ſaid, gentlemen pray do not leave the houſe, for I believe there are thieves in the houſe, the anſwer was, a watchman was in the houſe; I then put on my clothes, and her ladyſhip came out of her room, and enquired what the noiſe was about, I immediately went into the back-parlour, and when I went in I ſaid, bleſs me Thomas, when did all this happen? he ſaid about half an hour ago; I paſſed by his bedfoot, and to the cupboard where we kept our china; he ſaid, one of the men ſaid, let us take the china, and the other ſaid it was not worth while.

Court. Repeat his own words?—I opened the cupboard door, and he ſaid, one of the men ſaid, let us take the china, and the other ſaid, it is not worth while; I ſaid, ſhould you know the men if you was to ſee them; he anſwered me yes; the one was a ſhort thick man with his face blackened, the other was a talliſh man, and a crape over his face; that was all that paſſed between him and me.

Was he tied?——I believe not, I cannot poſitively ſay whether he was or was not.

What ſituation was he in?—I think he was ſitting on the bed-ſide.

Was he dreſſed or undreſſed?—I know he had not all his clothes on.

Court. You are not poſitive what ſituation he was in?——No, I am not.

Did any body go into the room with you?——There was ſomebody, I think it was the watchman and lamplighter.

Did he deſcribe the men in any other way than you have ſaid ?——No.

What articles of plate did her ladyſhip loſe?

(The witneſs recites the various articles in the indictment.)

Now what was left behind ?——Two drinking cups that are plated and gilt withinſide, they were with the other things, and a plated tea kitchen, which was alſo with the other things, two ſmall plated waiters, four tall candleſticks which were plated.

Court. Was there any article of ſilver left ?——No.

Were the plated articles and the plate all kept together ?—There is one cupboard at the head of the bed where the tall candleſticks ſtood, and the bedchamber candleſticks from the cupboard was taken away, a pair of ſilver candleſticks, one plated candleſtick, and one tutenage, all the other plate was kept in another cupboard, at the bottom of it.

Were thoſe cloſets ſo open that any body might ſee them that came into the room ?—Yes.

Court. What locks were on theſe cloſets ?——Small locks.

Who had the charge of the things ?——The key was delivered to him, he had the charge of the things.

Did you go into that room on the ſecond time in the evening ?—Yes.

Did you, at either of theſe times, obſerve whether thoſe cloſets, where the plate was kept, were ſhut, or locked, or not ?——I did not.

Did you make any obſervation of the priſoner's door or the ſtreet door ?—The private watchman came and deſired me to go along with him to ſee in what part of the houſe they broke in ; we went down into the kitchen ; the two doors leading into the front kitchen were unbolted ; there is a door that is in the paſſage that incloſes the front kitchen and paſſage, them I bolted myſelf.

Then they muſt have been unbolted from the inſide of the houſe ?——They muſt; in the kitchen a ſmall cupboard belonging to me was broke open, of which I had the key.

What was taken out of that ?——Two or three tea ſpoons, the kitchen drawers were opened, the windows of the kitchen were perfectly ſafe, they were faſtened as I left them ; we then went to the door that leads to the area, and that was perfectly faſt; from there we went into the back kitchen, and examined the faſtenings there, and they were all faſt ; we went up ſtairs, and the room doors withinſide the houſe were all locked, the parlour door excepted ; we lock the doors every night, and leave the keys in ; we went into the rooms to ſee if the windows were all ſafe, and they were all ſafe ; when I returned her ladyſhip was in the parlour ; I went and informed her, that all the houſe was ſafe.

Had you been in that parlour that morning ?——I had not till I went into my lady.

Were the parlour windows ſhut or open ?——They was opened.

Who went in with her ladyſhip to the parlour ?—The houſe maid.

Is ſhe here ?——She is not.

(The houſe maid ſent for.)

Had you obſerved any thing of the door, or by the door ?——I ſaw the lock of the ſtreet door lay on the mat, with three of the ſcrews and a chiſſel.

Did you obſerve whether there was any marks of violence on the door ?——I examined with the ſmith, and I ſaw none ; I went with the ſmith, and looked at the priſoner's room door particularly ; the ſmith is here.

There was no appearance of violence on the priſoner's room door ?—I made no other obſervation.

Court. Was his lock a mortiſe lock, or a lock ſcrewed on withinſide ?——It was a mortiſe lock.

Was his door open in the morning when you went down ?—Yes.

Was the bolt out or drawn back?—I did not particularly obſerve that.

Were the windows of his room when you went in ſhut or open?—One of the windows of his room was open, I believe.

Speak correctly, as well as your memory will ſerve you?—I believe it was.

Do you mean the ſhutters or the ſaſh?—The ſhutters.

How do theſe windows faſten on the inſide?——With a pin, there is a little pin at the top of the ſaſh which comes through the ſhutters, and pins on the inſide.

Is that the only faſtening to theſe windows?——Yes.

Are there any holes cut in the top of the ſhutters to let in light?——Yes, there are.

What is the diſtance from theſe holes to the pin?—They are near to the top of the ſhutters.

Is the window a very high one?——A common ſize window for a low room.

I ſuppoſe theſe holes are within two feet of the pin; are they within the length of a man's arm from the pin?——I cannot pretend to ſay.

Was there any pane of glaſs broke in the window?—No.

Are you quite ſure of that?—Quite ſure of that.

Are you ſure theſe windows were pinned the night before?——I am.

Where do theſe windows of his room look into?—Into the back yard.

Is there any area before them?—There is.

Do you happen to recollect, whether the door of that room opened eaſy or with difficulty when it is not bolted?——Perfectly eaſy.

Are you perfectly ſure that it was bolted that night when you went down to ſpeak to him?—I had the handle in my hand all the time, I went with an intention of opening the door, but I could not open it.

Then you have no doubt but it was faſtened on the inſide?—I have not.

Mr. Garrow, Priſoner's Council. This room that the priſoner ſlept in has a chimney in it?——Yes.

Any chimney board?—Yes.

Up at this time?—Yes.

When you went over the houſe at night, did you examine the chimnies?—I did not look into the chimnies.

Did you look under the beds?——I did not.

You did not look under the priſoner's bed?——I did not.

Conſequently ſomebody might be concealed under the bed?——It is a preſs bedſtead, I ſhould think nobody could be under it.

However, by bare poſſibility, there might be ſomebody under the bed?———I did not look under that bed; there was a chimney board, and by the chimney board ſtands two chairs, there was our chairman's coat and hat on them.

Court. Were theſe two chairs there in the morning?——Yes, they were, but the great coat had been taken away.

Were the chairs ſtanding in their uſual places in the morning?—They were.

Was the chimney board up?—It was.

Are you ſure it was?—I am.

Do you take upon you to ſay, that theſe chairs were in the uſual places?——Yes, there is a very narrow ſpace between the fire-place and the bed, there can but one perſon juſt paſs.

In the other rooms, however, it was poſſible ſomebody might have been concealed?——There is not a room in our houſe but what is occupied either in the day or night.

But you know at preſent you have no fire in your parlours or drawing room; are all your bedchambers occupied?—All but one, that is a ſmall room that goes through one bedchamber into another; I obſerved the key of the man's door was on the outſide.

From the time he came in with your lady to the time you went down to his door, Lady Foreſter had had time to receive the meſſages, and go to bed?—Yes, that was about three-quarters of an hour.

The probability was, that the man ſervant was in bed too?——I do not know, I did not ſee him.

It was not very probable, that a perſon of your modeſty and propriety, ſhould have had it in your intention to go into his room?——

——I ſhould only have opened the door, I ſhould not have gone into it.

My defence is, upon the footing of your modeſty; you did not knock at the door?——I did not.

If you had opened the door, you muſt have ſeen the bed?—No, Sir, it is a ſmall room, but the door opens to the left-hand, and I ſhould have ſeen the table and not the bed.

I think there is a probability, however, that you could not be perfectly ſure that the door was bolted withinſide?—I am perfectly ſure it was.

Can you be perfectly ſure, that, in ſpite of your feelings, and in ſpite of thoſe ſentiments of modeſty, which I am ſure always attend you, you tried to open the door?—I went down ſtairs, with an intention to open the door.

You was ſatisfied with aſking him through the door?——I was.

Then your purpoſe could not have been to open the door to ſee about it?——If the door had not been faſtened, I ſhould certainly have opened it.

I cannot conceive for what purpoſe; your object was to know whether the flambeaux and candles were ſafe, and you was ſatisfied by aſking him through the door, at that time the candle was in truth burning?—I cannot ſay, I did not know that.

Theſe are a ſort of ſlip-bolt locks?——It has a ſeparate handle.

It is not at all uſual for the bolt to be puſhed ſome ſmall matter forwards without deſign?—I cannot ſay.

Do you happen to know, whether it was a cuſtom of this man to bolt his door withinſide?—I remember wanting a bruſh one morning, and ſent the boy for it.

Had you ever any occaſion to go into the man's room at any time when he has been retired to reſt?—I do not remember that I had.

You ſlept in the two pair of ſtairs front room?—I did.

This place was the back parlour?——It was.

Conſequently a noiſe made there might have eſcaped your ears at that diſtance?—A well ſtair-caſe gives the noiſe pretty plain, but I certainly did not hear any noiſe, till the noiſe I mentioned.

Court. Does the door in that back room in which he ſlept open to the well-ſtair-caſe?—Yes.

How is the ſtair-caſe ſituated in the houſe, is it ſituated as a back ſtair-caſe?——It is a back ſtair-caſe that goes over the back kitchen ſtairs, there are no other ſtairs; it is not a yard from the ſtair-caſe to his door.

Mr. Garrow. When you left the other ſervants, were their room doors locked?—No.

How long had the other ſervants lived in the family?—The houſe maid has lived ſeven months, the cook had only come to our houſe the Tueſday before.

Both of them young women, I ſuppoſe?—Yes.

Like enough to have ſweethearts?—You had better aſk them that queſtion, Sir.

It is not uncommon, and they were not locked into their rooms, they could certainly come out if they choſe it?——They could.

How long had the boy lived there?——About ſixteen months.

You do not know that the man was tied in the morning?——I did not ſee.

Have not you heard that he was ſeverely tied?——I heard he was tied.

Did you never hear him ſay, that the perſons who robbed the houſe made uſe of his lanthorn?—I never did.

You never ſaw the chiſſel before?——Never.

Court. What ſituation was the pin of the window when you went in?—The pin was nailed to a bit of leather, and hanging as uſual.

Mr. Silveſter. When you was in the room, was the bed made?—The laſt time I was in the room the bed was made.

Jury. Whether the preſs bedſtead was let down to be made?——Yes.

SARAH ALDWINCLE *ſworn.*

Examined by Mr. Devilſme.

How long have you lived with Lady Forreſter?—I came the 4th of this month; I went up ſtairs about half after nine of the Saturday night with the boy, when the priſoner rung at the door, with intent to aſk the priſoner to take ſome things up ſtairs for me; the priſoner told me he was in a hurry, he had over ſtaid his time, and that my lady would want to come from the opera, he came for his flambeaux, and went away directly; he went out, and I ſhut the door and locked it, and the boy and I returned down ſtairs, and the houſe maid and I went into the room to make his bed.

What kind of a bed is it?—It is a preſs bed.

Was it up or down when you went in?—It was up, pinned in with folding doors.

Did you and the houſe maid let it down?——We did, and then we made it; we returned down ſtairs, and we examined my apartments to ſee they were all ſafe, all the windows and doors; I had not faſtened them myſelf, but I examined them, and they were all ſafe; I then went up to bed with the houſe maid.

Had you obſerved whether the keys were in the cloſet where the plate was?—I did not obſerve, but the doors were ſhut, I then went with the houſe-maid to the parlour, and ſaw that the windows were ſafe; and then we locked the parlour door, we then came out and looked under the beds, and then went into our apartments, we looked under my Lady's bed and all the beds in the houſe, and behind all the curtains, then we went to bed, and about five in the morning we were alarmed by Mrs. Kerton, who came in and ſaid for God's ſake maids get up, there are thieves in the houſe; we got up, and going down ſtairs, I ſaw a watchman coming up ſtairs with a large ſtick in his hand, which I thought to be a thief, I was very much frightened, he told me he was one of the watchmen, he was very glad to ſee us alive, for he ſuppoſed we were all dead, or confined in our beds; I went into Thomas's room, where I ſaw him ſitting at the foot of his bed with ſome of his things on, I ſaid for God's ſake Thomas what is the matter, how are you Thomas; he ſaid he was very much hurt, he ſaid he was robbed, and he was ruined, he had loſt his watch, a pair of knee-buckles, and his money; he then turned to his box, took out ſome money in a paper, and ſaid no they have not taken it all, and I ſaw ſome, I believe it was a guinea; I then returned to my Lady, and ſhe was coming down ſtairs, and ſaid for God's ſake, cook what is the matter, I told her what Thomas had juſt ſaid to me; I then returned to Thomas again, and found him crying and very much affected, I then went down ſtairs, and found both the kitchen doors open and one of the windows, three drawers in the kitchen were open, I do not know who opened them, and the cupboard was broke open, I examined the drawers and I miſſed a cloak that I had put in the night before, I then returned to Thomas, and he had his coat and waiſtcoat in his hand, and I helped him on with his coat and waiſtcoat, and he ſaid he believed they had broke his ſhoulder, it was very much hurt.

Court. Did he appear to you to be much hurt any otherways than ſaying ſo?—I did not take any notice of that.

Did you obſerve in his manner of putting on his coat, when you helped him on with it?—No, Sir, I cannot pretend to ſay that I did, in turning out of his room I obſerved one of the ſcrews of the door laying in his lanthorn.

Court. Where was the lanthorn?—Upon the table, at the foot of the bed.

What lanthorn was that?—A lanthorn that they go to bed with for fear of droping any ſnuffs of candle and greaſe.

Was that the lanthorn that Thomas uſed to go to bed with?—Yes.

You are ſure of that?—Yes.

Did you make any obſervation of that?—I ſaid Lord, Thomas, they have put one of the ſcrews into your lanthorn, with that he turned his head, and ſhook his head.

Court. Did he ſay any thing?——No

further than ſaying he wiſhed he had his watch again, I then went out of his room, and went up ſtairs with one of the watchmen and we hunted all over the doors, up the chimnies, and every part of the houſe, and found every thing as we had left it before.

Was there any mark of any foot, or of any body having came down the chimney?—Not in the leaſt.

Did you obſerve the ſtreet door?—When I came down ſtairs the lock lay upon the mat, with three ſcrews and a chiſſel by the ſide of it, I ſaw the lock at firſt, but I did not obſerve the ſcrews till ſomebody came and ſaid one of the ſcrews were loſt.

Croſs-examined by Mr. Garrow.

Thomas had lived in the family a day longer than you?——Yes.

You are a ſingle woman I take it for granted?——Yes.

You ſay you do not know any thing about the quantity of plate that was loſt or left?——No.

But is it not extremely eaſy for people to know plate from plated?——I cannot ſay.

The watchman had been into Thomas's room before you went in?—Yes Sir, the watchman and lamplighter unlooſed him.

After that he put on ſome of his clothes?——Yes.

Did you examine his leggs or his wriſts to ſee if he was galled with the rope?——No, Sir, I was glad to ſee him alive, I ſaw ſome bits of cord laying.

He was a good deal affected at the time, you ſay he ſhook his head?—Yes he was.

That is pretty common I believe, when people have eſcaped from a great danger?——Yes.

Was there a chimney board?——The chimney board was up when I made the bed, and two chairs ſtood by it, and the chairman's great coat lay in a chair.

Are you ſure of that?——Yes.

Were the chairs in the ſame place in the morning?——Yes.

And the chimney-board up?——Yes.

What ſtood behind the chimney-board?——A ſtove.

What ſort of a ſtove?—I cannot pretend to ſay, I believe it was a looſe ſtove.

Is the chimney a large one or a ſmall one?—Not a very large one, nor a very ſmall one.

Was there room enough behind that chimney-board, for a man to conceal himſelf, the grate ſtanding where it does?—I cannot ſay, it appeared to me to be rather ſhallow, I locked the door of the front parlour when I went to bed.

Who firſt went into the front parlour in the morning?——I cannot ſay, ſomebody was in.

Where does your Lady ſleep?—In the ſecond floor backwards.

Does any Lady ſleep on the firſt floor?—No there is a drawing room, a parlour, and a little room which has a preſs bedſtead with folding doors.

None of the family ſleep in that?—No, there is a gentleman comes once a week, nobody in ordinary ſleeps there.

Are there chimney boards on that floor?—No, there was never a chimney in this back room; to the front drawing room, and the other back room there is no chimney-board, we could not look under that bed it is ſo low.

On the two pair of ſtairs, how many bed-chambers are there?——Two, my Lady's and the houſekeeper's, the two maids and the boy ſleep in the garret, there are three garrets, I and the houſe-maid ſleep in one, the boy in the other, the third is a little room that goes out of our room, it is within our room, we went into that room, we go in there every night, there was nobody there.

The doors leading from the kitchen to the ſtair-caſe are faſtened up at night?——Yes.

Did you faſten them up?—No, only the kitchen windows and the area door, the houſekeeper faſtened the reſt.

The laſt of theſe doors, how far is it from the ſtair-caſe?—A very little way.

Is there any cloſet, or any thing between the foot of the ſtairs and that door ?—None at all.

Mr. Garrow. There is no room within the folding doors of the preſs bedſtead for any body to ſtand ?——No.

Not for a boy ?——No.

Mr. Silveſter. Was there any appearance of ſoot ?—Not the leaſt morſel of ſoot.

WILLIAM DAVIS *ſworn.*

How old are you ?——Fourteen laſt March, I have lived with Lady Forreſter ſixteen months.

Do you remember the night of the robbery ?—Yes.

Did you make any obſervation of any thing particular the next morning ?—Yes Sir, I found one of the wax candles that had been in the ſilver candleſtick, removed from the ſilver candleſtick in a plated high candleſtick.

Did you obſerve what candleſticks the wax candles were in the night before ?—In the ſilver candleſticks, the next morning I found one of the wax candles almoſt burnt, in the plated candleſtick, at the head of the priſoner's bedſtead, and the other which was not burnt, in the top draw in the pantry, where the priſoner ſleeps, in a little cupboard, the ſocket was taken out, and it was turned down in the candleſtick.

Did you ſee thoſe candles in the candleſticks the night before ?—Yes.

Were they long candles, or were they much burnt down ?—They were in long pieces.

(The piece of wax-candle produced.)

Were they of equal lengths the night before ?—Yes.

Did you obſerve any thing elſe ?—No.

Was the plate viſible when any body came into the room ?—It was viſible when the cupboard door was open.

Mr. Garrow. Did the keys of the plate cloſet uſually ſtand in the door ?—Yes, the key was always left in the cupboard door.

What candle was there in the lanthorn ?—A little bit of tallow-candle.

Are you ſure of that ?—I ſaw the piece in the morning.

What account did the priſoner give of the wax candle being burnt ?—He ſaid that the perſons that had broke in, had lighted one of thoſe candles, and that they had uſed it in robbing the houſe, the little piece of tallow-candle was found in the lanthorn.

I fancy you know what we all know, that candles burn a good deal faſter when there is a high wind comes to them ?——Yes.

And burn faſter for being hurried about ?——Yes.

SUSANNAH FREEMAN *ſworn.*

I am houſe-maid to Lady Foreſter, I was not the firſt that went into the parlour, I opened the windows.

Before you opened them, did you examine whether they were faſt or not ?——Yes, Sir, they were faſt.

Were they in the ſame ſituation they were the night before ?—Yes, they were.

I mean ſhut and pinned, and all that ?——Yes.

Is there a chimney-board in the front parlour ?—None at all.

Is there any preſs, or cupboard in the front parlour ?—No.

Mr. Garrow. The parlour door was open before you went in, did you look up the chimney the night before, to ſee if there was any body there ?——No.

Court. I aſk you this general queſtion, did you find any ſoot in any of the chimnies in the houſe ?—No, Sir, I did not.

JOHN HANNAM *ſworn.*

I am the private watchman, I paſſed my Lady Forreſter's door, about two minutes after five, in company with the pariſh watchman, and the ſerjeant of the night of that diviſion, I went to Queen Ann's ſtreet, which is two doors down.

When you paſſed it, was the door open or ſhut ?—It was viſibly ſhut, the clock ſtruck five about ten minutes before, I then returned the ſame ſide of the ſtreet that Lady Forreſter's houſe is on, I went to the extent of my walk, I returned back directly on the ſame ſide of the ſtreet as far as Lady Forreſter's door. I looked at the door, and it was about three inches open, I look upon it not to be above two minutes before I returned.

Court. It might have been that much open, when you went paſt before?—No my Lord, the pariſh watchman is very particular, ſo am I; as ſoon as day light appears in the morning, we are very cautious to examine every window, and area, and door.

You did not try it, whether it was faſt or not?—No, I did not, it was viſibly ſhut, all the windows were ſeemingly ſecure on the outſide, obſerving the door open, I ſtood about a minute on the flag ſtones oppoſite the door, expecting to ſee ſome of the ſervants come to the door, ſuppoſing ſome of them were up, I likewiſe looked down the area, to ſee if the kitchen window were opened, finding nobody come out, I drew cloſe to the door, and laid my ear as cloſe as poſſible to the vacancy between the door and the door caſe, and ſaw the chain hanging down, I ſtood in that poſition a minute and half, I heard not the leaſt noiſe, every thing was quiet, this was Sunday morning, I then took hold of the rapper and gave a ſingle rap for fear of alarming the houſe, as ſoon as I gave the rap, I heard a voice inſide, which I underderſtood afterwards to be the priſoner at the bar.

Court. Immediately on your giving the rap?——Yes, my Lord, immediately, the voice cried out, who is there, and before I had time to anſwer, the voice ſaid for God's ſake come in, he ſaid he was robbed, tied and ruined.

Court. Did he cry out immediately?—Yes, immediately, I then made anſwer, and told him to have a little patience, I would come in as ſoon as poſſible, I meant to have witneſſes with me to go in, and ſee what ſituation things were in, when I found from the voice withinſide, that the houſe had been robbed, it being Sunday morning, and the watchmen gone off, and nobody was paſſing and repaſſing, but the lamplighter who was trimming his lamps, he was the only perſon I ſaw at the time, he was a ſmall diſtance, and I called to him for God's ſake to run towards the watch-houſe, for the Serjeant of the night or any of the watchmen, and bring them to my aſſiſtance, and during the time he was gone, one of the pariſh watchmen was coming along at a little diſtance, I called to him, and he came, and before the time he reached me, the lamplighter and another watchman came likewiſe, then there was a decent looking man at the door, as I took particular notice of, there was ſeveral people at the door, I wear ſide arms of a night, and I gave this decent looking man my ſtick and to take care that he let nobody out, one of the watchmen was left likewiſe within; when I went in, the firſt thing I ſaw, was the lock of the door, three ſcrews, and a chiſſel, laying on a foot mat inſide the door. *(The lock, ſcrews, and chiſſel, handed to the Court and Jury.)* I then deſired that no perſon would touch the lock till the houſekeeper and my Lady came down, I firſt looked at the parlour door, which is on the left hand going in, I found it ſhut. I did not try whether it was locked or not, I was ſatisfied by the appearance of the front parlour, that it was not broke into, I then proceeded along the paſſage it was rather dark, I expected the voice came from below ſtairs, I went down three of the kitchen ſtairs to the beſt of my remembrance, and called out where are you? I heard a voice behind me ſay, here, I then returned into the paſſage, and came to the back parlour door where I underſtood the voice came from, I found the door open, I found both the windows of that room ſhut, as ſoon as I went into the room, I opened one of the window ſhutters to give light to ſee what ſituation the man was in, as ſoon as the windows were open, I immediately tried the ſaſh, the under part was faſt down, I did not examine by what faſtening, there were two other windows in the houſe, I told them not to touch that till they come down; I then looked to the bed where I ſaw Thomas White laying, he was laying atop of the bed, and likewiſe laying atop of the clothes ſeemingly, or part of the clothes might be thrown off for what I know, he was laying with his two hands tied behind him, he was rather turned upon one ſhoulder, and likewiſe his legs were tied cloſe by the ancles, I cannot poſitively ſay whether his legs were acroſs or not; after the window was open and we got light, the lamplighter put his ſciſſars, and with my aſſiſtance and the other watchman, cut the cords of his wriſts firſt, (here are the cords) and likewiſe of his legs; as ſoon as he was untied, he ſtood on his feet, the marks of the cords were round both his legs and ancles, I cannot ſay whether the ſkin was cut or not; as ſoon as he ſtood up, and I ſaw him off the bed, I deſired the watchmen to make as little noiſe as poſſible and go and acquaint the houſekeeper; when ſhe came, we examined the houſe, and there was no place were any body had broke in, nor no mark of violence; I was ſatisfied: I examined the outſide faſtenings of the houſe, that was all I was afraid of; I went to the window, and opened that one window which you have heard was open.

Court. You opened that?——Yes, I am ſure of that, quite ſure; then I went round, all the kitchen windows were faſt at the back and front, likewiſe the outſide door.

Did you examine the ſtreet door, was there any marks of violence upon that?—Not the leaſt; there is an iron plate on the outſide of the key-hole, put on with ſix ſcrews, there even is no mark of violence on that plate: I then went over all the houſe with Mrs. Kerton, I found every door and window faſt, and the trap door at the top of the houſe was faſt.

Court. Was it faſtened withinſide?——I cannot ſay that it was faſtened, but there is a pole ſtands, which is ſet up againſt this trap door, ſo that if it is lifted up, that pole muſt fall down and alarm the houſe; I knew the faſtenings of that houſe and that door particularly, becauſe I have been round the houſe before; I did not examine the faſtenings of his room door particularly.

Mr. Garrow. You found his room door open?—Yes.

In what ſtate was it?—I remember in particular, afterwards I ſaw the key on the outſide.

You did not obſerve that on your firſt going into the room?——No.

His hands were tied behind him?—Yes.

Pretty ſeverely tied by your account?—Yes, ſeemingly ſo, there was the marks of the cords on his ancles, if they had been cut there muſt have been ſome appearance of blood; he was lying upon the bed, with his hands tied behind him, rather under him; he complained very much as ſoon as I went in of loſing his watch, knee buckles, and money.

Some information of this robbery had been given at Bow-ſtreet?—Yes.

Has any of the plate been found?—Not that I know of.

Was the information given immediately? Yes.

By what time that morning?—I cannot ſay.

After the family came down, I ſuppoſe ſome ſuſpicion fell upon the priſoner?——Yes.

Was the priſoner's box ſearched and his clothes?—Not in my preſence.

Do you know whether they were, and by whom?——After we reached the watch-houſe, he told me he had two guineas and a half wrapped up in a bit of paper, that was in his trunk, and they had not taken it out; after going to the watch-houſe he wanted ſomething to drink, he pulled out this money and ſent for a little beer, he changed half a guinea; after the man brought in the beer he gave his money in care of the keeper of the watch-houſe's wife; ſo I left him.

You did not at any time ſee his box ſearched?—No, my Lord.

Were his knee buckles in his knees?—No, my Lord, they were not, he complain-very much of loſing his watch and knee buckles, and likewiſe the money he had in his pocket.

Court. Is the lamplighter here?——We could not find him, we tried to find him but could not.

FRANCIS WITTE *ſworn.*

I am a ſmith; I examined the ſtreet door and his chamber door.

What obſervation did you make on the ſtreet door firſt?—I looked at the lock that lay on the mat, the bolt was double ſhot, there were two ſcrews on the edge of the door which ſhuts in the architrave, this plate ſcrews on to the edge of the door, therefore they could not get the lock off till they had twiſted and broke this; I examined the priſoner's door, that was a mortiſe lock, and, when bolted, it could not be opened without great violence, this plate was remaining on the door when I went there; I took this off myſelf, and by twiſting it backward and forward they had broke it, and it appears to me to have been cracked before.

(*The lock produced.*)

Jury. Could that be done on the outſide?——No, them two ſcrews are ſcrewed into the edge of the door, they had broke the inner part off, which was left on the door; the ſtaple was on the door.

If it had been forced from the outſide the ſtaple muſt have been forced off?——Yes, and the ſcrews, if they had given way that would have been by the edge falling off, and not by drawing; the bolt could not be picked in the uſual ſenſe of picking a lock, no inſtrument introduced into the wards of the lock could draw back the bolt, that muſt have been drawn by violence, but not out of the lock; you might draw the two ſcrews of the ſtaple by violence, but not of the lock.

From the appearance of the lock, you are perfectly ſatisfied that it could not be done from without?——It could not.

Mr. Sylveſter. Did you obſerve the door of his room?——I did; that door was likewiſe double locked, for I could not unlock it till Mrs. Kerton came down.

Did you obſerve the bolt and the chain?—Yes.

Were either of them forced?—No, the chain goes quite to the back of the door; the door is perfectly ſafe on the outſide; there is not even the mark of a ſcrew-driver or chiſſel; the door of his room has a mortice lock on it, the key was on the outſide of it, there is a ſliding bolt withinſide; I ſhut the door, and tried to ſee if the bolt would bolt, which it did; when it is faſt it is impoſſible to open it, without violent forcing; I think not by a picker or any thing of that kind, for a ſliding bolt is of greater ſecurity than locking it; that door ſhuts into a rabbit, there is a little diſtance, which with a chiſſel you muſt cut away.

Were there any marks of violence?——Not the leaſt in the world.

Mr. Garrow. I am afraid I am a very bad lockſmith, but it ſeems to me as I could pick this lock of your's, the bolt is at the bottom of the lock?——Not quite.

Do you think it impoſſible to introduce through the key hole a crooked inſtrument that might work on that bolt?——I do, I wiſh you would inform me how I could do that, for it would ſave me a great deal of trouble.

Court. In the conſtruction of this mortiſe lock, is the bolt in the inner work of the lock?——Yes, I think it impoſſible to pick it, the handle of the ſliding bolt turns like as upon an axis, you cannot pull the ſliding bolt back.

Mr. Garrow. The key-hole is through the door?——Intirely ſo.

I do not believe any more than you, that you can introduce a picker and pull in the lock nor the ſliding bolt, that is not my object; but I aſk you whether it is not poſſible to introduce through the lock a crooked inſtrument, which, by being turned round, ſhould lay hold of the bolt and draw it back?——I never heard of ſuch a thing; if it could be placed ſo, the handle drops down, they muſt raiſe that handle firſt before they could turn it.

I think you and me between us could make ſuch an inſtrument?—I do not know but I might.

A great many very ingenious inſtruments are contrived for the purpoſe of houſebreaking?—I have not a doubt about it, I have ſeen ſuch that I have not thought of.

Court. Might it not be poſſible to put through the key hole, an inſtrument which ſhould catch the handle, and draw it back?——The handle after it was bolted or unbolted drops down.

Yes, but it keeps in the poſition you leave it?—Yes.

Mr. Garrow. If the Court will have the goodneſs to wait till ſuch a lock is produced, I undertake to do it.

Court. Perhaps it may be too nice a ſuppoſition, but that it is poſſible is perfectly clear.

Mr. Sylveſter. Was the key in the door or not?—Yes.

Mr. Garrow. Aye, on the outſide, and therefore I ſay it was taken out, for the purpoſe of introducing this inſtrument, and putting it in again.

Court. I will ſend for a mortiſe lock.

Mr. Garrow. And for a plain piece of wire, which I undertake in Court to make the inſtrument of.

Court. The lockſmith, the witneſs, ſeems to be a very fair man, let him go and fetch ſuch a lock.

(The witneſs went to fetch a lock.)

Mr. Garrow. This is a lecture upon houſe-breaking!

CHARLES LEET *ſworn.*

I am one of my lady's chairmen; I do not lay in the houſe; I have ſeen the priſoner twice ſince he was committed.

Mr. Silveſter. What obſervation did you make on his clothes?——I ſaw him in New Priſon, and I ſaw him at the Rotation-Office.

How long after he was committed?——This was on the Friday after he was taken up, there was ſomething of a flambeau, or wax candle about his clothes; I went to fetch thoſe clothes, which were my lady's.

Mr. Garrow. He had been out with you with the chair with his flambeau?—Yes.

Court. Could you diſcern whether it was the wax of the candle or the flambeau;—No.

What ſort of flambeaux do you uſe?——Wax flambeaux.

Did any of the officers, when this man was taken up on ſuſpicion, ſearch his trunk or box, for that ſhould have been done in a caſe like this, where it is extremely important to inveſtigate the truth, for the public are intereſted in a caſe like this.

Mr. Garrow. They ſhould have done that and traced him to his former lodgings.

Mr. Sylveſter to Mrs. Kerton. Were the boxes examined?—I believe they were, but I was not preſent; the man's name was Dixon.

Was any thing found there?——No.

Did you enquire where he had lived before?—I never made that enquiry.

Did any body elſe in your preſence?—I do not recollect.

Court to Priſoner. Do you wiſh to ſay any thing in your defence?—I leave myſelf to the mercy of your Lordſhip and the honourable Jury.

Mr. Garrow. I have ſome very reſpectable witneſſes, my Lord.

Priſoner. Here is Major Paulet who will give me a character.

Court. Do you wiſh yourſelf to give any account how theſe people got into your room?—I cannot tell.

Were you aſleep or awake?——I was aſleep.

Where did you live laſt before you lived at Lady Foreſter's?——I lived three weeks with Lord Galloway, he hired me as lady's footman, and I did not like the ſituation; before that I lived with Major Paulet.

WILLIAM BAGOT, Eſq; *ſworn.*

I think I have known the priſoner about fourteen years; I was preſent when he was hired by a ſiſter of mine, who is a married lady in Dublin; I think he lived in that family three years, I generally ſpend about eight months in the year there; before he quitted that ſituation he was ordered, on account of his ſteadineſs and integrity, to attend on the neareſt relation I had in the world, in a very aweful ſcene, ſhe went into the country, and was in the laſt ſtage of her illneſs; the whole family had the higheſt opinion of him from that time; I have no perfect knowledge with whom he lived, but I underſtood, and have good reaſon to know, that he has lived with ſome reſpectable families, in all of which he has maintained a good character; I met him in London, and he told me he came to town to get a place; I told him I would recommend him, and I would have recommended him to the neareſt friend I had in the world, but I went abroad. Major Paulet ſent for me particularly, I have ſeen him attending here to give him a good character.

Mr. Sylveſter. May I take the liberty Sir, to aſk you who you are?—A private independent gentleman, I poſſeſs an hereditary eſtate from my father.

I ſhould not have aſked you that queſtion, only you called yourſelf captain in Bow-ſtreet?—I am no trade or profeſſion, and they called me captain, becauſe every gentleman of property holds ſome rank in the volunteer army, I only came there by curioſity.

The Juſtice aſked you who you was, and what you was?——Sir, that is an abſolute falſhood, nobody aſked me any ſuch queſtion, I came there but as a ſpectator, and this young man ſent one of his companions to deſire I would appear at the Publick Office.

Then you did not come as a ſpectator, upon your oath was you not called upon?——Upon my oath I was not called upon, nor aſked the queſtion, nor did I refuſe to anſwer that queſtion, nor am I of that rank in life to refuſe anſwering any queſtions.

Where do you live now?—I lodge now in King-ſtreet, Soho, No. 17; there are eſtates of very large amount that are veſtd in me during a life, they are eſtates of about two thouſand a year, they have been veſted in me for ſeveral years, I am only here occaſionally; I came over upon the buſineſs of this truſt.

Who keeps the houſe at No. 17 in King-ſtreet, Soho?——His name is Long, he is a woman's millener; I do not know what you call it, he makes women's clothes, I have ſeen him working at women's clothes.

THOMAS HANNAM *ſworn.*

I live at the George in Jermyn-ſtreet, the priſoner lodged at my houſe when he was out of place, I have known him better than a twelve month, he behaved very civil, and orderly and quiet; the firſt time he lodged with me five weeks; he has lodged with me three different times.

JOSEPH TAYLOR *ſworn.*

I am a gentleman's ſervant out of place, I lived laſt with Lord Galloway, the priſoner lived there the time I was there, I knew him when he was with Major Paulet, he bore a very ſober ſteady character.

What was his character as to honeſty?——Very much to be ſpoken in his favour, I have known him much about three quarters of a year, down to this time.

Mr. Sylveſter. Is Lord Galloway in town?—I believe he is.

(A new mortiſe lock produced, and a piece of of wire.)

Court. There is no doubt about the probability of this.

Jury. We ſee there is not.

JOHN GADO *ſworn.*

I am a ſervant, I have known him about twelve months, I never heard any thing to his prejudice.

Mr. Sylveſter. How long did he live with Lord Galloway?—I cannot ſay.

Court to Mrs. Kerton. Who had your Lady this man's character from?—From Major Paulet.

I take it for granted, ſhe would not have taken him without a good character.

Mr. Sylveſter. Was it a written character?—A written character.

Do you know of his living with Lord Galloway ?—He did not mention that circumſtance when he was hired.

Court. All families ſhould take care, not to take ſervants with written characters.

Court. Gentlemen of the Jury, this indictment is capital from the value, whether the perſon that took the things, committed a burglary or not, provided you are ſatisfied the goods are ſtolen, and that they are of the value, or any thing like the value laid in the indictment; for they muſt be ſtolen, whoever ſtole them, in the dwelling-houſe. In point of law, a ſervant opening the door of the houſe which is properly faſtened and ſecured before, to admit perſons coming to commit a felony in the maſter's houſe, makes it as much a burglary in all the perſons concerned, in the ſervant, and in thoſe let in, as if there was an actual forcible breaking for the unlawful opening of any lock or faſtening, for that certainly is breaking to all intents and purpoſes in point of law; ſo the opening a lock by a pick-lock or falſe key is ſufficient opening to make a burglary, ſo is the opening, even though it was with the key of the door, it is equally unlawful as opening it with a falſe key, and will make a burglary; that being the law, this caſe has taken up much of your time, but not more of your time than the caſe requires, for it is a caſe as important as can eaſily come before a Court of Juſtice; the charge is not only of a very atrocious nature, but of a kind extremely dangerous, affecting the ſafety of every body, and the ſecurity of all families; no offence can be more alarming to the peace and ſafety of ſociety, than that of ſervants admitting houſebreakers and thieves to their maſters and miſtreſſes in the hours of reſt, nothing more dangerous, nothing more alarming in the idea; therefore whoever is proved to be guilty of that offence, ſhould be brought to the puniſhment they deſerve; but on the other ſide, it is equally important to juſtice and humanity, that innocent men ſhould not be fixed with a crime ſo atrocious in its nature, and ſo penal in its conſequences; in proportion therefore to the malignity of the offence, and the certainty of the puniſhment that will follow the conviction of it, ought to be the clearneſs of the evidence by which it is ſupported, for it would be a dreadful thing on the mind of any humane man, to run any riſque of placing an innocent man in that ſituation, that your verdict muſt do on conviction; this is the caſe, it therefore requires that diligent and conſcientious attention, which I perceive with pleaſure you have all given to it, it is a caſe depending intirely upon circumſtances; circumſtances put together may amount to proofs as ſatisfactory as the poſitive teſtimony of the witneſſes can do; it is for your conſideration in this caſe, whether the circumſtances which have been laid before you, with a great deal of accuracy, do make that impreſſion on your minds, as amount to that full conviction which you ought to have, in order to find the priſoner guilty; that circumſtances have been proved which throw a ſtrong conviction on this man, cannot be denied by any body that has heard the evidence, whether that amounts to full conviction ſo as to aſſure your minds, muſt be for your determination. The regularity of this family has furniſhed us with preciſe evidence in this caſe, which evidence I will ſtate to you, and then make one or two obſervations that occur to me, leaving the deciſion to yourſelves. *(Here the learned Judge ſummed up the evidence, and then added)* I think, in favour of the priſoner, we ſhould ſuppoſe the character which this lady had with the priſoner was genuine, as the man from whom it was written has been here in the courſe of the ſeſſions, to give him a character: the interval between the watchmen paſſing the door from one time to another, is ſcarcely long enough for ſcrewing off the lock, and forcing it in the manner the ſmith deſcribes, therefore the probability certainly is, that though he did not perceive it, the door was open before, and it might be ſhut too, even cloſe, without faſtening, and there being then no lock or faſtening upon it, the wind might have blown it open, even thoſe three inches. With reſpect to Mr. Bagot, he gives an account of himſelf, as a gentleman of independent fortune, he ſtands unimpeached, and they have not attempted to ſet up any evidence againſt him. This caſe, as I mentioned at the outſet, depends entirely on circumſtances; the ſtrong circumſtance, beyond all others, againſt the priſoner, is the improbability, proved by a vaſt chain of evidence, given with wonderful accuracy; the improbability amounting almoſt to impoſſibility of any body having got into this houſe in the ſtate in which it was found; the robbery, which is eſtabliſhed beyond a doubt, muſt have been committed by ſome perſons who broke in, or got in from without, or were let in by ſome perſon from within; there is no mark of violence whatever on any of the outer faſtenings: there is very ſtrong evidence from ſeveral witneſſes, in a very regular family, that there was no neglect, by means of which any body could come in without violence, and every place was faſtened the night before: there is ſtrong evidence alſo, that this houſe could not have been opened in the manner in which it was found in the morning, without violence, from the ſtate in which it was, becauſe you are excluded from the idea of ſuppoſing that the locks were picked, by its being proved that the door was not only double locked, but the chain and bolt were faſt the night before, and the lock is intirely taken off from the door, and in a manner that is perfectly clear to demonſtration, it muſt have been taken off by ſomebody within the houſe, and not without, therefore it ſeems to be proved as ſtrongly as a thing of that ſort can be proved, that nobody could get into this houſe from without, from the ſtate in which it was found; this is the ſtrong evidence againſt the priſoner, and the only avenues that are left to the ſuggeſtions of conjecture, are the chimnies; and there is not the leaſt probability of any body having got in that way; and with reſpect to the priſoner's room, it is proved almoſt to demonſtration, that they could not get in there, not only the chimney board was up, but the two chairs were in the ſame place, and it is improbable that houſebreakers, getting in by the chimney, ſhould put every thing into order again, and put the two chairs and the chimney board up: there is another conjecture ſtill left, for in this caſe I am clearly of opinion, that if you can find a reaſonable conjecture, that this houſe was broke into without the concurrence of the priſoner, you ſhould acquit him; and this conjecture is, that ſomebody might be concealed in the houſe, man or boy, and lay ſtill till the family were in bed, and then by ſcrewing off the lock, let in the robbers; that conjecture is met by a wonderful chain of evidence, for the witneſſes had examined the houſe very ſtrictly; but there is a bare poſſibility that in ſome part or other of this houſe, from top to bottom, ſome perſon might be concealed; you are therefore to judge, whether you think that bare poſſibility goes far enough, comparing it with all the evidence that has been given, to warrant reaſonable men from making that ſuppoſition; but that ſuppoſition does not meet the whole caſe, becauſe, if a perſon had concealed themſelves in the houſe, though that will account for the taking off the lock of the ſtreet door and every circumſtance of that kind, it ſtill does not account for his room door being faſt; now, if you think Mrs. Kerton was not miſtaken, that part of the caſe becomes extremely material; and then the perſons ſuppoſed to be concealed in the houſe muſt get into his room, and if the room door was bolted they could not get in; but the bolt might by poſſibility be opened, and you are to judge how far that poſſibility weighs your mind.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of MAY, 1784, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Thomas White.

If you ſhould firſt preſume, that they were concealed in the houſe after that ſtrict ſearch was made, and afterwards that they had hit upon this very ingenious device of puſhing back the bolt, and carried it into execution; then there is another circumſtance, but which is of infinitely leſs weight in my opinion, but ſtill it is a circumſtance, and that is, the ſcrew found in the lanthorn, which the priſoner uſed to light him to bed; now if you go ſo far as to make the other two ſuppoſitions, you will certainly not heſitate to go a little further in ſuppoſing the robbers to make uſe of the priſoner's lanthorn, for that is not near ſo ſtrained a ſuppoſition as the other, and if they made uſe of his lanthorn to give them light, when they opened the ſtreet-door, the ſcrew might get into the lanthorn, as likely that way as any other; and it would be more likely that a ſtranger ſhould leave the ſcrew in the lanthorn, who would not care what inference ſhould be drawn from it, than that the priſoner ſhould leave that evidence againſt himſelf. If you are ſatisfied in this caſe, that there could be no perſons concealed in the houſe, or that nobody could get into the priſoner's room without his letting them in; ſtill I think the probability is, that the priſoner is not the man that unſcrewed the lock of the hall door, but that it was unſcrewed to let ſome other perſons out who had got in, and that makes an end of the materiality of the ſcrew being found in his lanthorn, altogether; with reſpect to the circumſtance of the wax candles, the perſon who came in might make uſe of that light for the purpoſe of examining the houſe, they might find that as neceſſary as the priſoner; they would not however, ſo well know where to find it, and they muſt have other light at firſt to ſearch for it; but the length of time it was burning is material, for it is turned down in the candleſtick, it was not left burning by the people that went out, and it had been burning I ſhould think two hours, by the length of the piece, and the priſoner had no occaſion, if he went to bed immediately to burn that candle, becauſe the candle in his lanthorn was not burnt out; the length of time is material, becauſe if theſe people were ſo long as two hours in the houſe or more, it is very extraordinary that the priſoner ſhould not be able to find any means of alarm, though it is poſſible that he might be intimidated by threats; the chiſſel is not a common chiſſel, it is clearly a houſe-breakers chiſſel, a chiſſel that certainly did not belong to the priſoner, but to people whoever they were, who either got into the houſe, or were let in by him: the declarations of the priſoner as far as they go would be very material, but we do not find that at any time, he has given any diſtinct and ſatisfactory account of the manner in which the people got in, he ſays he was aſleep and cannot tell how they got in, but what they did after they got into his room, how they lighted the candles, how long they continued, that he has given no diſtinct account of; he declared he had loſt theſe things himſelf, and there is no evidence he had not loſt them; he complained very much of being hurt, but there is no evidence of his being hurt, or in what degree; theſe are all the circumſtances that I have thought it my duty to point out to you, which appear to preſs againſt the priſoner; on the other hand there are ſome ſlight circumſtances that ſeem favourable, firſt his crying out inſtantly and immediately upon the perſon rapping at the door, like a perſon in diſtreſs, glad of receiving relief; he inſtantly crys out who is there, for God's ſake come in! and then makes complaints; he was convinced the thieves would not knock at the door, and he inſtantly called out to the perſon that did: that ſtanding by itſelf, is certainly a circumſtance rather pointing at innocence than guilt: and another circumſtance in his favour is, that he appears to be very ſtrongly and effectually tied, and tied tight with cords, and long enough to have left marks of his being pretty ſeverely tied, on his legs and ancles; however any perſon that would venture to commit this offence, would not much object to the hardſhip of being tied in order to avoid the puniſhment; you will take all theſe circumſtances into your conſideration: that there is a ſtrong ſuſpicion againſt the priſoner from thoſe circumſtances, nobody as I ſaid before, can doubt; but God forbid that upon mere ſuſpicion, a man ſhould be convicted of a crime which muſt effect his life if he is convicted; and it is therefore for you who have attended this trial, to determine whether there is a reaſonable ſuppoſition without putting a violence on common ſenſe, which will be conſiſtent with the innocence of the priſoner: Juries are not to carry their lenity ſo far as to run quite wild into conjecture, to ſuppoſe things altogether ſhocking to common ſenſe, and probability; but wherever they can find ſuch a ſuppoſition as a reaſonable man can, conſiſtent with common ſenſe and probability; it is therefore for you to determine whether there appears to you ſufficient grounds, to think it poſſible that ſome perſon might be concealed in the houſe, and if concealed in the houſe, might by ſome ingenious device or other, get into the priſoner's room and force it open, if you believe it to be bolted on the inſide; another thing is, whether you are ſufficiently ſure of the door being bolted, for there is a poſſibility that the door might hitch or catch, and if ſhe gave it but a very ſlight puſh, ſhe might very eaſily be diſcouraged from trying it further; if you ſuppoſe the priſoner's door to be unbolted, the caſe is not half ſo ſtrong againſt him, as if you ſuppoſe it to be bolted: but it is for you to judge, to attend to the circumſtances that will appear to you to have weight on the one ſide or the other, and you will find ſuch a verdict as your conſcience will direct, and I do not doubt but it will be ſatisfactory.

GUILTY **Death**.

When Sentence of Death was paſſed on this priſoner, and on the other capital convicts, Mr. Recorder particularly alluding to his offence, addreſſed him and them, in the following words.

Priſoners at the bar, you have all of you been convicted, after a full inveſtigation of the circumſtances of your reſpective caſes, and an impartial hearing of every thing that could be urged in your defence, of crimes which the laws of your country have thought neceſſary to puniſh with death. The ſafety of ſociety requires that the guilty ſhould ſuffer for the protection and preſervation of the innocent, and that thoſe who have proved that they can be reſtrained by no laws human or divine, from making the moſt dangerous attacks on the perſons and properties of their fellow ſubjects, ſhould be removed from that ſociety, to the peace and ſecurity of which they have become ſo hoſtile. The offence of one amongſt you, Thomas White is of a nature which requires particularly to be mentioned, you have been convicted of aſſociating with others, to plunder the houſe of your miſtreſs, in which you had been lately admitted as a ſervant, and in which you were under truſt and confidence, in the hour of night when the family were gone to reſt, and when the loſs of their lives as well as their properties, might have been the conſequence of your admitting ruffians of that deſcription into the houſe: this is an offence ſo dangerous in its nature, ſo alarming to every individual, ſo perfectly deſtructive of the peace and ſafety of families, it is an offence of ſuch a nature, that it raiſes apprehenſions that will prevent any man from going quietly to reſt, if he cannot have confidence in thoſe of his own family; and, therefore, I am afraid it will neceſſarily call for a ſevere example in your inſtance: I do not mean, by any thing I ſay at this time, to preclude the mercy of your Sovereign, but thus much it is my duty to ſay, that your offence is of a very aggravated nature, and I am perfectly ſatisfied, there muſt be ſome new and extraordinary circumſtance, other than has already appeared in your favour, to induce your gracious Sovereign, who has a regard for all his ſubjects, as well as for extending mercy to the guilty, to extend that mercy to you; you ſhould therefore prepare particularly for that fate which you muſt expect, and I hope that in the reflections of your own mind, your guilt will appear to you in ſuch a light, to make ſuch impreſſions and produce ſuch a change of diſpoſition, which may entitle you to that mercy hereafter which you cannot probably expect here. The ſame impreſſions I wiſh to be made on the minds of the reſt of you, ſeveral of whom muſt ſhortly expect the ſame fate; and which impreſſions of guilt and remorſe for your crimes, whether you are to be removed from ſociety, or to be permitted longer to exiſt in it, will be equally beneficial to yourſelves: in that hope it only remains for me to pronounce on you the dreadful ſentence of the law, as the inevitable conſequence of your conviction; which is, that you, and each of you, be taken from hence to the place from whence you came, and from thence to the place of execution, there to be hanged by the necks until you are dead, and the Lord have mercy on your ſouls!

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522. **ELIZABETH DAY and MARY CARTER** were indicted for feloniouſly ſtealing, on the 10th day of April laſt, ſeventy-ſix yards of ſilk ſarſnet, value 6l. the property of William Bennett, privily in his ſhop.

FERDINAND SMITH *ſworn.*

I am ſhopman to Mr. Bennet, a mercer, in Oxford road, the priſoners came to our ſhop together about five in the afternoon, on the 10th of April, there were ſeveral other cuſtomers in the ſhop at the time, there was my miſtreſs and the apprentice boy beſides me; the apprentice ſerved them, I was ſerving a lady with ſome black ſilk mode, they aſked for ſome white Perſian, I called the boy out to ſhew it them, I was called into the other ſhop, and in the mean time, while I was in the other ſhop———

Mr. Garrow, Priſoner's Council. Do not tell us what happened when you was abſent.——My miſtreſs ſent me out to run after them, I went and returned, and this piece of blue ſarſnet had come from the weaver's juſt before; I took it in; I followed the priſoners, I did not ſtop them, but returned and went out again, and I brought them both out of a hair-dreſſer's ſhop; and coming along the paſſage at the hair-dreſſer's, the priſoner Carter dropped this piece from under her clothes.

Court. Are you ſure the priſoners at the bar are the ſame perſons that came into your ſhop, and enquired for the ſarſnet?——Yes.

Will you poſitively ſwear that that roll that dropped from the priſoner Carter was your maſter's property, and was in the ſhop when the priſoners came in?—Yes.

What do you know it by?——By the number at the end.

Have you examined the texture of it?—No, I ſwear by the number.

What did the priſoners ſay when you charged them?—They could not ſpeak at all.

Court. How far was the hair dreſſer's from your ſhop?——About forty yards in the ſame ſtreet, it goes into Oxford-market, I took them into the ſhop, and ſent for a conſtable, and the young woman ſaid to the old one, ſee what you have brought me to now, or ſomething of that ſort.

When did you firſt obſerve that roll to fall from Carter?——It came from under her cloaths, either her cloak, or underneath her petticoats; I believe the young one went back to my miſtreſs, they were taken and committed.

Mr. Garrow. How long might you have been engaged in the ſtuff ſhop, after you left the mercer's ſhop, before you paſſed theſe people in the ſtreet?—Perhaps ten minutes.

So that what had paſſed, during that ten minutes, in the other ſhop, you cannot tell of your own knowledge?——No.

You ſay Day came back in your abſence on ſome buſineſs?——Yes.

Have you ever heard your maſter give an account of that?—No.

The barber's ſhop has a paſſage in common with that houſe; does not it lead to ſome other places in common uſe, ſome neceſſaries?——There is a paſſage that leads to the neceſſary.

Carter had been at the neceſſary at the barber's ſhop?—Yes.

How long might ſhe have been there?—I cannot tell.

Long enough to have thrown down the piece in the neceſſary, I take it?—She had thrown the paper down the neceſſary.

How do you know that?—I would not ſwear any thing but what I know to be true.

Then you know nothing about the paper being in the neceſſary?——The boy found it.

You ſay Carter, if ſhe had that piece of Perſian in the neceſſary, had certainly an opportunity to have thrown it down?——I ſuppoſe ſhe had.

Had you left it folded up in the ſame package it came in?——I had taken out the bill of parcels, and tied it up.

It ſeems very ſingular, that you ſhould know a piece of Perſian, which is very like all other pieces?—I am very ſure of it.

Shew me the mark by which you ſwear to it?——We had not another piece in the ſhop.

That is true, but other ſhopkeepers had many; now this mark is made by ſomebody before it comes to your ſhop?——By the weaver; I know the number, it is two thouſand two hundred and twenty-two.

What does that import?—It is only to diſtinguiſh each piece from one another.

Then after the Perſian had been ſold, the ſtick would have been applied for whatever purpoſe you choſe to want it?—The ſtick is generally thrown backwards.

Is not an old roll applied to a new purpoſe?—Not in our ſhop.

May there not be an infinite multiplication of theſe four two's in the mercer's ſhops in this town; I aſk you this upon your oath, without referring to the bill of parcels could you have told me there were four two's upon it?——It is always the caſe.

Anſwer my queſtion?—Yes, I could.

Do you ſwear poſitively?—I ſwear that poſitively, becauſe I had compared them with each other when I opened them.

Whether independant of the bill of parcels you knew there was 2222 upon it?——I could.

You mean to ſwear that poſitively?——Yes, I do ſwear it poſitively.

Are there any other marks upon the roll?——Only the ſelvage.

That is common; is there any other mark upon it?—I do not know that there is.

Did not you ſee the mark?——I did not obſerve it.

Did not they aſk for a petticoat?—Yes, Miſs Day gave my miſtreſs an order for a blue ſilk petticoat.

Did not ſhe leave two ſhillings earneſt? ——Yes, ſhe did, and gave me a falſe direction.

How do you know that?—I went there, and ſomebody told me ſhe did not live there.

Mr. Garrow. My Lord, I ſubmit there is nothing to charge the priſoners, and I would not adviſe them to make any defence, for this man had been abſent ten minutes, and the piece might have been ſold for any thing he knew; all that this man ſays is, that it was there, and that he afterwards found it in a barber's ſhop; how it came there *non conſtat*.

Priſoner Day. I am quite innocent.

The priſoner Carter called two witneſſes, who gave her a good character.

Court. Gentlemen of the Jury, I think you may lay aſide the capital part of this caſe, this was immediately known; it could not be done ſo privately but it muſt have been obſerved, or what occaſion was there for that immediate ſuſpicion; the purſuit commenced immediately: and in this caſe the apprentice is not brought here, nor the wife; why are they kept back? they might have informed you that they ſaw it taken, which would have taken away the capital part; therefore, in my apprehenſion, you may find Carter Guilty of the taking, but not privately, and you may excuſe Day, unleſs you are confident that ſhe came with the ſame intention.

The Jury withdrew, and returned with a verdict

ELIZABETH DAY,
MARY CARTER, } GUILTY

Of ſtealing, but not privately.

Each to be privately whipped, and confined to hard labour twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron PERYN.

523. SARAH SLATER was indicted for feloniouſly ſtealing, on the 22d of April laſt, one ſilk cloak, value 42s. the property of Thomas Banks, privily in his ſhop.

JANE BANKS *ſworn.*

I am wife to Thomas Banks, he is a millener, piece-broker, and ſaleſman, he keeps an open ſhop; on the 22d of April laſt, I loſt a mode cloak, with a broad lace on it, it was quite new.

What might be the value of it?—Forty-five ſhillings.

That was the ſaleable price, I ſuppoſe? —Yes; the priſoner came into the ſhop to buy a cloak, on the Thurſday the 22d of April, ſhe aſked the price of a cloak that hung at the door, and I aſked my daughter to come and look at the price; ſhe ſaid that would not do, and deſired to look at ſome more; ſhe came into the ſhop, as I told her I had more; I ſhewed her ſeveral more, but ſhe did not buy any, ſhe ſtayed near half an hour, ſhe aſked the price of ſeveral, but bought none; ſhe looked over the cloaks all the while.

Did you ſee her take any thing whilſt ſhe was in the ſhop?—I did not ſee her take any thing; I was putting up the cloaks and I miſſed a cloak before ſhe got out of the ſhop, becauſe it was a broader lace than the reſt; ſhe was going, and I came round the other ſide of the compter, as I thought it might be dropped; it was not dropped; then ſhe rather made to the door, I was rather confuſed, and I ſaid, you have fixed upon one at laſt; ſhe ſaid, I pitch upon a cloak of your's, you wicked woman, I have none of your cloak, nor nothing belonging to you, and ſhe turned herſelf round and held up her arms to ſhew that ſhe had nothing about her; I ſtopped her in the ſhop, my daughter called in a neighbour; when my daughter came in, I ſhook her clothes, and could find nothing; at laſt of all ſhe had concealed it under her petticoats, and it came down, I am ſure it fell from her; *(the cloak produced)* it is my own making.

Court. What did ſhe ſay?—O then ſhe cried out for me to forgive her; I ſaid to her, have you any money to purchaſe any one cloak I have ſhewn you; ſhe ſaid no, ſhe had but half a crown and two pence; a little before this happened, ſhe bought a little bit of muſlin for ten-pence.

ANN SAFFORY *ſworn.*

I am daughter to the laſt witneſs; I ſaw the priſoner come in, ſhe bought a bit of muſlin, and ſhe looked at ſome cloaks, but bought none; ſhe aſked the price of ſeveral, near twenty, and particularly one that hung at the door, then ſhe was going out of the ſhop and my mother would not let her go; I called in Mr. Harwood, a gentleman next door, and he came in.

Had ſhe been ſearched?—Only ſhook; I only called him at the window, and was back again in two minutes; I ſaw the bulk of the cloak under her petticoats before it dropped, and I ſaw it drop from her.

Court. You did not ſee her take it?——No, I ſaw the top of the lace before it dropped from her.

THOMAS HARWOOD *ſworn.*

I live next door; I was called in, and as I was going in I ſaw the priſoner drop the cloak from under her petticoats, or under her apron.

Court. Are all of you ſure that is the woman?—Yes.

PRISONER's DEFENCE.

I was going along the ſtreet, and I ſaw an old apron hanging up in the ſhop, and went in and aſked the price of it; ſhe ſaid one ſhilling, I bid her ten-pence and bought it; the cloak lay upon the floor when I went in and when I came out, and I never touched it with my hands.

Court to Proſecutrix. Did ſhe buy that apron of you?—She did.

Priſoner. I am quite a ſtranger, I never was in London before in my life; I had been but two days in London.

GUILTY **Death.**

Tried by the ſecond Middleſex Jury, before Mr. Juſtice WILLES.

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524. JOSEPH HICKMAN and JAMES DYER were indicted for feloniouſly ſtealing, on the 24th day of March laſt, one hundred and fifty pounds weight of lead, value 20s. belonging to the Rev. Carrington Garrick, clerk, and then and there affixed to a certain building called Hendon Church, of the ſaid Carrington Garrick, then and there being, feloniouſly did ſteal, take, and carry away.

A Second Count, laying the lead to be the property of John Bond and Ralph Mitcheſon, the church-wardens, as church-wardens.

A Third Count, laying the lead to be the property of the inhabitants and pariſhioners of the ſaid pariſh.

The witneſſes examined apart at the requeſt of the priſoners.

JOHN BOND *ſworn.*

I am one of the church-wardens of the pariſh of Hendon; on the 24th of March laſt, the priſoners were both taken with a quantity of lead upon them; I was in town, the plumber came to me, and informed me on the 25th; I went down to Hendon to examine whether the lead was belonging to the church or not, it correſponded exactly; we have found all the lead ſince by information of a man who is in Court, one Lively, we found it in a dunghill in Edgware-road.

THOMAS JONES *ſworn.*

I am a plumber at Hendon; on the 26th of March laſt, I was called on by Mr. Bond, the church-warden, to try ſome pieces of lead which had been found on ſome people that had been taken up; I had leaded this church before, here is a piece now in Court which matched exactly, and correſponded.

(The piece produced.)

Mr. Bond. It has been in my cuſtody; I marked the lead with my own name, and I left it with a gentleman here in town.

Mr. Jones. I applied it and it correſponded exactly; I have no reaſon to doubt but it is the very ſame lead that was on the church.

WILLIAM RUTHERFORD *ſworn.*

I am an inhabitant of one of the bye lanes on the Edgware road; on the 24th of March laſt, juſt turned eleven in the forenoon, I ſaw the two priſoners coming down the bye lane facing my door; I keep the Harp on the Edgware road; they had two bags, like carpenter's nail bags, as I ſuppoſe they had been formerly; I had ſome ſuſpicion of them, and I watched them about two hundred yards from my houſe, they got out of the road over a gate, and in about a quarter of an hour theſe two men came by my houſe without the bag, I went and ſearched for the lead, and in a field I found a bag with two ſheets of lead; Sermon found a bag over the hedge; theſe are the men that had theſe two bags on their backs.

Are you ſure they were the ſame bags? —Yes, I am.

Priſoners. By what marks do you know the lead?—I know I ſaw you carry it.

THOMAS HAWKINS *ſworn.*

I was in company with the laſt witneſs in ſearching for lead; I was coming along the Edgware road, near the five mile-ſtone, on the 24th of March, I ſtopped for a pint of beer, the two priſoners came by empty handed, going towards the country, the landlord came in and aſked me if I ſaw them, he ſaid they had been by before, loaded with lead or copper; we went together, and took a pair of piſtols with us, and ſearched a barn, and up came another young fellow, and aſked us what we were after, we told him, and he helped to ſearch after it; I was not preſent when the lead was found.

JOSEPH SERMON *ſworn.*

I was preſent with Rutherford in ſearching for ſome lead, I was coming down the road, and Rutherford and Hawkins were ſeeking for ſomething; I aſked them what they were ſeeking for; he ſaid, here is a man has uſed Mr. Rutherford ill; I got over to them, we looked round, and I found a bag laying in a ditch, and I pulled it out, the bag contained lead, but I cannot ſay the weight of it; Hawkins and I went in purſuit of theſe two men, and took them at a public houſe, better than a mile off, they denied it very ſtrong.

Priſoner. I ſuppoſe Rutherford is a man that will ſay any thing, he has two young men here, that I never ſaw, that will take my life away.

MARY BATT *ſworn.*

On the 24th of March, a man in a lightiſh coloured coat threw a bag off his ſhoulders, and covered it over with ſome dung.

Court. Can you ſay it was the priſoner? —No.

Then you need not be examined.

JOHN LIVELY *ſworn.*

Do you know either of the priſoners at the bar?—Yes, my Lord, I was here laſt ſeſſions for a ſmall trifle, and I laid in the ſame ward with them.

Court. Was you tried here?—Yes.

Was you convicted?—No; when I was coming out after my trial, they aſked me if I would diſpoſe of a quantity of lead for them.

Which aſked you, both, or one of them? ——Both of them; they ſaid they believed there was about ſix hundred weight of it, if I would take it and carry it to Oxford-road and ſell it; I went there, and took a man with me, and I was detected and ſtopped between Kilbourn and Paddington; we were taken to the watch-houſe, and from the watch-houſe to the Rotation Office, then to New Priſon; and they advertiſed the lead, and they could not make it out, ſo they diſcharged us: after we were diſcharged, we went and looked for more, and there we found three hundred weight more; then we went and acquainted the Gentlemen of the Pariſh, I went to Mr. Bond's houſe.

Court to Bond. Was this laſt lead applied?—We applied part of it.

Priſoner. What he ſays is very falſe, this young man lay in the upper ward, and I never changed ten words with him.

Lively. You lay by me every night.

Court to Jones. Does this lead appear to have come from the church?—It appears to me to be the ſame kind of lead; but there is ſome deficiency in the quantity, the laſt witneſs ſays he was detected with two hundred and a half, which I have not ſeen.

Court. Have any of the witneſſes a knowledge of theſe two men at the bar.

Bond. I know the man with the cut lip, that is Dyer, I have ſeen him loitering about the roads frequently.

Priſoner Dyer. I never was there in my life.

PRISONER HICKMAN's DEFENCE.

I was out of work, and this young man aſked me to go and ſeek for work, ſo we went to Mr. Rutherford's houſe, and I came into the road again, and I went to have a pint of beer, and we drank it and called for another; theſe gentlemen came up and ſaid, I take you into cuſtody on ſuſpicion of ſtealing lead; I aſked him what he took me for, he could not ſay, and the juſtice committed me.

Jury to Rutherford. Did you take them into cuſtody?—Yes.

The priſoner Hickman called one witneſs, who gave him a good character.

Court. In my apprehenſion it cannot be the property of the vicar, for he has no freehold, and this is a part of the freehold: it would not have been an indictable offence, if it had not been for this act of Parliament, it was therefore neceſſary to have a ſpecial law for the purpoſe. If the indictment is to be ſupported at all, it muſt be on the third count; but whether by coupling inhabitants with pariſhioners will prevent them from being convicted under it, will be the ſubject of a future enquiry.

Both Guilty.

Sentence reſpited till next Seſſions.

Tried by the firſt Middleſex Jury, before Mr. Baron Perryn.

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525. WILLIAM SMITH was indicted for feloniouſly ſtealing, on the 28th of March laſt, ſix live hens, price 6s. one live cock, value 2s. five live ducks, value 4s. and four eggs, value 2d. the property of John Mayor.

JOHN MAYOR *ſworn.*

I keep the Bear and Caſtle Inn, in Oxford-ſtreet; on the 28th of March laſt, between five and ſix, I went up to the hayloft, which was uſually locked up, and I found all the poultry, except one, and all the eggs were gone from the neſt; I had not then found the fowls, but turning round, I found ſix hens and one cock in a bag, they were all dead and warm but one; in the ſtable, the corner of the hen houſe, I found the priſoner under the manger; I immediately examined the remainder of the ſtables, the ducks were not then found; I purſued the priſoner and took him, he refuſed being ſearched, but on ſearching him, we found four eggs upon him, he ſaid they were taken out of the neſt.

Was there any promiſe made him?——No, none at all.

——— WHITE *ſworn.*

I was preſent when this man was found; I came home between five and ſix, I went and looked in the ſtable next to the hen houſe, and I found the priſoner under the manger, I ſaw the bag of fowls found behind the door.

CHARLES YOUNG *ſworn.*

I took the priſoner and ſearched him, and found the eggs upon him, four of them were whole and one was broke; he ſaid a man gave him the eggs, and that he took the ducks away.

PRISONER's DEFENCE.

A man gave me the eggs to boil, a ſailor; I have no friends at all, I came out of Warwickſhire.

GUILTY.

Tranſported for ſeven years.

Court. What are you?—I was bred up in a farmer's yard in Warwickſhire, my father and mother are dead, and I have no friends, therefore I came to town; I am twenty-five.

Tried by the ſecond London Jury, before Mr. RECORDER.

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526. **WILLIAM EGGLESTON** was indicted, with one **TIMOTHY HURST**, for feloniouſly aſſaulting one William Coe, on the King's highway, on the 2d of February laſt, putting him in fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one man's hat, value 5s. the property of the ſaid William.

The proſecutor and witneſſes not appearing, the priſoner was

ACQUITTED.

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527. **JOHN ANDERSON** was indicted for feloniouſly ſtealing on the 2d day of April, three linen table cloths, value 20s. and three linen aprons, value 6s. the property of Stephen Cook.

The witneſſes examined apart at the requeſt of the priſoner.

ELEANOR COOK *ſworn.*

On the 22d of April, about the middle of the day, I was alone in the kitchen, and I heard the parlour door making a ſhrieking noiſe, which did not appear like the unlocking of a door to me, I liſtened again and heard the ſame, I heard a footſtep along the parlour, and a man came out of the parlour with a bag in his hand, and I ſaid hey! hey! what are you about? and he got off, and this man at the bar ruſhed out of the parlour and knocked me down, and beat me ſeveral times, cut my head, pulled my cap off, my hair was all about my ears, my huſband and daughter were in the yard, and they came to my aſſiſtance, but did not imagine it was me, the ſight of him was never loſt from me, he was but a very few yards off, he was brought back in an inſtant.

What things did you miſs?——Three aprons that were cut fom the lines, and two table cloths.

STEPHEN COOK *ſworn.*

I firſt ſaw the priſoner, and as ſoon as my wife cried out, I was backwards in the mangling room, I have only one ſtep acroſs the yard, and I opened the door, and ſaw her with her hair all about her head, and her forehead all bleeding, I firſt got ſight of him about ten yards from the houſe, I cried out, ſtand you thief, and he run; he was hardly out of ſight all the time, he was ſtopped, and I brought him back to my houſe, he ſaid he did not know what other people might come to; ſays my daughter, you cannot eat your dinner without a fine table cloth; ſays he, hold your tongue.

JOHN GLOVER *ſworn.*

The proſecutor aſked me to aſſiſt him, I went with him as he ſaid he had been robbed, I ſaw the priſoner and the woman bleeding.

Court to Mrs. Cook. You ſee you were miſtaken in ſuppoſing this man never got out of ſight; are you ſure that was the man hat was in your houſe?—I am poſitive he was one of the men, I followed him out of my houſe, I ſeized him twice, I had no great opportunity in looking him in his face.

How

Ho do you know that this is the ſame man?—I am well convinced this is the ſame man.

Priſoner. They ſtopped me, and began diſputing about the reward.

Priſoner. I had my hair tied then.

Court. Was that ſo?——Yes, it was wrapped round in the nature of a pig-tail.

Proſecutor. His father was with me laſt Sunday.

Priſoner. My father was never with you.

GUILTY.

Court. Your conduct on this occaſion proves you to be a very unſafe perſon in this country, and you are ordered to be

Tranſported to America for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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528. CHRISTIANA, otherwiſe CATHERINE WIGMORE was indicted for feloniouſly ſtealing on the 12th day of April laſt, one copper chocolate pot, value 3s. and one copper candleſtick, value 2s. the property of John Reynolds.

JOHN REYNOLDS *ſworn.*

On the 12th of April I loſt the things mentioned in the indictment, when I came home in the evening I miſſed them, I believe, I left my mother-in-law at home, my wife was out, I went to the broker's, and enquired for ſuch things, and they told me there had not been ſuch things for ſale then, but he told me to go to the publick-houſe, I went to the houſe and found the things; the man's name is Moſes; I never ſaw the priſoner but at the Juſtice's.

SAMUEL MOSES *ſworn.*

Do you remember the laſt witneſs coming to you on the 12th of April?——On the 12th of April I was ſent for by Belle Frazer; they took charge of the priſoner for another thing, when I came to the priſoner, I laid hold of her, ſhe had ſomething of a bundle in her apron, ſhe would not tell me whoſe property the things were, I took her into cuſtody, and ſhe was committed; the things have been in my poſſeſſion ever ſince.

Proſecutor. The door was left on the latch, there is nothing elſe below that is worth taking away.

ISABELLA FRAZER *ſworn.*

When I ſtopped the priſoner theſe things were found upon her, I ſaw them taken from her.

(*The things depoſed to.*)

PRISONER'S DEFENCE.

A woman gave them to me, and ſaid ſhe had pledged them at one Smith's, a pawnbroker, and deſired me to tell them there ſhe wanted to pay me eight ſhillings ſhe owed me. I have no witneſſes.

GUILTY.

To be privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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529. JAMES BAGLEY was indicted for feloniouſly ſtealing on the 27th of February, one ſilver watch, value 40s. the property of Thomas Houſe.

THOMAS HOUSE *ſworn.*

On the 27th of February laſt, I loſt my watch in a ſtreet oppoſite Chancery-lane, in Holborn; it was about ſeven in the evening, I was going up Holborn, and I ſaw a croud, and there was a cart overturned, I went to ſee what was the matter, I had not been there a minute before this fellow run out againſt me, and gave me a joſtle, and ſaid ſomething, I cannot tell what; I found his hand down at my fob, I rather found my watch drawn, and he run away immediately, he run down Chancery-lane, and I followed him and overtook him, I cried ſtop thief, and a man tried to ſtop him, but he run on, and I purſued him, and he fell down, and I fell down, and as I got up I ſaw him getting up, and I purſued him again, and overtook him on the other ſide of the way.

Was he ever out of your ſight?—Only when I fell down, and I got up directly.

Was he ſo out of your ſight, as that you could miſtake one perſon for another?——No, my Lord.

Had he your watch when you took him?—Not when he was ſearched, we did not examine him immediately, I never got the watch ſince.

Are you poſitive that the watch was in your fob when you ſtopped?—Yes.

How long before had you ſeen it?—Not a great while.

Had you ſtopped in any croud before?—No I had not, the priſoner ſaid he had not the watch himſelf, but he knew who had.

Court. Was there any promiſe made?—I told him if he would let me have the watch, all ſhould be well.

Did he tell you who had it?——No, he ſaid his father lived in very good repute.

Mr. Garrow Priſoner's Counſel. How long had you been in the crowd, before you obſerved a hand in your pocket?—Not a minute.

Was there a very conſiderable crowd?—Not many.

How many do you think?—Very likely a ſcore.

This was in the evening?—Yes, it was a very light evening, I clapped my hand down as quick as I could, I purſued him and never loſt ſight of him at all, till I fell down.

How far did he run down Chancery-lane before he was ſtopped?—About two hundred yards.

Nothing was found upon him?—No.

From the time you took him, till the time he was ſearched, had he any poſſible opportunity of conveying away the watch?—I cannot tell.

Before you got hold of him, you never loſt ſight of him?—No, only when I fell down.

Did you ſee him throw any thing away or give any thing to any body?—No.

Have you enquired whether what he told you reſpecting his father is true, that he is a reputable Watchmaker?—Yes.

And this young man is by trade a Watchmaker?—Yes.

And all the private converſation between you was relative to you getting your watch again?—Yes.

Court. That declaration went to the returning of the watch.

PRISONER's DEFENCE.

On this evening, I was going down Chancery-lane, and I turned my head and there was a great mob, and a cart was fell down, in about a minute and a half, two young fellows ſhoved againſt me, and ſhoved me down, I had my fiſe in my hand, I heard the cry of ſtop thief! that gentleman came up, and bid them ſearch me directly, and coming up Warwick-court again, the proſecutor ſaid give me my watch, or make me recompence for it, ſays I, my father is a watchmaker; a gentleman ſaid you had better ſettle it, and ſaid he had rather do any thing in the world than ſee me in trouble.

Court to Proſecutor. Did you ſearch him before you delivered him to the conſtables? No, we did not.

Priſoner. The proſecutor ſearched me in Chancery-lane.

(The priſoner called five witneſſes, who all gave him a good character.)

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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530. WILLIAM HARRISON was indicted for feloniouſly ſtealing, on the 20th of March laſt, one iron ſtove, value 4s. the property of Daniel Barret.

WILLIAM

WILLIAM BARRET *ſworn.*

My father is a Broker in Caſtle-ſtreet, Long-acre, on the 20th of March laſt, about nine at night I was ſhutting up ſhop, and had almoſt got in all my things, and about five minutes before, I miſſed an iron ſtove, and I ſaid to my mother the ſtove is gone, I run out immediately and looked two or three ways, and I ſaw two men in Short's Gardens carrying a ſtove, one of the men was the priſoner, and he had my ſtove, I took him in Short's Gardens, juſt by our houſe.

Court. How did you know that to be your father's ſtove?—I had taken it in and out ſeveral times, the priſoner was carrying the ſtove before him, I took hold of the priſoner's collar, and told him to bring it back again, he ſaid he found it as he came along; when he came to the Juſtices, he ſaid a man chucked it down, and ſwore he would carry it no further, any perſon might have it that would.

PRISONER's DEFENCE.

I was going home, and a man was carrying this grate along the ſtreet, and he ſaid I am tired with carrying it, if you will carry it up as far as the Seven Dials, I will give you four-pence, I was glad to earn the four-pence, and I took it up.

Jury. What weight was the ſtove?—About half a hundred weight.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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531. FRANCIS BLAKE was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Anne and Alice Crow, ſpinſters, about the hour of two in the night, on the 17th of May, and burglariouſly ſtealing therein, nine linen ſhirts, value 18s. two pair of ſilk ſtockings, value 4s. four handkerchiefs, value 2s. two pair of ruffles, value 12d. eight oz. weight of chocolate, value 2d. the property of William Rapley; and ſix muſlin neckcloths, value 20s. the property of William Curtis, Eſq.

WILLIAM RAPLEY *ſworn.*

I am ſervant to Mr. Curtis, I was at Maidenhead Bridge at the time with my maſter, the priſoner had lived with Mr. Curtis, and had been diſcharged that ſervice about two months.

MARY BOWER *ſworn.*

I lodge at the houſe of Mr. Curtis.

Mr. Garrow Counſel for the proſecution. Who was up laſt in the houſe, the night this burglary was committed?—Miſs Alice Crow.

Did you ſee any thing broke any where in the morning?—Yes, about ſix in the morning of the 18th of this month, I ſaw a window broke, and the door unbolted, the window was cloſe by the door, it is divided from the door only by the door poſt, it was a ſmall leaded window which had no opening, the lead was taken off a few of the panes, by which a man could introduce his hand to open the bolt of the door.

In what ſtate did you find the bolt of the door?—It was open, I had not particularly obſerved the window, I had no reaſon to think it was broke, it is a window to the back part of the houſe, that looks into the yard which adjoins to a ſtable yard, and we paſs it conſtantly.

Court. Where is the houſe?—In Bond ſtreet.

PENELOPE GARNON *ſworn.*

I lodge in the houſe of Mr. Crow in Bond-ſtreet.

Did you go down ſtairs in the night or the morning that this burglary was committed?—I was down ſtairs between four and five in the morning.

Had you occaſion to paſs by this window?——I did, I ſaw it was broke, I did not obſerve the door.

Had you ſeen that window in the courſe of the preceding day?—Yes it was quite whole.

Court. At what hour?—I ſaw it in the evening, about duſk.

In what way was the window broke in the morning ?—There were three panes broke.

Could any body introduce his hand through that hole ?—I rather ſuppoſe they could.

Was it light when you went down ſtairs ?—Quite light.

Whoſe houſe was this ?—Mrs. Crow's.

——— JONES *ſworn.*

I am a coachman, I live near Mrs. Crow's houſe, about the 17th of this month, about ſeven in the morning, the ſervant Mary Bower called over to me, that ſhe rather ſuſpected there had been, or were, ſome thieves in the houſe, I went down ſtairs and ſaw the kitchen, and the things being thrown about gave me a ſuſpicion; in the further corner of the kitchen, between the copper and the water-tub, I found the priſoner covered with a baſket, with ſome ſhoes in it.

Court. What time was that ?—It was about ſeven.

Were there any things in the baſket with him ?——We found a bundle with ſome ſhirts and things, and ſome chocolate tied up in an apron of the maid's.

What account did the priſoner give of himſelf ?——The maid aſked him at that time what brought him there, he ſaid he only wanted to ſee his fellow ſervants, I remember his living in the family before; the bundle is in Court, I had it in my cuſtody till the re-examination, then I delivered it into the man's hands that ſwore to it.

(The bundle produced, and depoſed to.)

Court. Where were theſe things found wrapped up in that manner ?—Between the water-caſk and the copper, under the priſoner, he upon that, and the baſket upon the priſoner.

Priſoner. I know nothing about the charge.

Court. Have you any witneſſes to call ?——No.

Court. Gentlemen of the Jury, this caſe will give you very little trouble, the only queſtion is, whether you will find him guilty of the burglary or of ſtealing in the dwelling houſe only.

GUILTY.

Of ſtealing to the value of 39s. but not of the burglary.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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532. EDWARD HUDSON was indicted for feloniouſly ſtealing, on the 14th day of March laſt, eight hempen coal ſacks, value 20s. one hair cloth covered, value 20s. three live hens, value 3s. and one live Turkey, value 2s. the property of Richard Holmes.

RICHARD HOLMES *ſworn.*

On the 14th of March, I perceived I had been robbed, I live in Kentiſh Town; and deal in coals, there had been a little ſnow in the night, and I traced ſome footſteps, and I found a part of the property concealed which contained eight coal ſacks, and I left a man to watch them, to ſee who would come for them, I loſt three hens and one turkey.

JOHN CLARK *ſworn.*

I am ſervant to the laſt witneſs, on Sunday March 14th, my maſter and I went and traced the man over the field, to ſome old buildings, and we found a coal-ſack there, I waited, and about ſix at night, I walked down the road towards Kentiſh-Town and up the field again, and as I came back again, I perceived two men taking them out of the place, that was about ſix o'clock on the 14th of March, they were in two parcels, I purſued them over the fields into Iſlington road, and then the patrol purſued them, and I loſt ſight of them and the patrol too, I never loſt ſight of them before the patrol took them.

Was the priſoner one of theſe perſons that took the ſack ?—Yes.

How near was you to them?—As near as I am to you, and he turned round, and ſeeing me purſuing he ſaid he would not be taken, they both run for it immediately, there was ſeveral people that run in the field, but nobody any further but himſelf.

Court. Is the patrol here that took him?—No.

Priſoner. When you called to me firſt, and told me the property belonged to you, I ſaid if it belongs to you take it, it is not mine, and I put it down immediately?—I aſked him where he was going with them, he turned and threw down the ſacks, and ſaid he would not be taken.

Priſoner. I have witneſſes to call, at the firſt hearing the proſecutor did not know how many ſacks there were; on Sunday I went as far as Iſlington after a ſhop-mate of mine, I went from there to Holloway, and they ſaid he lived at Kentiſh Town, I could not hear of him, I went to the Bluelaſt, at Kentiſh Town, and drank two pints of beer, I was coming home and had occaſion to eaſe myſelf, and theſe things lay in this old ruinous place, and I took up part of them, I had not carried them above twenty yards before this young man called to me, and ſaid it was his property, I ſaid they were not mine, he might take them, and I laid them down immediately.

The Priſoner called one witneſs, who gave him a good character.

(The things produced.)

Court. Is there any mark on them?—There is none on them.

You ſay theſe are the ſacks your maſter loſt?—Yes.

And they were dropped by the priſoner?—Yes.

GUILTY.

Tranſported for ſeven years.

Tried by the ſeconnd Middleſex Jury, before Mr. Baron PERRYN.

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533. ANN ROBERTS, otherwiſe Hall, was indicted for feloniouſly ſtealing, on the 10th day of May, fourteen yards of printed cotton, value 34s. the property of Henry Thwaites, privily in his ſhop.

THOMAS BALL *ſworn.*

I am ſhopman to Mr. Thwaites, linen-draper, in Weſt-ſtreet, Seven Dials; about three in the afternoon, the priſoner came to our ſhop with another woman, and aſked for ſome printed cotton, there were many others in the ſhop beſides me; I ſhewed her ſeveral, and after ſeeing ſeveral, after ſome time heſitating, and not ſeeming to like any of them, I ſaw her conceal this under her clothes which was one of thoſe that was ſhewn her; I let her go out of the ſhop before I let it be known to any one; I then immediately followed her into the ſtreet, and brought her back to the middle of the ſhop, and informed my maſter; and a conſtable was ſent for, and while he was ſent for I ordered her to drop the cotton that ſhe had concealed under her clothes, which ſhe immediately dropped on the floor; this is the cotton.

(The cotton depoſed to.)

PRISONER's DEFENCE.

I went into the ſhop to buy a bit for a bedſtead, I bid him two ſhillings a yard, and he pulled me back into the ſhop, and I ſaid, he was very welcome to ſearch me, and he took up my petticoats, and found nothing about me, and found the cotton laying upon the ground cloſe to the counter, and he ſaid, Oh! here it lies; it was in the middle of the ſhop, three yards from any compter.

Ball. It is falſe what ſhe ſays.

Priſoner. If you ſpeak the truth, you know it did, you know you ſaid ſo at the Juſtices, ſo you know you did.

Jury. Was it tied up when taken away, or looſe?——It was looſe.

GUILTY

Of ſtealing, but not privately.

To be privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

534. **SAMUEL PEYTON** was indicted for felonioully ſtealing, on the 3d day of May, one watch, with gold enamelled caſe, value 7l. and two cornelian ſeals, ſet in gold, value 3l. the property of William Henry Bunbury, Eſq; in his dwelling houſe.

WILLIAM HENRY BUNBURY, Eſq; *ſworn*.

I live in the Office belonging to the Paymaſter General.

Have you a lodging there, or is it the name of the houſe?——The ground floor is the office, I have all the upper part of the houſe.

Who does the houſe belong to?—It belongs to government, I apprehend.

Do you hire it, or is it given to you?—It is given to me, I have the firſt floor, ſecond floor, and the garrets; I loſt an enamelled watch, and two ſeals ſet in gold, the beginning of this month, but the hour of the day I cannot preciſely ſay.

Whoſe houſe do you call this; who is the officer that lives there?—I look upon it to belong to the Paymaſter.

Who had the lower floor here?—It is the publick office.

Then you properly call it the Paymaſter's houſe, or the government's houſe?——Yes.

Mr. Garrow. I ſhall certainly, my Lord, ſtanding here for the priſoner, contend this is not the houſe deſcribed in the indictment.

Mr. Baron Perryn. I believe there will be no occaſion to trouble you.

Mr. Juſtice Willes. The only difference is, if it is not ſtealing out of the dwelling houſe, it is not a capital offence, that is all the difference.

Court to Proſecutor. Where did your watch hang?——It generally hung at the bed's head, my bed room was on the ſecond floor.

What might be the value of it?—I cannot poſitively ſay, it coſt me ſeventeen guineas, there were two cornelian ſeals ſet in gold; on Monday the 3d of May, when I came home in the evening, my wife ſaid ſhe had been very much alarmed, that a ſtrange man had been found in her dreſſing room; I did not miſs my watch till the Thurſday following; Mrs. Bunbury was taken ill that night, and I did not think of my watch; I did not uſually carry this watch in my pocket, it was the watch ſhe uſed to wear; I went the next morning after I miſſed it to Bow-ſtreet, and had it advertiſed, and there I found my watch and the priſoner, on whom it was ſaid to be taken.

Mr. Garrow. Do you recollect at all how long before it was you had ſeen this watch?—I cannot.

Being Mrs. Bunbury's watch, you had not frequently ſeen it?—No, it generally hangs at the bed's head; I cannot ſay upon oath, but I think it was at the bed's head the day before, which was the 3d.

You did not miſs it till the 6th?—No.

Did the priſoner in your hearing give any account how he came by the watch in Bow-ſtreet?—Yes, I think he ſaid he won it at cards, that he played three guineas againſt it to the beſt of my recollection; he ſaid it was in ſome alley out of Leadenhall-ſtreet, but he could not deſcribe it; the priſoner has totally altered his dreſs ſince he was at Bow-ſtreet, and he had his hair tied.

JOHN LEBAR *ſworn*.

I belong to Bow-ſtreet Office; I and another man apprehended the priſoner on the 3d of May about four o'clock.

Court to Proſecutor. What time on Monday, the 3d of May, was it you came home?—I did not come home till evening, but there is a witneſs that will ſpeak to the time he was ſeen.

Mr. Garrow. I beg Mr. Bunbury's ſervants may go out of Court.

Court to Lebar. Where did you apprehend him?——In Pearl-ſtreet, Spital-fields; I imagine he was juſt come from his father's houſe; I apprehended him on another affair; I ſeized him in the ſtreet, we put him in a hackney coach in Biſhopſgate-ſtreet, and conveyed him to Bow-ſtreet; I ſearched him directly as he got into the coach; I found this watch upon him in his right-hand.

Was it in the condition it is in now?—Yes.

(The watch produced, and depoſed to by Mr. Bunbury.)

Court. Did the priſoner give you any account of that watch?—He ſaid he had won it that day at cards, at a coffee-houſe in Leadenhall-ſtreet.

Court to Proſecutor. Is it gold enamelled?—Yes.

Are the ſeals ſet in gold?—Yes.

Court to Lebar. What became of the watch?——I have had it ever ſince.

Are you ſure it is the watch you took from him?——Yes.

Mr. Garrow. What diſtance is it from Whitehall to the place you apprehended the priſoner?——About three miles.

Near his father's houſe?——Yes.

Did he perſiſt in the ſame ſtory at Bow-ſtreet?——I believe he did.

Has he been uniform in that ſtory?——Yes.

Leadenhall-ſtreet, where he deſcribes, is near the place where you apprehended him?——About three-quarters of a mile.

Is it in the road to his father's houſe?—It is in that neighbourhood.

ISAAC PETCH *ſworn.*

I am ſervant to Mr. Bunbury; I ſaw the priſoner come to my maſter's apartments between two and three, as near as I can gueſs.

What did he come there for?—He enquired for a young lady whoſe name I cannot remember, he was in the dreſſing-room when I ſaw him.

Proſecutor. The door is open at the bottom of the ſtair-caſe.

Court to Petch. Was any body in the room?—No.

What did you ſay to him?——My miſtreſs was in the drawing-room, and ſhe was ſending me up for a ſheet to lay on the ſopha; I aſked him who he wanted, he ſaid he had been knocking this half hour, and could make nobody hear, and he mentioned the name of Miſs ſomebody, which I cannot remember, and I told him there was no ſuch perſon in the houſe; he moved his hat, and ſaid *he was ſorry for the trouble he had taken.*

Was he dreſſed as he is now?——No.

Are you ſure that is the man?—Yes; I called the maid ſervant, and aſked her if ſhe knew that gentleman; ſhe ſaid no; he alſo moved his hat to her and went down ſtairs, and I followed him; he moved his hat at the door, and ſaid *he was ſorry for the trouble he had taken*; the door was upon the latch, and he opened it and went out.

Are you ſure this is the man?—Yes.

Court. Is not there a door out of the dreſſing-room into the bedchamber?—Yes.

Mr. Garrow. How was the priſoner dreſſed?—He had an olive green coat on, and a round hat, and his hair was tied and very elegantly dreſſed.

Had you ever ſeen that perſon before?—No.

How ſoon did you ſee him again?—In Bow-ſtreet, he was charged with this robbery.

He had a fetter upon his leg?—Yes, he had.

All that corroborated a little towards inducing you to ſwear him?——Yes, Sir.

This was at the diſtance of four days?—Yes.

You had not ſeen him in the mean time?—No.

Is the ſtair-caſe light?——Yes, very light.

Could you have ſworn to the man if you had met him in the ſtreet, would you have ſaid that is the gentleman that was at our houſe?—Yes, Sir, I ſaw him there.

And that helped you pretty much?——No.

You ſay you think you ſhould have known him?—Yes.

Why a flap round hat does not help one much to know a man again; was his hair well dreſſed at the Juſtice's?—I do not recollect it, his coat was a ſort of olive green, inclinable to brown.

That is pretty difficult to deſcribe; did you ſwear to him at the Juſtice's?—Yes.

Poſitively?——Yes.

Could not your fellow ſervant ſee him as well as you?——He was a very pale faced young man.

And you following him, and ſeeing the back of his well dreſſed head, could ſwear to his pale face?—She did not ſee his face not two minutes.

How many minutes might you ſee him?——Not long, I do not know how long; Mrs. Harris ſaid, ſhe believed him to be the man.

You are not ſure that you ſhould have known him any where but at the Juſtices, with a fetter on, ſtanding at the bar?—No, Sir.

Court. I think you ſaid before, you ſhould have known him, are you ſure that is the man by ſeeing him fettered, or by the recollection you have of his perſon?—I am ſure that is the man that was in the houſe.

Court to John Lebar. You took this priſoner about four in the afternoon; was his hair tied or not?—Yes.

Can you recollect the colour of the coat he had on?—It was green.

Was he genteelly dreſſed at that time?—Yes, he had a green and gold waiſtcoat on.

Court to Petch. Do you recollect his waiſtcoat?——No, I do not.

You ſee if he was the man he had hardly time to change his clothes.

Priſoner. My Lord, I wiſh to aſk the witneſs a queſtion.

Court. You had better write it down and ſend it to your Council.

Mr. Garrow. What time of day was it that you ſaw this perſon in your houſe?—As near as I can gueſs between two and three, or a little after three.

What did you ſay about the hour at the Juſtices?——I told him it was about two or three.

Are you ſure of that?——Yes; I do not recollect particularly.

Did not you ſay it was between four and five?——No, Sir, I did not.

Upon your oath you did not ſay that?—I am ſure I did not ſay that, I ſaid between two and three.

MARY FOLEY HARRIS *ſworn.*

I ſaw a man at the door of my lady's dreſſing-room, the boy called me, and aſked me if I knew that gentleman; the boy ſaid he came up ſtairs to enquire for a gentlewoman with a French name, I have forgot the name; I told him I knew no ſuch perſon, and he pulled off his hat, and ſaid he hoped I would excuſe the liberty he had taken; I cannot ſay whether the priſoner is the man; it was between two and three o'clock.

Proſecutor. The ſtair-caſe opens to the hall and the door was open.

PRISONER's DEFENCE.

I went to the Coffee-houſe in Leadenhall Street, between ſeven and eight in the morning, and after I had been there the ſpace of half an hour, there came in this man and offered this watch to ſell, to two or three, and he came to me, and I played him three games at cribbage for three guineas a game, and won this watch of him.

Court to the Priſoner. What is your father, Sir?—A maſter Stone-maſon.

WILLIAM WESTON *ſworn.*

I have known him ſomewhat under two years, never knew but he was a hard working young fellow, he is a Stone-maſon, his father is a Stone-maſon, he works under his brother of the ſame buſineſs, I keep the Horſe and Groom, in King-ſtreet.

Court. Did you ever hear of his being in Newgate before?—Never in my life, I never knew he was.

Court to Jury. With reſpect to the capital part of the caſe you will be relieved; for the proſecutor lives in the Invalid office, which is an office under government, he is permitted to reſide there. Now a chamber, in a college, or an Inn of Court, where each inhabitant has a diſtinct property, is to all intents and purpoſes the manſion houſe of the owner; ſo alſo is a room or lodging in any private houſe, the manſion for the time being, if the owner does not dwell in the houſe; but if the owner lives there it is to be conſidered as the houſe of the owner: therefore this not being in acceptation of law, as ſtated in the indictment, the dwelling houſe of William Henry Bunbury, although you ſhould be of opinion, that this young man was guilty of ſtealing the watch, as to the capital part of the charge you muſt acquit him.

GUILTY

Of ſtealing, but not in the dwelling houſe.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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535. JOHN HUNTER was indicted for feloniouſly ſtealing on the 22d day of May, one Scotch lawn handkerchief, value 3s. one garnet neck-lace, value 10s. one pair of gold ear-rings ſet with gold, value 10s. one gold mourning ring, value 18s. one amethyſt ring ſet in gold, value 20s. a cornelian ſeal ſet in gold, value 15s. one enamelled ring ſet in gold, value 20s. one ſtone marquoiſite ring, value 5s. one diamond ring, value 20s. one ſtone ring, value 6s. one ſilk watch chain, twiſted with gold, value 5s. eighteen guineas, value 18l. 18s. four half guineas, value 2l. 2s. and one ſilver dollar, value 4s. 6d. the property of John Harris, in his dwelling houſe.

JOHN HARRIS *ſworn.*

I am a ſilk-dyer and ſcowerer, I live in Chapel-court, Oxford-chapel, I am a houſekeeper, I miſſed my property, which was a purſe containing eighteen guineas, and four half guineas, which was in a drawer in a bed-room, in a ſmall neſt of drawers, the other articles, the rings, and every thing mentioned in the indictment, were in the ſame purſe, I loſt a Scotch lawn handkerchief, and I found it at the priſoner's lodgings; I charged the priſoner on ſuſpicion.

Why did you ſuſpect him?——On Saturday laſt he was working for me, and had for ſome time occaſionally; part of the things that were in the purſe were found on the chair, and upon looking into the drawer, the purſe was gone, he had worked for me before at different times but not conſtant, ſince the middle of March laſt; when he had done, which was about three o'clock, I paid him what I owed him, and ſent him on a meſſage to my calender's at Moorfields, he went and returned without the things, and I was at the back-door, and ſaw him give the wrappers to my wife; he went from there, and in about an hour and three quarters of an hour, my wife, (*here ſhe is*) ſhe and I heard ſomebody going up ſtairs, ſhe called to our little apprentice, who is that, ſhe ſaid John, what buſineſs has he there? ſays I, he is gone up for a coat that he had up ſtairs, which I gave him leave to clean; in a few minutes after he came out, which was a little before eight, I went and ſaw the priſoner go from my door, I did not ſee him come down ſtairs; on Sunday morning between three and four, I was informed the purſe and all the things were gone, I went to the Rotation-office to get him ſecured; the Monday morning about ſeven, the priſoner came back again to my houſe and puſhed open the door, he was going up ſtairs to fetch ſome clothes that were to bruſh off, I told him he ſhould not work there again, I had paid him off on Saturday night, he aſked me why; I told him he ſhould know ſoon, I had him ſecured and kept him till the time to go to the Rotation-office; I took him before the Juſtice, where he denied the fact, my apprentice ſaid ſhe ſaw him go up ſtairs that night; you are a liar, ſays he to the girl; he denied coming in my hearing, he was ſearched and nothing found upon him belonging to me, I went and ſearched his lodgings, and looking over the things, I found a cambrick handkerchief, I took it up, and he ſaid it came from the country, and he told the Juſtice the handkerchief was ſent him by his mother from the country, with a pair of ſtockings.

FRANCES HARRIS *ſworn.*

On Saturday evening between ſix and ſeven, that man, the priſoner, returned from Moorfields, I ſaid, give me the things and go no further, I then came in, I had ſome friends at tea, and while I was ſitting I ſaw the ſhade of ſomebody, and heard the foot, and I aſked Mr. Harris who is that, he anſwered me it is John; what ſhould he go up for, ſays I; I have given him leave to clean a coat; ſays I, I was frightened laſt week with him; in ten minutes I ſaw the ſhade paſs.

Court. Did you ſee the priſoner go up ſtairs?——I ſaw the priſoner on the Friday, I only ſaw the ſhade of him go out of the paſſage, I did not ſee him afterwards till the Monday morning; then when I came down I found my ear-ring, which led to the diſcovery, I found a garnet ear-ring upon the chair by the ſide of the drawers, which had been before in the purſe, all the articles mentioned were in the purſe, eighteen guineas, four half guineas, and a dollar, there were two ear-rings in the purſe, one of which I found in the chair, that made me open the drawer where the purſe was, it was my own purſe.

Mr. Sylveſter. Did you go to church that morning?——I had not been out of the houſe, the next morning he was taken into cuſtody, while I was waiting in the paſſage, he was at the back-door, he aſked me the reaſon of all this, I ſaid you ſhall ſoon know; I ſaid John, you went up my ſtairs on Saturday night between the hours of ſeven and eight, he denied it; I ſaid John do not ſay ſo, for the girl ſaw you, upon which he immediately made oath and ſaid, it is a damned lie.

Court. Look at that handkerchief which was found at the priſoner's lodgings?——This handkerchief I miſſed on the Thurſday before, I made that hadkerchief, here is the fellow of it.

Mr. Sylveſter. Is it not what they call a French cambrick?——No, Sir, it is not.

Are you a remakable good work-woman?——I have been reckoned ſo.

Perhaps you can ſwear to the needle that made it; do you mean to ſwear to the ſhade?——No.

I thought you might, they are uſually hemmed round?——Not all.

Where there is a ſelvage you do not hem them?——I always do.

This was loſt the Thurſday before?——I am ſure it was the Thurſday, becauſe it was the day of the waſh.

Did you examine the waſherwoman's pocket when ſhe went home?——No, Sir, I had no occaſion, ſhe had lived ſervant with me upwards of ſeven years.

I take it for granted, that every body that has lived with you, or has any thing to do with you muſt be honeſt; whether ſhe took it home with a bit of ſoap wrapped in it you cannot tell?—No.

You are not angry with me I hope?——Not at all, Sir.

SARAH ROGERS *ſworn.*

What age are you?——Fourteen next Chriſtmas, I am apprentice to the proſecutor.

On Saturday in the evening did you ſee the priſoner at any hour in the houſe of Mr. Harris?—Yes, when I went to fill the firſt tea-pot, it was between ſeven and eight, I ſaw him on the ſtairs.

You are ſure it was the priſoner?—I am ſure it was the priſoner going up ſtairs in the chamber.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of MAY, 1784, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of John Hunter.

Had you given him any leave to go up ſtairs?—No, Sir, I had no converſation with him.

What could you imagine was his reaſon for going up ſtairs?—My miſtreſs ſaw him go up, ſays ſhe there is John gone up ſtairs, ſays my maſter, I fancy he is gone up for his coat, ſays my miſtreſs, he ought not to have gone up ſtairs, he ſhould have come and ſaid, Sir, I will be much obliged to you to let me go.

I underſtand your maſter, that he had given him leave to fetch down that coat.

Court to Harris. Had you given the priſoner any leave to fetch down that coat?——I ſaid probably he was gone up for the coat.

Court to Rogers. Did you ſee him come down again?—I did not, I certainly ſaw him go up, he looked at me and I looked at him, I ſaid nothing to him.

Mr. Sylveſter. The workſhop is up ſtairs?——Yes.

It was no unuſual thing for the workmen to go up?——Sir, it was an unuſual thing when my miſtreſs told him not.

Aye, your miſtreſs ſaid he ought to have been polite, ſhe made a ſpeech which he ought to have made himſelf?——Yes.

She thought it was rude?——Yes.

But there was nothing remarkable in his going up ſtairs?——No.

Court. Had it been his uſual practice to go up and down ſtairs without aſking any particular liberty to do it?——Yes.

Without any oppoſition or enquiry?—Yes.

ELIZABETH COWPER.

I deſire to be ſworn according to the Church of Scotland.

Mr. Juſtice Willes. That is holding up the hand inſtead of kiſſing the book.

Mr. Garrow. That is a ſort of affirmation.

Court. You ſee for the ſake of the precedent it ſhould be attended to, and ought to be conſidered.

Court to Mr. Reynolds. Has it been taken here?——Yes, my Lord, ſeveral times.

Court to Proſecutor. She can ſay nothing of any conſequence.

Mr. Harris. This woman waſhed the priſoner's linen.

Mr. Sylveſter. What that woman will ſay is another thing, but we do not want to hear you ſay what ſhe will ſay.

Court. Mrs. Cowper cannot ſay it was the handkerchief of Mrs. Harris.

WILLIAM BLACKETER *ſworn.*

I took the priſoner to the watch-houſe, I attended for Mr. Newport to take the priſoners to priſon, he remained there till ſix in the evening to be examined again, and he told me he had ſome money at home, ſays I, you cannot have any, ſays I, your lodgings have been ſearched; ſays he, I do not truſt any body with my money; I went with him myſelf, and took another man with me, and he ſaid he wanted to go down ſtairs, I went with him, and he ſat there for ſome time; I ſaid I cannot wait all day for you, and he came up and went out of the door again, without getting any money; ſays I, where is the money; he ſaid, you will not give me time; I ſaid I do not hinder you, ſo he heſitated ſome time, and then he ſaid it is not worth contending; he ſaid I have made away with ſome of it, and he went down again to the vault, and took it out of a hole in the wall, fifteen guineas in the purſe, and gave it to me, *(produces the purſe and money)* there were fifteen guineas in the purſe, and four half guineas and a dollar; when I took him back again to his lodgings, he took it out of ſome mould that was in a bit of paper, he kicked it up with his foot, and the paper was all wet; I put the gold and the other money together, the dollar I kept; this is the ſame, this is the purſe.

Court to Harris. Is that purſe yours?—It is not; I can identify the dollar, I have had it in my poſſeſſion ever ſince the year 1780.

Any particular mark?——Only rather thin and large.

Court. There is no particular mark upon it?——Not that I know of, only being very much worn.

Have you a dollar of the year 1773?——The date I do not know, but that dollar has been in my poſſeſſion ever ſince the year 1780, which came with ſome other money to me from the country.

There was no mark on the gold?——No.

Mr. Sylveſter. It was in King Philip's reign I ſee, did you obſerve that before?—I do not know what reign it was in.

Did you ever ſee a dollar before?——I have.

Court to Harris. Will you ſwear that in that purſe that was taken away, there was a dollar?—I poſitively will.

Court to Mrs. Harris. Will you ſwear the ſame?—I will.

PRISONER's DEFENCE.

When I went to work on Monday morning, Mr. Harris ſtopped me, I was going up ſtairs as uſual to get a cleaned coat to do off, and he ſtopped me; I did not get up ſtairs, he ſent for a conſtable, and told me I was his priſoner; he would not tell me what he took me for; this man told me to produce the money, and I ſhould get clear off, there ſhould be nothing at all done to me, and this money that I have produced is my own, and I did it to get clear.

Court to Blacketer. Did he deſcribe what gold it was?—He ſaid he had made away with part of it, and that he had thrown the trinkets over Black-friars Bridge.

Mr. Sylveſter. What did you ſay to him, tell the whole.——I have told the whole.

No, not quite, it is better for you to own it?—I did not tell him to do that.

What did you tell him?——I never told him any thing, there was no promiſe upon my oath, I told him it was not in my power to ſhew him any favours, I ſaid nothing more.

What could induce a man, whom you knew nothing of, to give you his money?—I do not know.

Court. Did you threaten him or frighten him?——No, not at all.

Did you ſay the proſecutor would ſhew him any favour?—I did not.

Court. Did you find any of the trinkets?——No, my Lord.

Mr. Sylveſter. Did you make any promiſes at all?——No.

The priſoner called three witneſſes, who all gave him a good character.

Court to Jury. The circumſtance of the handkerchief is too ſlight to influence your judgment, and you will judge what credit is to be given to the evidence of William Blacketer, on whoſe evidence the caſe entirely reſts.

GUILTY, **Death.**

The priſoner was humbly recommended to mercy by the Jury.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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536. JOHN OWEN was indicted for feloniouſly ſtealing, on the 22d of April laſt, thirteen pounds weight of lead, value 2s. half a pound weight of braſs, value 6d. belonging to ——— Malling, Eſq; fixed to a certain ſtable then and there ſituate, againſt the ſtatute.

JOHN WAINWRIGHT *ſworn.*

I am conſtable of Allhallows; going down Buſh-lane, the priſoner had a ſack on his back, on ſeeing me he dropped the ſack and run away, I ran after him and cried out ſtop thief.

What did you find in the ſack?—A lead pipe and chiſſel.

What did he ſay for himſelf?——He ſaid he picked it up.

NATHANIEL COLLINS *ſworn.*

I know the property, it belongs to my maſter.

How do you know it?——I have known it fourteen years, it belongs to a ciſtern that waters the horſes, faſtened by a lock and chain, it ſlips in a ſocket.

Was it tried whether it fitted that ſocket?—Yes, I fitted it, it fits it perfectly well.

PRISONER's DEFENCE.

I was coming out of the yard, and found the ſack, but the lead was in the ſack, and the gentleman took me to the watch-houſe.

GUILTY.

Privately whipped, and diſcharged.

Tried by the London Jury, before Mr. RECORDER.

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537. JAMES LAPIER was indicted for feloniouſly aſſaulting Abina Hobart, wife of George Hobart, Eſq; on the 8th of May, and putting her in fear, and feloniouſly taking from her perſon and againſt her will, one gold ear-ring ſet with diamonds, value 15l. the property of the ſaid George Hobart, Eſq.

ABINA HOBART *ſworn.*

I was going out of the Opera houſe on Saturday fortnight, at the King's door as I was going into my coach, I felt a perſon take hold of my ear, and pull my ear-ring, and endeavour to pull it out.

Court. Was your ear-ring taken out of your ear?——Yes, it was ſeparated from my ear, it was a gold ear-ring ſet with diamonds; the tearing my ear down hurt me very much; my ear bled, I ſcreamed out, and miſſed my ear-ring; I then got into the coach and got home, after I went home my ear-ring was found in my hair; I did not ſee the priſoner at all.

EDMUND LASCELLS, Eſq; *ſworn.*

I was in company with Mrs. Hobart at this time I was coming out of the Opera with her, I had hold of her hand at the door, I heard her ſcream very loud, and ſaid ſhe had loſt her ear-ring; I immediately followed the priſoner, and took hold of him; I ſaw him when ſhe ſcreamed out with his hand up to her ear; I immediately ſeized him, and gave him to the centry that was upon guard at the Opera-houſe door; the priſoner was the perſon.

Court. Are you ſure his hand was the only one that was up to Mrs. Hobart's ear?——The only one that I ſaw.

Was

Were any other perſons near her?—There were other perſons about her to be ſure, her ſervant and a ſoldier; when I ſeized the priſoner, he aſked me very particularly, whether the lady ſaid ſhe had loſt her ear-ring.

Court. Then had you ſaid any thing about an ear-ring?——I gave charge to the conſtable, and told him at that time that the lady had loſt her ear-ring, and the conſtable immediately examined the man's pockets.

When you ſeized the priſoner, did you tell him that he had taken the lady's ear-ring?——I told the conſtable; I laid hold of him juſt as he was paſſing by the ſentry, I gave him to him at that moment, and I mentioned ſomething of Mrs. Hobart's ear-ring; he did not aſk the queſtion till I had given him in charge.

Priſoner. I beg to aſk the lady, whether ſhe can ſwear that the ear-ring was in her ear when ſhe came out of the Opera-houſe?——Yes, I ſwear that the ear-ring was in my ear till it was pulled out; I ſaw that the perſon that took hold of my ear put his arms acroſs; I ſaw his back, and I immediately ſaid, that is the perſon that pulled my ear.

Jury. Do you think the priſoner is the perſon that pulled your ear?—I never ſaw his face.

Priſoner to Mr. Laſcells. Whether you ever ſaw me have hold of the lady's ear or ear-ring?——I never ſaw the ear-ring in his hand, but I ſaw his hand up at her ear juſt when ſhe ſcreamed out.

Priſoner. Whether or no, when he took me into cuſtody, I did not ſay to him, I have ſtole nobody's ear-ring, and he ſaid yes, you have ſtole that lady's; I ſaid aſk the lady?——The very words were, has the lady loſt her ear-ring?

BLACKBURN CLARKE *ſworn.*

I was upon duty at the Opera-houſe on Saturday fortnight, I ſaw the priſoner make up to the lady and lay his hand over her right ſhoulder, and make up to her ear, and dragged it till the lady called out, O Lord! my ear-ring is gone; that is the lady.

Court. Look at the priſoner, and be certain whether it was him or not?—I am ſure it was him; that gentleman made up to him firſt, and I immediately followed him, and he laid hold of the priſoner, and I took him to the watch-houſe; the priſoner aſked the gentleman to aſk the lady whether ſhe had loſt any thing.

Did the priſoner deny having touched the lady's ear?—Yes.

Priſoner. Whereabouts was you ſtationed if you was upon duty when the affair was done, at which door?—I was ſtationed by the conſtables that patrol the ſtreet, I was near the King's door at the time.

Priſoner. Colonel Laſcells took me forwards towards the great door; if the man was before me, which he ſays he was, he could not ſee what was done behind him at the diſtance of forty yards; he took me by the little door, which is forty yards from the King's door.——I was at the lower part, next to Pall-mall, the door that he ſpeaks of was up above; I was near the King's door, I was about ſix yards behind him.

Could you ſee him do that?——Yes, plainly.

ANN ——— *ſworn.*

I am the watch-houſe keeper's wife, the priſoner was brought on the 8th of this month to St. James's watch-houſe at twelve at night; on the 9th, between eleven and twelve, there came four men to the door, he was locked and bolted there, one of them aſked if he could go down and ſee his friend, I ventured to let one down, and in three minutes the three men came up, the priſoner had a chiſſel, the firſt came up into the watch-houſe, the other had a bludgeon, and the third had a ſtick, and the priſoner held the chiſſel to my breaſt, and ſaid, you bitch, I will kill you if you make any reſiſtance.

Court. This has nothing to do with the fact.—No, but I am in great danger, I am frightened out of my life.

PRISONER's DEFENCE.

My Lord and Gentlemen of the Jury, as I have it not in my power to employ Council

cil, if I ſay any thing that is not ſtrictly proper, I hope you will impute it to the want of a better underſtanding; the day of the month I cannot recollect, but I was coming by the Opera-houſe when that gentleman took hold of me, and accuſed me of ſtealing that lady's ear-ring; I ſaid I had ſtole no lady's ear-ring; the ſoldier came up, and ſaid, you villain, I ſaw you; you ſcoundrel, ſaid he, you deſerve to be hanged; ſays he, I will have a new ſuit of clothes at your coſt, thank God; ſays I, then by that you mean to ſwear my life away: I am ſure he is biaſſed by the hope of reward to ſwear what he does; this is all I have to ſay, and I leave my caſe to the conſideration of the Gentlemen of the Jury.

Court. How do you get your livelihood? —I am a Taylor, I work with my father and mother, No. 20, Church-ſtreet, Saint Ann's, Soho.

(The witneſſes called, but none appeared: His father came in and ſaid, his friends were here laſt night till nine o'clock, and I cannot now find them, they are gentlemen of character and reſpect, in the neighbourhood where he lived.)

Court. Gentlemen of the Jury, I have a difficulty in point of law upon the ſubject, for in all larceny there muſt be a taking and carrying away, theſe are neceſſary and eſſential parts to conſtitute the offence, here there was a taking, the earing was ſeparated from the ear; a number of caſes has been decided upon this ſubject, two of them came before my Lord Manſfield, ſince I have attended, which I will mention to you: one of them was, a perſon got up in a waggon where there was a bale of goods, it lay horizontally, but he ſet it up on the end, and whilſt he was taking things out of it, he was detected by the waggoner; that was reſerved for the opinion of the Judges, the Judges were of opinion that it had not been at all removed or carried away in any degree, therefore they were of opinion, that it was not a larceny; there was another caſe which I tried, that was where a parcel of goods taken out of the Uxbridge waggon, went through Oxford-road, and at a grocer's door, a parcel of ſugar or other grocery was taken up there, and put into this waggon; a boy that was tried, got up into the waggon, he had taken theſe to the tail of the waggon, and there he was ſeized, and that was held to be a larceny, for there it was removed. There is in print a very leading-caſe, where a man lay at an Inn, he intended to ſteal the ſheets, and he took them off the bed, and bundled them up and removed them, but he was detected before he got out of the room; the Judges held that to be a larceny, in this caſe the ear-ring was removed, and ſhe apprehended it was actually taken away: upon theſe authorities it is in my apprehenſion, ſufficient in point of law to conſtitute the offence, but however if you are of opinion, that the priſoner is the perſon that committed this fact, I will reſerve that caſe for the opinion of the Judges, and they ſhall decide upon it.

GUILTY, Death.

Court. Let judgment be ſuſpended, I will mention it the firſt day of next term to Lord Manſfield, let him be kept in cuſtody till next ſeſſions.

Tried by the firſt Middleſex Jury before
Mr. Baron PERRYN.

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538. THOMAS DARKIS was indicted, for that he on the 2d of May, on Robert Sturt, feloniouſly did make an aſſault, and in a violent manner did feloniouſly and wilfully demand the money, with felonious intent, the money of the ſaid Robert, from his perſon and againſt his will feloniouſly to ſteal.

ROBERT STURT *ſworn.*

I was ſtopped in a field in Iſlington pariſh, at half paſt ſeven in the evening, and the priſoner, I am poſitive it is him, came up to me, and demanded my money with a knife to my throat, I was going to White-conduit houſe, he kept the knife towards my throat, and ſwore he would run it into me if I did not deliver my money, I had a ſtick in my hand, and I immediately gave him a blow on the ſide of the head, and I got away from him and cried out murder! he tried to make his eſcape, I called after him ſtop thief, theſe two men run after him and caught him, he turned again and ſwore he would murder me if I did not get off, theſe two men were at the top of the field, the priſoner returned and ſaid he would murder me if I did not ceaſe calling out; he ran away and the two men ran after after him and called him, he never was out of my ſight, I am poſitive it was the priſoner; when he was taken he confeſſed every thing to theſe two men, in my preſence, that he was the man, and reſigned himſelf to them, and before the Juſtice he confeſſed alſo.

Was that confeſſion taken by the Juſtice in writing?—No.

He did not taken any of your property?—No.

GEORGE JOHNS *ſworn.*

I apprehended the priſoner, I had been for a walk, it was on Sunday, the 2d of May, in the afternoon, and coming home at the end of the field where the gentlemen play at cricket, I heard the gentleman cry murder! and the other man and me came up and took him, he ſaid I am the man, but it is the firſt time I ever did any thing in my life, he begged to be let go, the gentleman run up, and ſaid hold him faſt, he ſaid that is the man that put the knife to my throat.

PRISONER's DEFENCE.

I had not had a bit of bread for two or three days, I met the gentleman and aſked him for two or three half-pence, I thought I had better do that than do worſe, and the gentleman called out, whereas the people were all walking about, and theſe two men ſaid they would ſwear to me for the money.

Proſecutor. He never aſked me for any half-pence, here is the mark where he tore my waiſtcoat, he aſked me for no alms, if he had I ſhould have relieved him.

Jury. Have you got the knife?—He was ſearched but there was no knife found upon him, he run two fields off.

Court. Gentlemen of the Jury, this is an attempt to commit a robbery without an actual taking from the perſon, the party attacked; the law having ſaid the intention was not a crime for which a man could be indicted, by the act of the 7th of his late Majeſty it is changed, and if any perſon ſhould with any offenſive weapon aſſault, or ſhould by any menaces or in a violent manner demand any money, goods &c. he ſhall be tranſported for ſeven years, the queſtion is whether this caſe does not fall within the expreſs proviſion in this act of parliament.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Baron PERRYN.

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539. JOSEPH WRIGHT was indicted for feloniouſly ſtealing on the 6th of May, two-hundred and eighteen pounds weight of lead, value 40s. belonging to William Rothwell, fixed to a certain building there ſituate, againſt the ſtatute.

WILLIAM ROTHWELL *ſworn.*

On the 6th of May, I was informed there was a perſon in cuſtody, that was ſuppoſed to have robbed a houſe of mine in Sloan-ſtreet, Chelſea, the houſe had been robbed of near ſix-hundred weight of lead, they cut the middle, and pulled the ſides down into the gutter, they likewiſe ſtripped the dormer windows, they wrenched the nails out, and took the lead away, the lead was afterwards found; we went to the places where the lead had been ſtripped from, and compared, and found it fitted, I ſent for a *profeſſional man, a plumber*, the lead fitted to *the zig zag form*.

JOHN DANDY *ſworn.*

On the Thurſday morning the 6th of this month, I ſtopped the priſoner about twenty minutes after four, in Sloan-ſquare, Chelſea, he was coming from the buildings with another man, he had this baſket on his head, and another man had the knapſack on his back, there were three pieces of lead in the baſket about a hundred weight, I took him to the publick houſe and left him there, and the baſket was opened, and the three pieces of lead taken out, I ſaw the lead fitted to the place, I carried it up and it fitted it exactly, that was the Monday morning, it was the ſame lead I took from him.

Proſecuter. The watchman by my deſire put his own name on the lead, and it has been at my houſe ever ſince.

RUBEN JACKSON *ſworn.*

I am a Plumber, it fitted the place exactly, it was very plain to me, I meaſured the lead and the gutter, and it anſwered, I have no doubt it was taken from there.

PRISONER's DEFENCE.

I was going to Knightſbridge, a man had that baſket on his head, and he threw it down, and I was carrying it home with an intent to advertiſe it.

The priſoner called one witneſs who gave him a good character.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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540. JOHN LUCAS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of George Curling, Eſq; at the hour of eight in the night, on the 16th day of March laſt, with intent his goods and chattles burglariouſly to ſteal, take, and carry away.

The witneſſes examined apart at the requeſt of the priſoner.

JAMES SAMMES *ſworn.*

The priſoner was found in the houſe of Mr. Curling, on the 19th of March, between the hours of ſeven and eight, I only ſaw him after he was taken; Mr. Curling had juſt purchaſed the houſe and paid for it that morning, and he deſired me to take care of the things for him.

Court. Did any of the family ſleep there?—I put a man in.

Had any of this family occupied it?—No, there was ſome furniture in it, not much.

How long before had it been bought by Mr. Curling?—He bought it by auction, and paid for it that morning; there was ſome furniture of mine in it, I paid a man one ſhilling a night to ſleep in it; I ſaw the priſoner in the paſſage juſt within the door, and two more with him, and three or four of my men with them.

What did he ſay?——He ſaid they took hold of him as he came behind the door; I ſaw one of the others run.

What day of the month was this—This was the 19th of March.

Mr. Garrow, Council for the priſoner. In what way are you connected with Mr. Curling?—I had the ſale of the houſe and the furniture.

You however continued in poſſeſſion?—Yes, by the deſire of Mr. Curling.

At the time you came to the door, I take it for granted there were many people aſſembled?——There were ſeven or eight.

So that in that confuſion you might very well miſtake this man for ſomebody that came out of the houſe?—I might.

JOHN FIELD *ſworn.*

Upon the 19th day of March laſt, about eight in the evening, I was at the next door when this accident happened; one of the witneſſes gave me the key of Mr. Curling's houſe, to go and unlock the door whilſt he went to get the candle, I unlocked the door and it unlocked very eaſy, but there was a catch or bolt withinſide that ſtopped the door from opening, I locked it again; with that I ſpoke to Maggot, ſays I, there is ſomebody in the houſe, he came out with the candle, I unlocked the door again, it unlocked very eaſy, and I puſhed it and it flew open to its proper bearings, and there was ſomething ſtiffiſh from the door flying open; when I opened it I ſaw the priſoner at the bar and another man come up to me, I caught hold of him, and cried out thieves! or robbers! or ſomething of that kind, they were in the paſſage, the man on my right-hand got away, this priſoner I held in my left-hand, and he threw me out of the paſſage upon the pavement; we took him again and we ſearched him, and in his pocket we found the handle of a turn-ſcrew.

Priſoner. This gentleman ſays there was three men came out of the houſe, and this gentleman ſays there was only two.

Court. I obſerved that.

Did you ſee any more than two?—Yes, afterwards I ſaw another come out, but they both ran away.

Mr. Garrow. How happened it that you did not tell us about this third man?—Sir, I never was aſked.

Never was aſked! why you was told to tell your ſtory, did not you know you was ſworn to tell the truth; I take it for granted the man could not break open the door with the handle of a turn-ſcrew?——No.

You found nothing elſe upon him?—Not at that time.

Now do you think you could not miſtake this man, who was paſſing by, for one of thoſe that were in the houſe?—No, he never got out of my hands till the door was faſtened upon him, and then we ſearched him.

WILLIAM MAGGOT *ſworn*.

Mr. Sammes ſent for me to be at his houſe at night, I went and ſtaid a little, and I went to the houſe and ſaw the priſoner come out of the houſe, myſelf and Mr. Field took him, it was half paſt ſeven, or rather better; I went with Mr. Field and ſome others, and when I had done my buſineſs at next door, he deſired me to look into the houſe, and pull down the windows if any were open, that was my buſineſs there; I gave Field the key to open the door, he could not open it, whether it was bolted the inſide, or the latch ſtuck withinſide I cannot tell; however they forced it open, and three men came out, and the priſoner was one.

Court. Then you imagine that there might be windows open in the houſe?—I went with a view to pull down the windows if there were any open.

Mr. Garrow. How many windows were open?—I had not opportunity to ſee.

Now upon your oath do not you know that ſome were open?

Court. We certainly ſhall not preſume that they were ſhut.

Mr. Garrow. Which of the two Mr. Lucas's was it, the gentleman that wore ſpectacles, or the priſoner that got into the houſe?—The priſoner.

——— BALLARD *ſworn*.

I was ordered to Mr. Sammes's, I was there about ſeven o'clock, and his apprentice gave the key to one of the witneſſes, to ſee if there was any windows open, and we went to ſee; we ſaw but one half ſhutter up ſtairs open, ſays I there is not much here open, ſays he we will go and ſhut it; we tried to open the door and could not, the next time he ſhoved hard, the door flew open, and the firſt man that came out of the houſe kicked me, and got away.

Had you been in the houſe that day before?——No, then I called for aſſiſtance; here is a dark lanthorn that was found under the bed.

Mr. Garrow. How do you know?—Another man found it.

Court. Is he here?——No, they had this man in cuſtody.

Then you may withdraw.

EDWARD LUCAS *ſworn*.

I am conſtable for the pariſh of St. Giles's, and a Mr. Page came to fetch me.

Mr. Garrow. Where do you live?——No. 1, High-ſtreet, I have lived there for ſix or ſeven months back.

WILLIAM GROVES *ſworn*.

I am porter to Lord Manſfield; I was

ſitting in my Lord's hall, at the ſecond outcry I heard ſtop thief, and murder! I went ſoon after, and took my candle in my hand, and went next door, and there I ſaw one of the porters here had got hold of the priſoner at the bar by the collar, ſtanding at the door; one of the people ſaid he had flung ſomething away, and this little inſtrument was found, I looked in the highway, and picked up theſe keys.

Mr. Garrow. You found them in the highway?——Yes.

Court to Sammes. What time had you been in the houſe?——Not after twelve or one, I took three or four people with me, and went round the houſe, and found every window ſhut but one garret window, which was open.

Court. Gentlemen of the Jury, there is no occaſion to put this man on his defence, becauſe there is nothing ſtolen; I will explain the law to you in this caſe: the offence of burglary is that of breaking and entering a dwelling houſe in the night, after day-light is gone in the evening, and before the return of it in the morning, and that breaking and entering is a capital offence, even though nothing ſhould be actually ſtolen, provided it is done with intent to ſteal, or commit any other felony; but where nothing is ſtolen then the fact of breaking and entering, and the doing it in the night is the whole fact upon which the offence is to ariſe, and if you are ſatisfied of that fact, then you are to conſider whether it was done with a felonious intent; now, in this caſe, there is no evidence before you that a felony was actually committed, becauſe, in order to conſtitute this offence, there muſt be a breaking and entering, and that muſt be in the night; and in order to prove a breaking and entering, you muſt have actual proof of ſome part of the houſe being broke and forced open, of which there is no proof in this caſe; or at leaſt you muſt have proof that the whole of the houſe, all the doors and windows were ſo ſhut and faſtened, that no perſon could by any poſſibility get into that houſe without breaking it, in this caſe there is no ſuch evidence, for there is no evidence at all that the windows were ſhut, on the contrary, one of the windows is found open, the ſaſh open, and it is plain that the witneſs went with an expectation that ſome of the windows would be open, and went to ſhut them; there is therefore no evidence to the breaking, and nobody having been in the houſe ſince twelve at noon, there is no evidence how this man got into the houſe after day-light was gone, eſpecially as on the 19th of March it is day-light till near ſeven, and theſe men were found in the houſe at half paſt ſeven; therefore, though there is every reaſon to ſuſpect that this man intended to commit a burglary, there is no evidence in this caſe.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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541. JOHN BRANTON and CHARLES GANLEY were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Edward Thompſon, about the hour of eight in the night, on the 10th of March laſt, and feloniouſly ſtealing therein, one ſilver milk pot, value 36s. two ſilver ſalts, value 30s. one ſilver pepper caſtor, value 10s. one pair of ſilver tea tongs, value 5s. five ſilver table ſpoons, value 50s. ſix ſilver tea ſpoons, value 15s. one watch, with the inſide caſe made of gold, and the outſide caſe made of ſhagreen, value 10l. one pair of ſtone ſhoe buckles, ſet in ſilver, value 30s. one pair of ſteel ſhoe buckles, value 3s. one ſilver purſe, value 2s. one crown piece, value 5s. two half crown pieces, value 5s. one ſilver three-pence, value 3d. the property of Edward Thompſon.

Mr. Garrow, Council for the proſecution, opened the caſe as follows:

My Lord, and Gentlemen of the Jury, the burglary in queſtion has already been the ſubject of inveſtigation in a former ſeſſions, in which one man has been convicted for this burglary; and I have the authority* of a very learned Judge, who attended in the laſt ſeſſions, to ſay, that the burglary is, in point of law, proved; and therefore the whole queſtion is, whether theſe priſoners are the accomplices in a burglary, which the learned Judge has deſcribed to be of a very atrocious nature, though not within the common caſes of burglary. The circumſtances of the caſe are ſhortly theſe; that Mr. Thompſon, being an old gentleman, and living at Iſlington, the priſoners at the bar, in company with ſome others, came there on the 10th of March laſt, they knocked at the door, and the ſervant having opened it, they ſaid they had a letter for ſomebody, they delivered the letter, and immediately ruſhed in; having got into the houſe, they ſecured the maid ſervant and the miſtreſs, who is an old lady, and they then ſtripped the houſe of almoſt every thing of value. Gentlemen, I ſhall call the witneſſes in proof of theſe facts, and you will, in that caſe, have no doubt in pronouncing the priſoners Guilty.

Mr. Juſtice Willes. There is no doubt of the law, if a man knocks at any door at night, and gets admittance by a falſe pretence, that is burglary.

ANN MARTIN *ſworn.*

Examined by Mr. Garrow.

I am ſervant to Mr. Thompſon, he lives at No. 3, in the Lower-ſtreet, Iſlington, I have lived with him almoſt ſeven years; about a quarter after ſeven in the evening, the 10th of March———

Court. Was it dark then?—Quite dark, it was a rainy night, we had lighted candles about a quarter of an hour; there was a gentle knock at the door, my miſtreſs ſaid, ſomebody knocks: I went to the door and I asked who was there, and I thought they ſaid there was a letter of importance, but however they ſaid there was a letter; I opened the door a little way, and a man preſented the letter, I put the door a little way open, this is the letter, I ſaw a part of the direction.

Court. Had you a candle in your hand?——Yes, in a flat candleſtick.

Mr. Garrow. To whom is it directed?—To Miſs Young, Iſlington; I told them it was not for me, nor any body in that houſe; I was going to puſh to the door, they ſaid ſtop, and they puſhed the door in, and all ruſhed in; and one of them took me by the throat; I think to the beſt of my knowledge there were ſix of them that came in, one of them ſeized me by the throat, which ſtopped me from crying out, but he dropped his hand a little, and I cried out, O Lord Jeſus! we ſhall all be murdered!

Court. How long had you lighted candles before this?——About a quarter of an hour, or rather better.

It was not twilight, it was dark?——It was dark.

Mr. Garrow. What did they do then?——Then I deſired them to let me go into the parlour to my miſtreſs, who was juſt come out of a fit of ſickneſs, as they would frighten her to death.

Court. What is become of the man that was convicted laſt ſeſſions?——He is under ſentence of death.

Has the report been made?—I believe not.

Have theſe priſoners any Council?

Mr. Sylveſter. I am for Branton; take the accomplice out of Court.

Mr. Garrow. What did they ſay or do on that?—They all went into the parlour, and one of them, who I believe is the tall man that had the cutlaſs, took my miſtreſs by the head; when they let me go again, I ſcreeched out, and ſome of them ſaid damn them, gag them, and the other ſaid cut them down the head; one of them had a cutlaſs, which he pulled out of his breaſt, he was a tall man in a brown coat, he had a cocked hat on, and a white cloth over the left ſide of his face, he is one of the evidences; they let me go, and one of them took my miſtreſs by the head; to the beſt of my remembrance they all went into the parlour at firſt.

Court. Did they put your candle out, or did it continue?—No, Sir, they took my candle into the parlour, they went behind my miſtreſs, and I was afraid they were going to kill her, and I began to ſcream, and then they began to ſwear again, and bid us be quiet and they would do no harm; I believe they were about ten minutes in the parlour altogether, they ſtood till we were quiet, then four of them went out and left two in the parlour.

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* See Seſſions Paper, No. V. Part I.

Court. Had they any diſguiſes?—I ſaw none of them diſguiſed but the tall man.

How many candles had you in the parlour at this time?—My miſtreſs had no candle while I went to the door, and until the four men went of the room we had but one candle lighted, I believe the men lighted the other candle.

Court. As there was but one candle in the parlour, and none of them were diſguiſed, had you an opportunity of obſerving the faces of the men?—I obſerved the face of the tall man, and the man at the bar, which is Branton, they were the men that were left in the room, he was dreſſed in a brown great coat buttoned up.

Court. Was any part of his face covered?—I do not know, he was buttoned up very cloſe, and his hat a great way over his face, and I obſerved him to be very broad over the ſhoulders and thick, eſpecially his neck; I ſaw his noſe, and his mouth, and his chin.

Can you ſwear that man was the man?—I am ſure he was the man, I am ſure to the beſt of my knowledge that is the man.

Court. Can you or can you not ſwear that that is the man?—I am ſure he is the man that walked with the piſtol in his hand, from the parlour door to the card-table which ſtood in the room.

How long had you a light after the four men were gone out of the room?—It might be twenty minutes; I ſaw a piſtol in Branton's hand as ſoon as he got into the parlour.

What were they doing in the parlour?—They never left the room till my miſtreſs ſaid, ſomebody knocks at the door, let your maſter in; the accomplice, who had a diſguiſe on his face, William Haſkey and the priſoner Branton were walking backwards and forwards all the time; my miſtreſs ſaid, there is ſomebody knocks at the door, and ſhe ſaid it is your maſter; I ſaid, no madam, my maſter cannot be come yet, it is not nigh eight o'clock, for he ſaid he would be at home at eight o'clock; upon that the priſoner Branton left the room, and the other went to follow him, and Branton bid him ſtop, which he did; he continued in the room with me and my miſtreſs, and ſome time after that it might be a quarter of an hour as I believe, I heard the ſtreet-door open, and the man came into the room in a ſhort jacket, that is him who was tried laſt ſeſſions, his name is Ganley or Ganby, (*now the Judge called for a Seſſions Paper of laſt ſeſſions.*) he took the candle out of the parlour, I ſaw him go in for the tongs, and break open the deſk, I ſaw him take the tongs; nobody was preſent then but Haſkey and Ganley, he came into the fore-room for a candle, ſoon after that the man in the ſhort dreſs, that is Ganley, came into the room, and looked round the parlour, and the other followed him, and I ſaw no more, I did not obſerve he came in with a candle, there was no candle, but there was a good fire in the room, then Haſkey and Ganby went away, then they went out of the houſe.

Court. I ſuppoſe they riffled the houſe above?—Yes.

Who was in the houſe beſides your maſter and miſtreſs?—A waſher-woman, and a child of about ſeven years old, a niece of my maſter's, whom they frightened very much.

What things were loſt?—Four ſilver table ſpoons and one odd one, and a pair of ſalts, but my miſtreſs can give you a more particular account; I know there was a watch hanging up at the chamber chimney.

Do you know any thing of the other priſoner?—He might be in the houſe but I do not know him.

Mr. Sylveſter. They were all out before eight?—Yes.

How long before eight?——I cannot tell.

You was very much frightened ?—I was not ſo frightened but I was ſenſible, I was very much alarmed, I did not think of myſelf, but I was afraid they would frighten my miſtreſs.

Mr. Garrow. When they firſt came into the houſe, did you obſerve any thing like gags in their hands at that time ?—Yes, I obſerved ſeveral pieces of wood in their hands, in the hands of one of them at that time of diffurent ſizes, I obſerved them in the parlour, when they were about my miſtreſs, they cried ſeveral times gag them, the child was wrapped up in the curtain, ſhe ſcreamed violently, and when the waſherwoman came up, Haſkey deſired the woman to take the child, and quiet her, ſhe took the child and quieted her.

Mr. Sylveſter. You ſay you was very much alarmed the whole of this time ?——Yes.

One man was dreſſed in a brown great coat buttoned up very cloſe ?—Yes, the man with the piſtol, it was ſo buttoned up that I could not ſee any other cloathing; he had a flapped hat a good way over his forehead; I could ſee his noſe, and his mouth and his chin.

I ſee you are ſubject to be frightened a good deal ?—I was not ſo frightened then.

What made you ſo frightened juſt now ?—Becauſe I could not help it; when they were all ſtill and quiet, I had an opportunity of viewing the men, I never ſaw this man before to my knowledge, nor ſince till he was taken up; the men were put to the bar, and they aſked me if ever a one of them was the man.

You knew there was a reward ?—As for reward, I do not come about reward.

Anſwer my queſtion, that refreſhed your memory wonderfully; have not you had part of it this ſeſſions ?—No, nor do not intend to have any.

You have had none ?—I have had none of it, I know nothing about it.

Court. Have you had any part of the reward for the conviction of the other man ?—No, Sir, I never heard there was any for me, but for the man that took them I heard there was, I did not intend to have any, I am not fond of any ſuch things, I came here to ſpeak the truth.

Mr. Sylveſter. You never ſaw ?—It is very true.

Who has told you what I am going to aſk you, becauſe you tell me it is very true, before you know what it is; now I aſk you, as you never ſaw the man in your life before, and was frightened as every man and woman muſt be, when ſix people break into their houſe, and a man was muffled up with his hat over his face, can you venture to ſwear to him ?—I know the very gait of him.

Does he hobble in his gait ?—No he has a ſtooping manner, I do not know that ever I ſaw any man walk in his gait like him, I do believe that he is the very man I ſaw in the parlour.

You ſay to the beſt of your knowledge ?—I know he is the ſame.

By what do you know him ?——I know very well that he is the ſame identical man, that had that long cutlaſs. When people are frightened, they often take a more particular idea of people, than they do at other times, I ſaw many men at all the offices before theſe men were taken up, and I never pretended to know any but the man that were in the parlour, and the man who was caſt laſt ſeſſions, who came in and out.

Then you mean to ſwear to the lower part of the man's face, and to his gait ?—Yes.

You are as certain of the one as the other ?—Yes.

Court. They were 25 minutes in the room, and a candle in the room.

(*The letter produced, being a blank ſheet of paper, directed to Miſs Young, Iſlington.*)

Was it ſealed ?——No, it was juſt as it is now.

ELIZABETH THOMPSON *ſworn.*

Examined by Mr. Garrow.

So much of the account I ſuppoſe, as this girl has given of what paſſed in the paſſage, is true as far as you know; what paſſed in the parlour when theſe men came in, how many came in into the parlour at firſt?—I was too much frightened to count them.

Were there two or three?—Yes, I dare ſay there was.

Do you believe there were ſix? Yes, I believe there were; the maid and myſelf were in the parlour, and the child.

How long did they all ſtay in the parlour?—Some of them went out very ſoon.

Did you obſerve the perſons of any of the men who were in the room at the time?—Yes, I did.

How many were left in the room, when the others went away?—Two.

Do you know any thing of the perſons of one of them?—Yes, I know that one.

Who is he?—It is he that is turned evidence, I do not know the perſons of any of the reſt.

What did you loſe?—I loſt my watch which was hanging up in my chamber, it was a gold inner caſe and a black ſhagreen caſe; and a ſilver milk pot, five table ſpoons which were in a caſe up ſtairs, with ſome ſilver handled knives and forks, they only took the ſpoons, ſix ſilver tea ſpoons, a pair of ſilver tea tongs, a pair of ſilver ſalts, one ſilver pepper caſter, a pair of ſtone ſhoe buckles ſet in ſilver, one pair of ſteel ſhoe buckles.

Did you loſe any purſe?—A little ſilver net purſe, with a crown piece, and two half-crown pieces, and a ſilver threepence; I heard them up ſtairs over my head pulling out the drawers.

Court. They did not rifle you or pick your pockets?——No, they did not, the drawers were all pulled out and rummaged, they were not locked, I ſaw them go to the deſk in the back parlour, I do not know which it was.

Which of the things were taken out of the deſk?—A pair of ſteel buckles, and a ſilver milk pot, and the tea-ſpoons and tongs, they were in a green bag in one of the drawers which was not locked.

JOHN SAYER *ſworn.*

I belong to Litchfield-ſtreet office, on the tenth of March, about nine in the evening, I, Macdonald, Grubb, and Young, were coming along Broad St. Giles's, we returned into Drury-lane, and we met five or ſix men, they were walking two by two, I paſſed them, they were coming up Drury-lane, after I had paſſed them by the light of a tallow-chandler's ſhop, I ſaw a bundle, I turned back and caught hold of one Jacobs, he had the bundle in his right hand, I aſked him what he had there, he immediately flung it round to his right hand for Ganley the man that was convicted laſt ſeſſions, ſo that he might take it, when I had hold of him, I immediately let him go and catched hold of Ganley, and I called out to Macdonald, and Grubb, and Young, to lay hold of the others, we only took Jacobs and Ganley.

What is become of Jacobs?——He got out of the watch-houſe, we took the bundle, we carried it and the two priſoners into the Brown Bear, in Broad St. Giles's.

Do you know who the other men were?—No.

Mr. Garrow. If you are going to tell any thing that Jacobs or Ganley ſaid, when the other two priſoners were not there, you ſhould not ſay it?—In the bundle there was a good deal of plate which Young took away, he will produce that, I took the pair of ſteel buckles; Mr. Thompſon had them delivered to him when Ganley was convicted; as I was ſearching Jacobs and Ganley, the priſoner Charles Ganley came in, Young brought him into the tap room, we turned him out, and he came afterwards with his mother to St. Giles's watch-houſe, ſhe ſtaid about ten minutes or a quarter of an hour, and him and the mother came to the watch-houſe, and aſked if there was not one Ganley there; I let the mother in, and I looked over one ſide, and ſaw the priſoner Charles Ganley ſtand on the ſide of the watch-houſe door, we kept him and the mother in the cuſtody till morning, and he was diſcharged in the morning, then he went over the town with us, to ſhew us the people that were connected with his brother.

Court. Then you did not intend to proſecute him, I ſuppoſe you made uſe of him, as an evidence ?—No my Lord, he was not promiſed any ſuch thing.

Mr. Garrow. How came the priſoner Charles Ganley to be taken into cuſtody ?—By the evidence of the accomplice.

Mr. Garrow. You Lordſhip will give me credit, that I did not hear one word of that before now.

Mr. Sylveſter. You know he weighs forty as well as another, is not that the expreſſion ?—I do not know.

Court to Ann Martin. Did you obſerve that either of theſe was the boy ?—I cannot ſay that I did.

Mr. Garrow. My Lord, ſhe ſaid on her firſt examination that if he was there, he paſſed on her as a man, and not as a boy.

CHARLES YOUNG *ſworn.*

I was along with Macdonald, Grubb, and Sayer, we were coming down Drury-lane, we met the priſoners they were talking aloud, Sayer took hold of Jacobs, I ſaw the bundle in Jacobs's hand, and I ſaw him throw the bundle to Ganley; then Sayer ſeized him, and I took this plate from Jacobs, we took them and the bundle to the Brown Bear, we opened the bundle at the Brown Bear, this is the plate, it has been in my cuſtody ever ſince.

(The things depoſed to by Elizabeth Thompſon.)

Theſe are our ſpoons, they have our mark and creſt, the ſalts have our mark on them.

Was the boy Charles Ganley, in company with theſe ſix ?—I did not ſee him in company with them.

Court. What was found on him ?—I found ſome bad money upon him.

Court. Then the boy is out of the caſe.

Mr. Garrow. I think it my duty to ſay ſo.

Court. Beſides they have made uſe of the boy as an evidence, it would have been the moſt unfair thing in the world.

Court to Young. At the time you took Jacobs and Ganley, had Ganley the bag or had Jacobs ?—Jacobs had it.

WILLIAM HASKEY *ſworn.*

Mr. Garrow. Tell all you know with reſpect to the robbery committed at the houſe of Mr. Thomſon, and remember you are on your oath ?—On the 10th of March laſt, about ſix, I met Robert Ganley, Richard Jacobs, Charles Ganley, and the priſoner at the bar.

You compoſed a company of ſix ?—No, only five, we met in little Moor-fields.

Court. You had been acquainted before I ſuppoſe ?—Yes.

Mr. Garrow. You had done buſineſs before, to ſpeak in your own phraſe ?——Never but once.

What time might this be ?—About ſix o'clock we were to go the houſe of Mr. Thompſon in Iſlington, I did not know the name then, but it was to go to that particular houſe; we went there altogether and Robert Ganley knocked at the door with a letter, and the door being opened we all went in, and Jacobs went down into the kitchen, and fetched up a woman that was there, and Mrs. Thompſon and the child, and the maid, and that woman were then all in the parlour together; Branton and I ſtaid in the parlour, I had the cutlaſs, Branton had the piſtol.

Look at that piſtol ?—That is the piſtol that the priſoner Branton had with him, we two continued in the parlour almoſt all the time: he was there all the time, and I was there almoſt all the time.

Are you ſure Charles Ganley was there ?—He was not in the houſe, he waited at the door with clothes, a great coat and his brother's clothes that he had on, becauſe his brother did not go in, in his own clothes.

Court. Were there no more than four went into the houſe ?—No more.

Mr. Garrow. What were you doing the time that you continued in the parlour ? We were looking up and down the parlour, I was dreſſed in a brown great coat, a round hat, and a white handkerchief over part of my face, tied round my hair, it came over the right ſide of my face, Jacobs and Ganley went away out of the parlour, I did not ſee the plate till after we got to Ganley's apartment, there were a watch, a ring, and table ſpoons, and tea ſpoons.

Did you go into the back room?—Yes, I put the pepper box into my pocket on the right hand ſide; Charles Ganley and I came to town together to Bob Ganley's apartment, Jacobs and Bob Ganley came in ſoon after and the priſoner, there we looked over the things, and then went to Drury-lane; there Jacobs and Ganley were taken.

Who were of the party in Drury-lane?—We five, nobody elſe, I and the priſoner made our eſcape; I never heard of Jacobs after he broke out.

Where were you going with this plate?—We had not appointed for a certainty.

Was it dark when you came to the houſe?—Yes, it was dark and a rainy wet night.

Mr. Sylveſter. You have often been yourſelf at that kind of buſineſs?—Never.

Pray what are you?—I was a huſbandman, I lived in Tooing in Herts, I have not been in London two years, in March I was out of employment.

What did you do at nights?—Always at home at my lodgings, I rented a farm at four-ſcore pounds a year, and my affairs were bad, I made a ſale and ſold every thing I brought ſome money to town with me; about ſeven months I was in the King's-bench priſon, I ſold a reverſion that I had after I came out of the King's-bench priſon.

You did not pay your creditors?—No, I gave my bond for it.

You ſay there were only four in the houſe?——No more.

Why you may as well tell the whole, you know you are ſafe now?——You would not have me ſay people were there, that were not there, and there were no more.

When was you taken up?——About a month or five weeks ago, on Wedneſday morning the laſt day of the ſeſſions.

You did not give evidence, or information before you was taken up?——I had not heard that they could ſwear to me at that time, I had no ſhare of the property only the pepper box, I afterwards ſold that.

That you did not bring to the account of the partnerſhip, did you?—No, Sir.

JOHN DIXON *ſworn.*

I found theſe two piſtols and the cutlaſs in the priſoner Ganley's lodgings, and I believe it was by the directions of Charles Ganley himſelf.

Priſoner Branton. Aſk the accomplice how I came into his company?—He was along with Ganley and Jacobs, and young Ganley, I did not know he was to be of the party, I never ſaw him but once before.

The priſoner Branton called three witneſſes, who all gave him a good character.

Court to Jury. Gentlemen, I will juſt ſtate the law as to the circumſtances of the caſe: the Jury on the former trial received the opinion of the learned Judge who ſat here at that time, which opinion exactly correſponds with mine; for if a perſon gains admiſſion into a houſe by fraud in the night, that fraud is in the ſight of the law a violence; ſo if a thief by colour of law, by a a falſe affidavit, gets into poſſeſſion of a houſe, or if he gets poſſeſſion under pretence of taking lodgings. In 1704, Ann Hicks was indicted for burglary; ſhe knew the houſe, and knew the family were in the country; ſhe got a boy to go with her to the houſe with the key, he went and opened the door, and let her in, and ſhe robbed the houſe; her caſe was reſerved for the opinion of the Judges, and it was their opinion that it was a burglary, becauſe ſhe prevailed on the boy by fraud to open the door with the key which ſhe had; therefore there is no doubt in this caſe, that it is that kind of fraud, which in the eye of the law ſupplies the want of violence and breaking, and is a burglary. You may leave Charles Ganley out of the caſe, there is nothing to affect him.

To Young. Can you ſay that Branton was one of the five?——I cannot.

JOHN BRANTON, GUILTY, Death.

CHARLES GANLEY, NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice WILLES.

542. ROBERT BALE and THOMAS HUGHES were indicted for feloniouſly aſſaulting James Fletcher, on the King's highway, on the 14th of April laſt, and putting him in fear, and feloniouſly taking from his perſon and againſt his will, one ſilver watch, value 40s. one chain, value 6d. one ſeal, value 6d. and one key, value 1d. the property of the ſaid James.

The proſecutor not appearing, he was called on his recognizance, which was ordered to be eſtreated, and the priſoners were

ACQUITTED.

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543. EDWARD NUNN was indicted for feloniouſly ſtealing on the 20th day of April laſt, one braſs fire cock, value 5s. twenty pounds weight of lead, value 2s. belonging to the inhabitants of St. Andrew Holborn, fixed to a certain building, againſt the form of the ſtatute.

A ſecond count laying it to be the property of the church wardens of the ſaid pariſh.

A third count laying it to be the property of perſons unknown.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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544. BENJAMIN HENDELL, otherwiſe OGLE was indicted for feloniouſly aſſaulting Ann the wife of Jeremiah Orgin, on the King's highway, on the twenty-eight of May, and in a forcible and violent manner, unlawfully, maliciouſly and feloniouſly did demand from her, one cotton gown, value 5s. one Marſeilles petticoat, value 5s. and one pair of ſtays, value 5s. the property of one Robert Deacon, with intent the ſaid goods feloniouſly to ſteal.

Ann Orgin not being able to ſwear to the priſoner, he was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

545. JANE BELL was indicted for feloniouſly ſtealing on the 26th day of April, one gold handkerchief ſlide, ſet with diamonds, value 4l. the property of Samuel Shelley, in his dwelling houſe.

There being no evidence to bring the felony home to the priſoner, ſhe was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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546. SUSANNAH WHITEHALL and ANN PEARCE were indicted for feloniouſly ſtealing on the 7th day of May, one gold ring, value 5s. the property of Charles Braſſett, privily in his ſhop.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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547. WILLIAM ATTERBURY was indicted for feloniouſly ſtealing on the 18th of May, one ſilver watch, value 40s. the property of Samuel Fiddon, privily from his perſon.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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548. PATRICK KEMWORTH was indicted for feloniouſly ſtealing on the 24th day of May, ſixty pounds weight of lead, value 10s. belonging to John Grub, and affixed to his dwelling houſe.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

---

549. MARY MUMFORD was indicted for feloniouſly ſtealing on the 25th

day of May, one muſlin ſhawl, value 3s. 6d. and one ſilver tea-ſpoon, value 1s. 6d. the property of Margaret Bannam.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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550. WILLIAM LANE was indicted for feloniouſly ſtealing on the 9th day of May, one blunderbuſs piſtol, value 3s. the property of James Adams.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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551. WILLIAM ROBERTSON, Eſq; was indicted for that he, on the 12th day of March laſt, did falſly make, forge, and counterfeit, and cauſe and procure to be falſly made, forged, and counterfeited, and willingly act and aſſiſt in the falſe making, forging, and counterfeiting a certain receipt for goods, purporting to bear date the 10th day of May, 1779, and to have been ſigned by James Rooke, Eſq; who then, to wit, on the ſaid 10th day of May, was commanding officer of his Majeſty's garriſon at Goree, and purporting to have been ſigned by the ſame James Rooke, as Lieutenant-colonel, as an acknowledgment that he had received of William Gambol, purſer of his Majeſty's ſhip Superbe, the ſeveral goods and proviſions following, viz. 11,200 pounds weight of bread in 100 bags; 3510 pieces of beef, in pieces of 4 pounds weight each, in 20 puncheons bound with iron; 2300 pieces of pork, in two pound pieces, in 8 puncheons bound with iron; 17 buſhels of peas; 1200 buſhels of oatmeal; 4500 pounds weight of flour, in 15 hogſheads; 1200 gallons of wine, in 10 pipes iron bound; 350 gallons of rum, in 3 puncheons, and 30 gallons of oil in one jar, with intention to defraud the King.

A Second Count for uttering the ſame with the like intention.

A Third Count for falſly forging a certain other receipt for goods, dated 10th of May, 1779, with intention to defraud the King.

A Fourth Count for uttering the ſame with the like intention.

A Fifth Count, with intention to defraud Jonas Hanway, Alexander Chorley, and others, Commiſſioners of the Navy.

A Sixth Count, for publiſhing the ſame with the like intention.

A Seventh Count, the ſame as the third, with intention to defraud the ſaid Jonas Hanway and others.

An Eighth Count, for publiſhing the ſame with the like intention.

A Ninth Count, with intention to defraud the aforeſaid James Rooke.

A Tenth Count, for publiſhing the ſame with the like intention.

An Eleventh Count, the ſame as the third, with intention to defraud the ſaid James Rooke.

A Twelfth Count, for publiſhing the ſame with the like intention.

Council for the Crown.

Mr. Solicitor General, Mr. Sylveſter,
Mr. Wilſon, Mr. Ruſſell.
Mr. Serjeant Walker.

Attorney: Mr. Baxter.

Council for the Priſoner.

Mr. Bearcroft, Mr. Erſkine,
Mr. Lee, Mr. Fielding.

Attornies. Meſſrs. Gregg and Potts.

As ſoon as the priſoner was arraigned, Mr. Solicitor General aroſe and ſaid:

My Lord, I am to make an application reſpecting this trial; we ſhall not be ready to day, an accident has ariſen, which, if my word may be taken, would make it a great convenience to put it off; one of our material witneſſes, Captain Parr, is gone into Warwickſhire on the death of a relation, he has been ſubpœned, he certainly will come.

Court. It is treſpaſſing on the time of the Court, we have poſtponed all other buſineſs in order to accommodate the Council in this trial; the Crown have had time enough to prepare themſelves; the bill was not brought before the Jury till Friday, whereas it ſhould have been brought the beginning of the week: you muſt make an affidavit.

Mr. Erſkine. Let us ſee your affidavit before you go out of Court.

The Affidavit ſworn by Mr. Baxter, and read in Court; ſetting forth, That Captain Parr, of Chiſwick, was, as the deponent apprehended and verily believed, a material witneſs for the Crown, to prove the proviſions in the receipt were not, in fact, ever delivered to Lieutenant Colonel Rooke, whoſe name to ſuch receipt is charged to be forged; and the deponent ſaid, he went to Captain Parr's houſe at Chiſwick, on Monday laſt, and underſtanding he was gone into Warwickſhire, the deponent wrote by that night's poſt for him to come up to town, and deponent expected him every hour; and that this trial cannot, as the deponent is adviſed and believes, ſafely proceed without the ſaid Lieutenant Parr's teſtimony.

Court. Have you ever had any anſwer to that letter?——None at all.

Mr. Bearcroft. My Lord, as this application will be attended with very great conſequence to the priſoner at the bar, I beg leave to reſiſt it at large. I take it, that the firſt principles on which any trial of importance can be put off, and there cannot be a trial of greater importance than this, are theſe. Firſt: that there ſhould have been due diligence on the part of the proſecution to procure and to compel the attendance of the material witneſs; but when that caſe is laid down and proved, that alone I contend is not ſufficient, for your Lordſhip ought to ſee clearly, upon the face of the affidavit, upon which the application is made, that the witneſs will attend at the time to which the trial is meant to be put off: now the circumſtances attending this caſe, and which ſhew there has not been due diligence, ſtrike me very ſtrongly; and they are theſe: the priſoner was fully committed ſix weeks ago, the nature of the charge perfectly underſtood, the witneſſes were on the back of the bill, they were officers ſome of them ſuperior and ſome inferior to this lieutenant that is abſent; *prima facie*, therefore, it appears that they know as much of the matter as he can know. My Lord, in the firſt place, I ſay there has not been due diligence, nor any thing like it, for although the priſoner has been committed five weeks before Monday laſt, yet then firſt it appears by the affidavit, that the ſolicitor for the proſecution applies for the purpoſe of getting at this witneſs, not only a material witneſs, but as they ſtate him, *much more material* than theſe on the back of the bill; now, with reſpect to the matter of diligence, is it not incumbent on them to apply all their diligence, and to ſearch after the moſt material witneſſes; I have a right to ſuppoſe him the moſt material witneſs, and a witneſs without whom they cannot go on: ſhall it be indured, ſuppoſe it ſhould be followed by any thing ſerious to a priſoner that is to be tried for his life, that the ſolicitor for the proſecution chuſes to ſleep for five weeks: I truſt, therefore, that I ſtand on firm and ſure ground, when I ſay, I have pointed out to your Lordſhip a want of diligence, even as to the time of enquiring after him, for my propoſition is this, that it was groſs neglect and want of due diligence in Mr. Baxter not to find him out before; I have a right to ſay that in argument, and Mr. Baxter will excuſe me, though in general it is what he is not guilty of; I ſay it was groſs neglect that he did not think of going after this witneſs till Monday laſt: but that is not all, he knew where he was, why did not he ſend expreſs after him? Why did not he ſend a ſubpœna after him? What, in a proſecution of this ſort to depend on a meſſage from a ſervant! and then take no more trouble than to ſcribble a letter into Warwickſhire to this witneſs! Why thereis not an attorney in the pariſh that cannot tell him, that he need not regard it: and the proſecution can afford it, there is no difficulty in point of expence; he ſhould have ſent down his clerk expreſs with a ſubpœna, for the purpoſe of finding out this man, if he was above ground, to have ſerved that ſubpœna, and to have intimated to the witneſs the neceſſity of his attending, and the nature and importance of his evidence. What is the next circumſtance? The next circumſtance is, that your Lordſhip muſt be ſatisfied on the face of their affidavit, that there is a plain caſe, and that the object that is now applied for, will be obtained by putting off the trial. Now, my Lord, permit me to aſk, does ſuch a thing appear? What does it amount to? Why it amounts to this, *perhaps* he may come. 'Why, what a number of perhaps's there are! perhaps he may be at the place where the ſervant ſays he is, perhaps he may not, perhaps he may be on a viſit, perhaps the letter may not have reached him, perhaps he is not well, perhaps he is engaged on material buſineſs, perhaps he is not rich enough to pay for a poſt-chaiſe, for they have not even ſent down money to pay it; and I venture to ſay, that if they had gone the length of ſending down a ſubpœna, which they have not, I ſay that this ſubpœna, without a tender of the expences, would not have been ſufficient: Can this be called due diligence? I have ſuggeſted that he may have taken advice about it, and may have learned, that he is not bound to come: it is not too much to ſuppoſe this, it would not diſgrace any man; if the ſolicitor of the exciſe was to ſend me the civileſt entreaty poſſible, in a caſe of blood, if he did not ſend me the compulſory proceſs, I would not come. Your Lordſhip ſees it amounts to nothing more than bare poſſibility; by poſſibility he may be here on Monday, and you are to do—what? Now I come to my objection; and I ſay you are to do not only a poſſible, but a certain injuſtice and hardſhip to the defendant, to give the chance of a witneſs coming for the proſecution, and to indulge the idleneſs of the attorney. Now I will ſtate the injuſtice to the defendant, and we will make affidavit of it, if neceſſary: we have witneſſes of the firſt character and reputation in the city, and ſome of much higher rank at the other end of the town, and as this is a charge againſt a man of high credit and reputation, and great ſubſtance in the city, many of theſe witneſſes to my certain knowledge, relying on my brief, are to ſpeak to ſomething beſides the character of the priſoner at the bar; ſomething which will go to his acquittal, beſides his general character, though his general character is in this caſe a matter of the utmoſt importance; and to put this trial off till Monday upon ſuch flimſy reaſons as theſe! and for us to loſe the teſtimony of ſuch witneſſes as theſe!—

Court.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

ERRATA.——No. V. Part II. page 707, line 22, firſt column, after the words "*lock* "*or faſtening*," leave out the words "*for that.*"
Line 25, ſecond column, for "*conviction*," read "*ſuſpicion.*"
Page 708, line 29, ſecond column, for "*from*," read "*in.*"
Ditto, laſt line but one, inſtead of "*weighs your mind*," read "*weighs on your mind.*"
Part III. page 711, ſecond column, line 1, for "*effect*," read "*affect.*"
Line 13, after "*can*," read "*entertain.*"

N. B. James Jenkins and Robert Hughes ſerved ſome part of the time on the firſt Middleſex Jury, in the room of Thomas Tomlins and Francis Underwood.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of MAY, 1784, and the following Days;
Being the FIFTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of William Robertſon, Eſq.

Court. I ſhould imagine this letter muſt have been received at Tamworth on Tueſday night, or early on Wedneſday morning, on Wedneſday it might have been anſwered, and a letter here on Friday.

Mr. Bearcroft. It is ſufficient, I ſubmit the uncertainty of it, but I argue alſo from the preſumption that he will not come. Has he deſired him to come in a poſt-chaiſe? Has he told him he would pay his expences? I ſay then the ſuggeſtion is, that by poſſibility he may come; I ſay the preſumption is, that he will not; and in ſuch a caſe as this, if I loſe only ſix witneſſes, what may be the conſequence? Will your Lordſhip be meaſuring with compaſſes the extent of evidence? It cannot be. It is impoſſible that any man who is uſed to theſe kind of proſecutions, but muſt know that even the looſeſt evidence that can be given, that relates to the charge, may be a circumſtance in the ſcale of juſtice that may ſave my client's life; and you muſt ſee it is extremely likely we may loſe many witneſſes. My anſwer therefore to the affidavit is this, that upon the face of it, it appears there has not been due legal diligence; there has been a great many neglects, and it does not appear that the witneſs will come; and the preſumption is, that he will not: and to put this trial off, would be doing great injuſtice to my client; nor does it ſeem to me, but the fact they propoſe to prove by this witneſs, may be proved by the others: under theſe circumſtances, my Lord, I hope, on the part of the priſoner at the bar, that you will not put off this trial.

Mr. Lee. I muſt trouble your Lordſhip with a few words on the ſame ſide, and I beg to obſerve, that the obſervations which have been offered, appear to me to be ſubſtantial and unanſwerable. I cannot help thinking, that this is ſuch an application as never was made to a Court of Juſtice under the like circumſtances: Mr. Baxter who makes the affidavit, and I am perſuaded does not mean to impoſe on the Court in it, I am perſuaded that he does not, becauſe he is a man of honour and a man of character moſt certainly, but he ſays he takes this man to be a material witneſs; he does not ſo much as intimate that he ever ſaw the man in his life, that he ever converſed with him, that he ever correſponded with him, that he ever made enquiry about him until laſt Monday; that is the fact as far as can be collected from the affidavit: but on Monday laſt, by what illuminations Mr. Baxter has not condeſcended to explain, it comes into his head, that a man that lives at Chiſwick of the name of Parr, may or muſt know ſomething of the matter vaſtly important; for what reaſon does he think ſo? Now is there any reaſon upon earth, except this, that he was the Lieutenant of the Superbe! and it is pretty ſingular that he ſhould take upon himſelf to ſay ſo, without having any converſation with him. Material, why? Why, becauſe he is the Lieutenant; and this in a caſe where the Captain of the ſame ſhip and the Mate are at the back of the indictment, where the Maſter of the ſame ſhip is at the back of the indictment, and without an intimation that this man either did or could know any thing of it, that they did not or muſt not know: but Mr. Baxter ſays, I mean to tell you in point of candour how this man's evidence is material, I mean to prove that the goods were not delivered to Lieutenant Colonel Rooke, which were ſuppoſed by theſe papers to be delivered to him. Why, now would you believe, my Lord, that this very Colonel Rooke is the tenth witneſs on this very bill, and now attending in Court! If the fact is falſe that there never was any goods delivered to Colonel Rooke, cannot he teſtify it? or does Mr. Baxter mean to ſay and inſinuate, that Colonel Rooke's ſuppoſed defect in evidence is to be bolſtered up by the aſſiſtance of this unknown gentleman at Chiſwick! I am ſure Mr. Baxter does not mean to ſay, that he thinks Colonel Rooke will not be believed, unleſs this Lieutenant of the Superbe is brought here to confirm him. There is no colour nor pretence in my apprehenſion to ſuppoſe that the Gentleman can be material, and they cannot pretend to inſinuate that he will. My Lord, I beg leave to ſay, that to put off a trial on the abſence of a material witneſs, againſt a defendant in a criminal and capital caſe, where, if there be any blame, it is all the proſecutor's blame, is perfectly unuſual; my Lord, I ſay it would be blame, and great blame in Mr. Baxter, if it were not that I am fully perſuaded it would turn out to be totally immaterial, if it is to that fact; if it is to prove that Colonel Rooke did not receive goods, after the examination of Colonel Rooke himſelf whether he did or no, and whoſe receipt itſelf is in fact the ſuppoſed forgery? It is a groſs neglect in my mind not to apply to this man in time, not to furniſh the compulſory means of getting him: why your leaving that proceſs is not ſufficient, it has been ſo determined twenty times, that even if he had been ſubpœned, without tendering him his reaſonable charges, the Court would not have granted an attachment againſt him; it has been determined over and over again. I ſay, my Lord, there is a moral certainty he will not be here: I know if the letter had been ſent to York inſtead of Tamworth it would have been at York in very good time, at this ſeaſon of the year, and that we all know; if he had wrote an anſwer from York, immediately on the receipt of that letter, it muſt have been here very early on Thurſday: the letter muſt have got to Tamworth on Tueſday night, it muſt have been delivered on Wedneſday morning early, then he has three days, beſides this morning, to come one hundred and twelve miles; why, he might have walked it! and beſides, did you ever hear of ſuch a thing, and a proſecution for Government too, with a very conſiderable number of his Majeſty's learned Council, to have it ſaid in a Court of Juſtice, we have been ſix days in getting a witneſs from Tamworth in Staffordſhire, and we cannot get a witneſs one hundred and twelve miles! it is perfectly ridiculous! I will venture to ſay, my Lord, that in your experience, or that of the other learned Judge, or even of the whole bar, there never was a thing of that kind attempted; therefore, I ſubmit to your Lordſhip, that there is a notorious clear defect of diligence, and more than that, there is a groſs neglect, becauſe, immediately upon finding where he was ſuppoſed to be, you ſhould have ſent the moſt expeditious meſſenger; and I ſay too, it was the duty of Mr. Baxter, to have told us on the Monday, we cannot go on without this witneſs; but never to intimate to any human being, that this man exiſted and was wanted, till the priſoner comes into Court, and then forſooth—why? we cannot try this cauſe, becauſe in a week's time we have not got a witneſs from Tamworth! Now the attorney may think, that it may be material to have two, or three, or four witneſſes to ſpeak to the ſame fact, and I know that if he was to ſwear this ten times over it would not be material; however, I do not enter into that ſo much, for I rely upon it, that theſe gentlemen being on the back of the indictment will be quite ſufficient.

Mr. Solicitor General. My Lord, to be ſure the principles that Mr. Bearcroft has laid down are indiſputable; in the firſt place, that there muſt have been all due diligence; in the next place, that there is a high probability that the witneſs will attend; the application of the principles therefore is the true queſtion between us: and firſt, as to the witneſs's materiality; I ſuppoſe there is no man living that does not know, that a Lieutenant of a man of war is of much importance on board the ſhip; much of the detail belongs to him more than to the Captain; and likewiſe if there were three or four witneſſes it is little more than poſſible that ſome of them may have been abſent on important parts of the day, when we are therefore to account for the whole of the day, we muſt get ſuch ſeparate witneſſes as were preſent in any local ſtation: if it ſhould ſo turn out, that theſe gentlemen who are preſent were not on board that ſhip any part of that day, if any of the other officers had been on board at different parts of the day, no man's plain ſenſe can doubt but they may and muſt be very important witneſſes. Mr. Lee obſerves too, that Colonel Rooke can prove all this: now we conceive it important for us to prove, that no ſuch proviſions ever did go on board the ſhip, as well as to prove that they never did go into the garriſon. Now, my Lord, with reſpect to due diligence being uſed, this man was about the Admiralty frequently, in the day time he was in London, he uſed to go to Chiſwick in the evening, and we had no doubt of his being to be found at a very ſhort warning, but he went ſuddenly into Warwickſhire: to be ſure, in the caſe of gentlemen of his rank, it is not uſual to make a ſmall allowance of money to gentlemen; he may not be in want of a little money, but it would prevent his walking up, my learned friend ſays; now it could hardly occur to any man of buſineſs, that he would not come, and it would as hardly enter into the head of any man of buſineſs to uſe the rigorous and compulſory forms or to offer money; as to all the neceſſary forms, they were uſed on this occaſion, ſuch as ſaying on the back of the letter, that it was for his Majeſty's ſervice; and as to the illumination of finding out that he was a material witneſs, I do not believe it requires a vaſt deal of ſagacity, much leſs of inſpiration, to ſuppoſe that it would be very eſſential to have the evidence of this gentleman, and he being reſident in town, we had not the ſmalleſt doubt of finding him, and ſo much was Mr. Baxter perſuaded he ſhould find him, that he has been at his houſe to day, and left a meſſage to conduct him here if he ſhould come; and I think there is no doubt but Lieutenant Parr being a gentleman, and a man of reputation and character, if he did not mean to attend, would have ſuggeſted ſome reaſon why; the probability is therefore by his ſilence, that he means to come: and as to the groſs neglect in a caſe where no further delay is deſired than till Monday morning, what harm can ariſe? I am ſure, from the reſpectable appearance of thoſe Noblemen that attend for the priſoner, they will attend on Monday; and there are none of them I hope that are likely to periſh between this and Monday; God forbid they ſhould! I conceive, therefore, my Lord, that Mr. Baxter in this caſe has done what any perſon would have done, reſpecting a man who lived at Chiſwick, and who was ſuddenly called into Warwickſhire; and with reſpect to the materiality of this witneſs, I think no man can doubt but that in the tranſaction alluded to, it is neceſſary to have every perſon we can. Mr. Bearcroft and Mr. Lee very properly object to this motion on the behalf of the priſoner, and God forbid that any injuſtice ſhould be done to him; I hope Mr. Lee and Mr. Bearcroft will give us credit, whoſe fate it is to be employed on the part of the proſecution, that we do not wiſh any injuſtice to be done the priſoner; but to be ſure, if there is a foundation in this charge, (which I ſincerely hope to God there is not) it is neceſſary that it ſhould have a fair hearing, and that for the ſake of public juſtice it ſhould be ſifted to the bottom: I truſt, therefore, on theſe grounds, that this gentleman being at ſo ſmall a diſtance, Mr. Baxter has taken all due pains to obtain him, and we ſhall have the benefit of his teſtimony.

Mr. Wilſon. My Lord, very little is left for me to ſay on the occaſion. This is an important proſecution on the part of the Crown, and it is alſo important on the other hand for the priſoner; it is therefore fit it ſhould be as fully inveſtigated as to circumſtances and times as it poſſibly can: the circumſtance of delay which has been mentioned is but one day; if it had been the wiſh of the parties to put off this trial till the next ſeſſions, perhaps a ſtronger affidavit might have been neceſſary. The gentlemen on the other ſide endeavour to prove to your Lordſhip, on the face of our affidavit, that this gentleman's teſtimony is not neceſſary; but, my Lord, ſuppoſe the Captain was called, and ſaid there was no ſtores that he received, yet the Lieutenant might for ought he knew; then the objection would be, why have not you the Lieutenant here? and that is an objection which the Lieutenant's preſence would remove, and his preſence we hope to have here: but they ſay Colonel Rooke can cure it; now there may be a queſtion perhaps made, when Colonel Rooke is produced here as a witneſs, and notwithſtanding he is a man of as great probity as any in England, they may tell your Lordſhip, that he is perfectly incompetent, although they now tell you Colonel Rooke will certainly ſpeak the very thing that this Lieutenant can prove: as to Mr. Rooke, it may therefore be a queſtion, whether he can be examined or not; and if he can be examined, it is the conſtant language of Courts of Juſtice, where there is an intereſt in a party, that that intereſt goes to his credit; or if it does not, it may be very material to confirm his teſtimony: the learned gentlemen differ widely; one learned friend objects, that the application was not made till Monday; another learned friend thinks it was too ſoon, and that he might have walked it: my anſwer to that is this, I am ſtrongly impreſſed with a belief, that the gentleman will be here for two reaſons; the one is, that he is a gentleman, and being ſo, unleſs he intended to have come and given an anſwer to the letter in perſon, he would have written an anſwer; for, in point of civility, I do conceive no gentleman would have received ſuch a letter without having written an anſwer, if he could not or would not come himſelf: theſe are the obſervations that occur to me, and I cannot help thinking that this man being a material witneſs, your Lordſhip will, for the ſake of publick juſtice, and for the fuller inveſtigation of this neſs, put the cauſe off till Monday.

Mr. Juſtice Willes. I will conſider very ſhortly this motion upon the ſeveral points, which have been argued by the Council for the Crown, and the Council for the priſoner, and they are three: the materiality of this gentleman's evidence, whether due diligence has been uſed to obtain it, and whether there is a probability of his being here. As to the materiality of the evidence, it is particularly ſpecified in Mr. Baxter's affidavit, that he is material in this reſpect, that being a Lieutenant on board the Superbe, he is to prove that no proviſions were delivered on board that ſhip to Colonel Rooke; that is a material part of the caſe, becauſe if they were delivered to Colonel Rooke, then the receipt is no forgery, if they were not, then it is a forgery; then it is ſaid, though this is a material part of the evidence, it will be ſupplied by the other witneſſes, becauſe there are on the back of the indictment, the Maſter, the Captain, and the Mate; and it is known to all of us very well, that Lieutenant-colonel Rooke is here likewiſe to prove that he never received thoſe proviſions: all that may be very true, and yet Parr's evidence may be material; for in the firſt place, ſuppoſe that theſe three witneſſes on the back of the indictment, that is, the Captain, the Maſter, and the Mate, ſhould prove that no proviſions were delivered, yet we know that all the officers are not on board together, eſpecially when they are in a port, and it might ſo happen that the Lieutenant might have the command of the ſhip when there were no other officers preſent; and therefore, beſides having his corroborating evidence, as he might at certain times have the command of the veſſel, his evidence is certainly material. But it is ſaid all this may be ſupplied by Colonel Rooke; I think not, becauſe he might not always be in the way, and he might not receive them, but ſome other evidence might; and if the evidence had reſted on the materiality, I own I ſhould have been inclined to put off the trial: but there are other points that will govern my determination, which I am going to give. In the next place as to due diligence, Mr. Baxter was early enough in his application to Lieutenant Parr, he waited on him on Monday, it would have been better to be ſure to have carried with him a ſubpœna, but he might not think it neceſſary, but it certainly would have been prudent when he wrote to him to have ſent a ſubpœna: but that is not the ground on which I refuſe my aſſent to putting off this trial; the ground of my refuſal is the uncertainty, or rather the improbability of his being here on Monday; it is a very looſe anſwer, he underſtood from a ſervant that he was gone to Tamworth; he immediately writes down to Tamworth, deſiring Mr. Parr to come to town immediately, had he been at Tamworth, what would he have done as a gentleman when he received that letter on Wedneſday morning? he certainly would have either wrote by poſt that he could not come, or that he would ſet out by ſuch a time, or have ſet out directly in conſequence of that letter, and then he would have been here now; the probability therefore is, that he was not at Tamworth, for as an officer of his majeſty, he certainly would not have been guilty of any ſuch neglect, as not ſending an anſwer; but in all probability he never received this letter; the foundation for ſuppoſing him to be there, is nothing more than a vague looſe diſcourſe with a ſervant, who *underſtood* that his maſter was at Tamworth: now if he did not receive the letter, which appears to me to be the caſe, what more probability is there that he will be here on Monday than to-day? and in a matter of very great conſequence, merely on an affidavit that the attorney expects him on Monday; (and I ſhould be glad to know what ground there is for that expectation) when all the world is aſſembled here together, and ſome people of the firſt conſequence in the kingdom, to attend this trial, why ſhould I put off this trial upon ſuch a vague expectation? Taking all theſe circumſtances therefore together, I am perfectly of opinion, that this trial ought not to be poſtponed.

Mr. Baron Perryn. It is perfectly unneceſſary for me to waſte the time of the Court; I concur in opinion with my brother Willes for the laſt reaſon; I do not ſee that we ſhall be in any better ſituation on Monday morning than now; if we were, my inclination would be to poſtpone the trial; it appears alſo to me, that the evidence of other perſons might be ſufficient even if he was here: and as I do not ſee ſufficient foundation in my own mind, to believe that we ſhall be more likely to proceed on Monday than now, I am of opinion with my brother, that we ſhould proceed immediately.

The Priſoner deſired to be indulged with a Chair.

The Jury ſworn.

The indictment was opened by Mr. Ruſſel And Mr. Solicitor General opened the caſe as follows:

Gentlemen of the Jury. I have the honour of attending you in this caſe, on the part of the proſecution. The priſoner is indicted for forging and uttering a receipt, for certain proviſions delivered to the garriſon at Goree, Lieutenant Colonel Rooke, being then the commanding officer there; and there are circumſtances ſtated to me, whereby we ſhall be able to ſhew that no ſuch proviſions were delivered, and no ſuch receipt given, and all to ſhew that the priſoner at the bar, either forged this receipt, or uttered it knowing it to be forged. In opening this caſe to you, I ſhall confine myſelf as decency and duty oblige me to do, to a ſhort ſtate of facts; you perfectly well knowing that it is not from me you are to learn any fact, but from the witneſſes themſelves: my duty therefore goes no further than to lay before you a ſketch of what the witneſſes will lay before you themſelves, and you will therefore of courſe diſmiſs from your minds, any thing that I ſhall ſay, further than as it relates to the mere connection of facts, and of dates one with another.

Gentlemen, the priſoner at the bar is by profeſſion an agent for receiving the wages and the prize money of officers, and ſeamen, and other perſons who ſerved in the Navy; in the courſe of the proſecution of this buſineſs he paſſes the accounts of various perſons, and amongſt the reſt of purſers of men of war, with the different public offices, through which they muſt be paſſed in order that they may be finally cloſed. Amongſt others the priſoner was agent for a gentleman of the name of William Gambold, who is now dead, and was purſer to his Majeſty's ſhip the Superbe; the priſoner in the courſe of his profeſſion, delivered in papers for paſſing Mr. Gambold's accounts at the Victualling Office to a gentleman of the name of Henry Ebbons Williams, who is a clerk to Mr. Ralph Collier, his buſineſs is to keep a charge on purſers, and to adjuſt the accounts with maſters of tranſports, and that ſort of buſineſs at the Victualling Office: the purpoſe of this gentleman at the bar, in delivering in thoſe accounts, was to get them finally ſettled; theſe papers Mr. Williams on the 11th of September, 1782, delivered into the office of a gentleman of the name of Richard Sadler Moody, who is clerk for ſettling purſers accounts, after theſe papers had been delivered in and examined at this office, the charge of proviſions and victualling ſtores was taken from the books of Mr. Collier's office, with an order from the board, that being uſual when purſers are dead, before their accounts are made out; and on the 18th of October, 1782, thoſe items were tranſmitted to Mr. Moody, this particular account was afterwards ſtated by Mr. Moody, and it was examined in the office of a gentleman of the name of Henſhaw, who is accountant for ſtores, when it appearing that Mr. Gambold the purſer, was conſiderably in debt for ſome articles, the account was laid aſide, as theſe papers did not contain ſo much charge againſt the Victualling Office as was due from Mr. Gambold; the account was therefore in the courſe of office laid aſide in order to take it up again when the Victualling Office ſhould have a proſpect of recovering the deficiency. Gentlemen, before this was done, or any thing more paſſed on the ſubject of that account, in the beginning of March 1783, the ſame Mr. Williams found on his deſk in the Victualling Office a note from the priſoner, and that note incloſed an order and receipt, the one purporting to be an order from Sir Edward Hughes to Mr. Gambold the purſer, to deliver certain ſtores in the garriſon at Goree; the other a receipt, which is the material paper in queſtion, a receipt from Lieutenant Colonel Rooke, purporting that he had ſo received ſuch ſtores on his Majeſty's account: theſe papers Williams found on his table, and the note which he received at the ſame time, intimated that the papers had been received from the Eaſt Indies where the Superbe was, and where Mr. Gambold died; and the priſoner deſired Williams to get the proviſions and other things wrote to the credit of Mr. Gambold, and that they might be allowed in the ſtate of Mr. Gambold's accounts by the board; Mr. Williams not thinking that note material, he has deſtroyed that note, however he delivered the order and the receipt to the ſame gentleman he delivered the other papers to, which was his ſuperior Officer, Mr. Collier: Mr. Collier obſerved that this order differed eſſentially from the uſual courſe of orders which he was accuſtomed to ſee and to paſs accounts upon, it being an order from the Admiral to the Purſer, and he having never before ſeen any but what was addreſſed from the Admiral to the Captain, he being the perſon that afterwards iſſued his orders to the inferior perſons; that being the courſe of practice occaſioned ſome doubt in Mr. Collier's mind, about paſſing the accounts in that form: Gentlemen, about the 12th of March 1783, the priſoner came to Mr. Williams, and deſired him to write a letter to the board in the uſual way, requeſting that the proviſions and ſtores mentioned in the receipt, and alſo that a further account, an extra account, might be allowed in Mr. Gambold's account: Mr. Williams accordingly wrote this letter, and took it to the priſoner to ſign it, but he being engaged, deſired him to put to it the name of Mr. Bailey; and the fact is, that Bailey had before authorized Mr. Williams to put his name to letters of an ordinary nature to the board; it is not a very regular practice, but very uſually done: Mr. Williams did accordingly put Mr. Bailey's name to it, and the letter was to this effect: "In paſſing the late Mr. William Gambold's account as Purſer of his Majeſty's ſhip the Superbe, he is not allowed for a quantity of proviſions for the uſe of the garriſon at Goree, and Mr. Gambold being dead, I have to requeſt you will be pleaſed to allow the ſame, I am honourable Gentlemen, your moſt obedient ſervant, Henry Bailey." The board on receiving this letter, referred the letter and the papers to Mr. Richard Henſhaw to certify the caſe to them, and he made the report, and ſtated the nature of the vouchers that were produced, that is the order and the receipt; and he obſerved that it was not quite regular and in the common form, that it was not the cuſtom of the ſervice, for an Admiral to give an order to a Purſer, but for the Admiral to correſpond directly with the Captain; he obſerved too in his report, that no notice was taken of the delivery of the proviſions in the Captain's account, and that he apprehended that thoſe garriſons were victualled by other perſons, that they were victualled by perſons under contract with the Treaſury, who ought to account for thoſe proviſions; and as that was the ordinary courſe as he apprehended in theſe caſes, and above all as there was that ſingularity of the Admiral's giving an order to the Purſer, he thought himſelf bound to make theſe obſervations on the report: however on the 23d of May 1783. the board directed that the proviſions, and the things mentioned in the receipt, ſhould be allowed in Mr. Gambold's account; and that account was accordingly cloſed, and credit given in that account, for the amount of this ſecond demand given into the Victualling Office of £642. 17s. 7d. and a victualling bill was made out for that ſum, dated the 31ſt of May, and delivered to the priſoner, this turned the balance very conſiderably in favour of Mr. Gambold's account, the ſmall balance that had remained, was ſomething under twenty pounds, and the conſequence of this was, that ſomething more than ſix hundred pounds was due to him. Gentlemen, this receipt from Lieutenant Colonel Rooke, which became the voucher from the Victualling Office for this ſecond charge on them on Mr. Gambold's account, is that which we charge to be forged; in this caſe we ſhall likewiſe give you in evidence ſome circumſtances of the conduct of the priſoner, which it is apprehended on the part of the proſecution, will diſcover his intentions in this matter, inaſmuch as he ſuppreſſed this tranſaction from perſons who were intereſted in knowing the ſtate of Mr. Gambold's affairs, and whom he was bound at leaſt in honour to inform of the particulars thereof. A Mr. Bevan and a Mr. Millingham, were made the executors of his will, and the priſoner on the 16th of November, 1782, writes to James Bevan one of the executors this letter, he ſays, "By the laſt will of Mr. Gambold, you are appointed with Mr. Millingham, executor, and as he died in my debt to the amount of £251. 16s. 4d. I ſhould be particularly obliged to you, if you can inform me how the ſame is to be paid to me, and what ſituation his affairs are in." Mr. Bevan on the 28th anſwered the letter, "Sir, I received your letter, of the 16th inſtant, reſpecting a debt due to you from the late Mr. Gambold, there are ſeveral other debts likewiſe unſatisfied, and as we expect there is a conſiderable ſum of money due to him as Purſer of the Superbe, I deſire you will enquire at the proper offices whether the books have been received, as we underſtand they were ſent home, by the Prince Eaſt Indiaman, you ſhould know the exact account of thoſe affairs. On the 12th of December 1782, Mr. Robertſon writes, "In anſwer to your's, the accounts of Mr. Gambold are paſſed, and I am ſorry to ſay, they are very much in debt to the Crown, and if you have any other affairs to ſettle I beg you will particularize them." When he writes that the accounts were paſſed, he undoubtedly means the firſt accounts; but in May 1783, theſe ſecond accounts were paſſed, on which Mr. Robertſon received a balance in favour of Mr. Gambold, and from that hour to this he never let the executors know that he had paſſed ſuch accounts: we ſhall likewiſe prove, that no ſuch proviſions ever were delivered from on board the Superbe, and we ſhall alſo prove, that none ſuch were ever received into the garriſon of Goree; we ſhall prove alſo, that this receipt is not the hand writing of Lieutenant Colonel Rooke. Gentlemen, when all theſe circumſtances are collected together, it will be for you to balance them, and in the firſt place to ſee how far the charge and the evidence to ſupport it is ſufficient to convict the priſoner, ſuppoſing it to ſtand by itſelf; and then balancing it againſt that caſe, which will be made out by him, whether it will ſtill ſufficiently preponderate againſt him to entitle you to bring in your verdict, that he is Guilty. Gentlemen, I beg to recommend to you again, what I am perfectly ſatisfied you know, but it is fit I ſhould be anxious in repeating it, that every thing I have ſtated to you, you are to conſider as utterly unproved at preſent; and that it is from the witneſſes alone and not from any thing I have ſaid, you are to collect the guilt of the priſoner. Gentlemen, I ſhall detain you no longer in opening to you the nature of this proſecution, only expreſſing on my part a moſt ſincere wiſh, that you may, after hearing the evidence that ſhall be adduced on both ſides, find yourſelves juſtified in giving a verdict that ſhall acquit the defendant; but at the ſame time permit me to add, it is neceſſary that no frauds of this kind ſhould be committed; and if an unfortunate neceſſity ſhould oblige you to ſee that there is truth in this indictment, you will in that caſe do that juſtice to the publick, which you ſhall by dint of teſtimony be compelled to do.

GEORGE SWAFFEY *ſworn.*

Examined by Mr. Wilſon.

What are you?—I am a caſhier of the Victualling Office, under the Treaſurer of the Navy.

Do you know the priſoner?—Very well.

Do you remember his coming to you at any time with reſpect to a Mr. Gambold, the Purſer of the Superbe?—I do not know that he ever came to me on any buſineſs of Mr. Gambold's, there is a general letter of attorney from Mr. Gambold to him entered in the Treaſurer's office, here is the book and the regiſter.

By whom is it entered?—By Mr. John Fennell, who was at that time chief clerk in that office.

For what purpoſe is it regiſtered in your office?—For the purpoſe of authoriſing me to pay money in the name of the principal, when he comes with bills, the date of the letter of attorney is the 30th of November, 1778.

Court. I ſuppoſe you admit that.

HENRY EBBONS WILLIAMS *ſworn*

Examined by Mr. Serjeant Walker.

What are you?—I am employed in the Victualling Office as clerk.

In whoſe office ?—Mr. Hume's, I was in Mr. Ralph Collier's in September 1782.

Was you regularly employed under Mr. Collier or Mr. Hume ?—At that time under Mr. Collier.

What were your buſineſs ?——Charging vouchers againſt Purſers and Maſters of tranſports.

In that time was any vouchers delivered to you by the priſoner at the bar ?—In September, 1782, I received ſome papers from Mr. Robertſon.

What were thoſe papers ?—They related to Mr. Gambold's account.

Court. Mr. Gambold was then dead ?—Yes.

What was Mr. Gambold ?—He was the Purſer of the Superbe.

Serjeant Walker. In what character did you receive thoſe papers from the priſoner at the bar ?—To ſolicit them through the offices for Mr. Robertſon, as agent to Mr. Gambold.

What did you do with thoſe papers ?—I delivered them in to Mr. Burt, clerk at Mr. Moody's office, who is the next perſon in office to take the Purſer's accounts.

That is all you know as to that tranſaction ?—That is all I know.

What were the contents of thoſe papers ?—There are the papers, this is an abſtract of them.

Did you make it at the time ?—Yes.

Priſoner. Give me leave to look at the abſtract.

Serjeant Walker. Had you any thing to do with this till March following?—I ſolicited the account till it was finiſhed.

Were theſe papers all that were delivered to you at that time ?—Yes, they were.

Was Mr. Gambold found to be in debt ?—Yes.

To what amount ?—I cannot rightly ſay.

Whereabouts was it ?—I think it was nigh twenty pounds.

Did you ſee the priſoner till you had finiſhed thoſe accounts ?—I might ſee him, I ſaw him again in March 1783.

Do you know at what period the firſt accounts were finally cloſed ?—I cannot tell particularly.

Had you any other papers delivered to you by Mr. Robertſon at any other time ?——In March, 1783.

What papers had you then ?——A receipt and an order.

Where did you find thoſe papers ?——On the deſk.

How did you know that they came from the priſoner ?——They were incloſed in a note from the priſoner, in his hand-writing.

What did thoſe papers relate to ?——An order from Admiral Hughes on one ſide, and a receipt on the other.

Who was the order directed to ?——The Purſer of the Superbe.

What Purſer ?——William Gambold.

Do you know what the receipt related to ?——It related to proviſions ſupplied to Colonel Rooke at Goree: this is the receipt.

What did you do with thoſe papers that you found on the deſk ?——I preſented them to the office, to be allowed and paſſed to Mr. Gambold's account.

Did you get that account immediately paſſed ?——No, Sir, there was an objection to their being allowed till they were carried to the board.

Who did you deliver thoſe papers to ?—To Mr. Collier.

What did you do with the papers ?—I applied to the board afterwards.

When did you ſee the priſoner after this ?——I cannot ſay when, it was very ſhortly after.

Did you tell him what had happened ?—Yes, I told him that theſe papers could not be allowed without application to the board.

What did he deſire you to do ?——To write a letter to the board.

For who ?—For him, to deſire that they might be allowed.

Did you write that letter ?——Yes.

At his requeſt ?——Yes.

When you had wrote it, who ſigned it ?——I ſigned it.

Have you the letter there ?——Yes, I ſigned it for Henry Bailey.

How came you to put the name of Henry Bailey inſtead of the priſoner's?—Mr. Robertſon was buſy at the time in converſation, and he deſired me to put Mr. Bailey's name to it.

Why did you put Bailey's name to it?—He had given me commiſſion to do ſo.

Was that the general courſe of your office?——Yes.

Who is Mr. Bailey?——Clerk to Mr. Robertſon.

Did you know him to be ſo?——Yes.

When you had wrote the letter, and ſigned it in the manner you have mentioned, what did you do with that and the papers?——Sent it to the board; this is the letter.

Court. Did Mr. Robertſon read the letter after you had wrote it?—I do not recollect whether he did or did not.

Do you know what was done on theſe laſt papers?—They were allowed.

What did the demand that was ſo allowed amount to?—I cannot ſay.

Was this laſt order and receipt taken any notice of before March 1783?——No.

Mr. Lee, Council for the Priſoner. Mr. Williams, I will aſk you one or two queſtions; you was before a magiſtrate upon this?——Yes.

Who was he?—Sir Sampſon Wright.

Do not you recollect, that upon that occaſion you ſaid that you wrote that letter by Mr. Bailey's direction?—By the permiſſion of Mr. Bailey to put his name to the letter.

Did not you ſay that you wrote the letter by Mr. Bailey's direction?——No.

Did you ſay a word of writing it by Mr. Robertſon's direction before that magiſtrate?—Yes, to the beſt of my knowledge I did.

Recollect yourſelf.——Yes, Sir, to the beſt of my recollection.

You ſaid there you wrote that letter by the direction of Mr. Bailey, Mr. Robertſon's clerk?——No, Sir, not by the direction of Mr. Bailey.

You ſay you did not ſay ſo?——I do.

You do?——I think I may.

Then you have an indiſtinct ſort of belief about it; you are not ſure whether you did or no?——I am pretty ſure I did not.

You have known Mr. Robertſon a great many years?——Yes.

How long?—Ever ſince he was a child.

What portion of that time has he been engaged in navy agencies?—A many years.

Has his employment in that reſpect been to a pretty conſiderable extent?—Yes, very much ſo.

Very eminent?——Very eminent.

I ſuppoſe therefore he was as likely as any agent in England to know what was the regular courſe of doing this buſineſs?—He was.

Could he be ignorant that an Admiral correſponded with his Captain, and his Captain with his Purſer, that that was the method of doing it?—No, I ſhould think not.

He could not poſſibly be ignorant of that?——No.

He knew the mode of this buſineſs as well as any body?——I dare ſay he did.

Could he poſſibly be ignorant, in your judgment, that the mode of doing this buſineſs is, that the Admiral commands the Captain, and the Captain commands the Purſer, and that the Admiral has no immediate correſpondence with the Purſer?—No, Sir.

That is a groſs irregularity on the face of it.——Yes, any clerk that has been in the office ſome time muſt have been ſtruck with it.

What day in September was it that you received theſe firſt ſet of papers?——I delivered them into the office the 19th, but I cannot juſtly ſay when I had them.

I am ſpeaking of the firſt papers, which you ſay in September, 1782 you received from Mr. Robertſon, to ſolicit through the office; what makes you certain it was in September 1782?——I am ſure I delivered them in September.

When did you receive them was my queſtion?——I cannot juſtly ſay.

Court. He ſaid in September 1782.

Mr. Lee. Can you tell, or can you not tell, whether you received them in Auguſt?——It is impoſſible to tell.

You might have received them in July, or in June?——It is impoſſible to tell.

How came you to ſwear that you received them in September ?——To the beſt of my knowledge.

It is a ſtrange thing, that in ſuch a charge as this, that you ſhould begin with ſaying, you received them in the month of September, and now you ſay you know nothing about it ?——I take it, it was in September that I received them.

What makes you take it ?——Becauſe I generally uſed to deliver papers as ſoon as I had them.

So that you infer, becauſe you delivered them in the month of September, that you had them then ?——I ſhould ſuppoſe ſo.

Will you take upon you to ſwear that they had not been delivered months before, months, many months; I put it to you, and I tell you there will be ſome evidence upon that; not one, two, or three, or four, but ſix months ?——I cannot take upon me to ſwear, I will not take upon me to ſwear, I ſhould not chuſe to ſwear.

What are you about, to ſay you received them in the month of September, and then will not take upon you to ſwear that they were not delivered the February before; that is pretty extraordinary! Now, young man, about all this matter on which there is a poſſibility of checking you, you get into a good deal of obſcurity and uncertainty, but you ſay you received a letter from Mr. Robinſon ?——Yes.

It is a little unlucky that was deſtroyed ?——I cannot ſay when, I received many notes from Mr. Robinſon, being of no conſequence I deſtroyed them.

You do not know that you deſtroyed that ?——I have not got it.

Did not you receive papers without letters ?—I might receive papers without letters, but I remember finding that paper in a note on the deſk.

What a note written by Mr. Robertſon ?—Yes.

I ſhould have thought it moſt natural to have preſerved that paper with the incloſure ?—No, the papers were delivered into the office.

Do you know what became of the letter ?——I do not know.

Becauſe you ſaid you deſtroyed it, you do not know but you might light a pipe with it ?——No.

I wiſh you have not made ſome little miſtake about this letter, Mr. Williams ?——I fancy not.

Are you ſure about that, I would not aſk you if I was not inſtructed to aſk you; will you take upon you to ſwear that there was a letter at all from Mr. Robertſon ?—I am certain theſe papers were incloſed in a note, I know it was from him, and to the beſt of my knowledge it was his writing.

Now it is only to the beſt of your knowledge ?—I know Mr. Robertſon's writing.

Will you ſwear the letter that you took little or no notice of was his writing, becauſe you ſaid to the beſt of your knowledge it might be ?——It is impoſſible for me, I did not ſee him write it.

It might be his clerks you know ?—To the beſt of my knowledge it was his handwriting.

Or it might be his clerks ?——It was his hand-writing, I dare ſay, I very often ſaw his writing.

Now, I ſay, young man, as the note was deſtroyed, what fixes it in your memory ſo preciſely and exactly the time of this delivery of theſe papers and note ?——I wrote to the board immediately after I received the papers in March.

Juſt ſo was done you know in the month of September, yet you cannot ſwear that it was not in the February before; that is no reaſon with you you know ?——I am ſure it was in March.

What makes you ſo ſure ?——From my memory.

O, that is all! When did you apply to the board ?—I applied either that day, or the next day, to Mr. Collier.

Court. You ſent them to the office; what time in March ?—About the 15th or the 16th.

Mr. Lee. Now will you tell me this, whether at the time you received theſe accounts

counts, this order and this receipt, you did not receive an account of extra caſks, ſigned by Captain Symonton ?——I do not recollect that.

What is the matter with you, you ſeem to have the moſt comical memory that ever was; why it is all of one ſide! Cannot you tell whether you did or did not; was not he Captain of the Superbe?——Yes.

Do you recollect any account of theſe extra caſks at all, how is that, Maſter Williams?—I cannot ſay that I do recollect.

Do not you know that there was an account of extra caſks as well as the others ſent by Captain Symonton?—I know there was one.

But you cannot tell whether you received this with the others, or when you received it?——I cannot ſay.

Did not you receive them at one and the ſame inſtant?—I do not recollect any thing about theſe extra caſks.

At the time you received this order and receipt, was not it accompanied with that account?—I do not remember it was.

Will you ſay it was not?—I do not remember it was.

You can remember and forget very comically?——I remember the other papers, but I do not remember this.

Do not you remember ever to have ſeen it, or only that you never ſaw it then?—I cannot recollect whether I ever ſaw it.

Now mind, good Sir, this letter is your own letter on the 12th of March 1783, which you ſigned I think, did not you?—Yes.

You ſigned with the name of Bailey; why, it is your own letter, look at it; look at that, man; I only want to refreſh his memory, not to puzzle him: now, upon ſeeing your own hand writing, do you recollect it?—I might have not had the extra expences, we apply for one thing at a time.

Why you ſtate the very irregularity of it at the time?——I might know the irregularity, though I had not the paper.

How could you do that, unleſs by divination?—The firſt papers were regular, the ſecond were irregular, therefore that application was made.

Now, friend, how could that letter poſſibly be written, unleſs you had an account of the extra caſks?——I might know it was irregular, though I might not have it.

Now do you mean to ſwear that when you wrote that, you had no account of theſe extra caſks?—I might be informed that it was not regular to apply for the extra expences, I ſaid before I did not remember ever ſeeing it.

Did you recollect when I examined you, that you had written ſuch a letter as that in your own hand writing ſigned Baily?—Yes, Sir, I know I wrote the letter, but I might not have had the account of the extra caſks.

Did you know that the letter was falſe or true when you wrote it?—I might be deſired to apply for the extra caſks at the ſame time.

(*Mr. Lee produced an account ſigned by Mr. Henſhaw.*)

Look at that for God's ſake, and conſider what you are about young man; how could that get into Mr. Henſhaw's poſſeſſion without you had received that?—Yes.

How! how?——Any body might have given it to him, I might have been ordered to apply for it, though I had not the extra expences, I know I applied for it, I can ſay I did not preſent the extra expence of caſks to Mr. Henſhaw, I preſented the receipt to Mr. Collier,

Will you ſay you did not preſent the extra account of caſks, at the ſame time to Mr. Collier?—Mr. Henſhaw was the proper perſon, I might have been deſired to apply for it while I was writing the letter, to apply for both at the ſame time, ſomebody elſe might have preſented it to Mr. Henſhaw.

But how it was, you do not know?—I do not.

Mr. Erſkine. Read the order firſt, and then the receipt, you firſt deſire him to read part of a paper, and then the whole of it, you ſhould firſt read the order, for the receipt is in conſequence of the order, as the Solicitor General ſtated it.

Mr. Juſtice Willes. You ſhould read all the papers together to be ſure, let the order be read.

(*The order read*)

" Signed Edward Hughes :"

" Dated the 9th of May, 1779."

" To Sir Edward Hughes, Knight of the Bath, Rear Admiral of the Blue, &c. &c. &c.

" Whereas the garriſon in the iſland of Goree, is in want of proviſions, delivered the following taking proper receipts : bread 11,200 pounds, beef 350 pieces, pork 230 pieces, peas 17 buſhels, oatmeal 1000 gallons, flower 4000 pounds, ſpirits 350 gallons, wine 1200 gallons, oil 30 gallons, bags 100; given under my hand, at Goree, the 9th of May, 1779, directed to Mr. Gambold, Purſer of the Superbe, ſigned James Rooke, Lieutenant Colonel."

(*The receipt read.*)

" Received the 10th of May, 1779, of Mr.Gambold, Purſer of his Majeſty's ſhip Superb, bread 11,200 pounds in one hundred bags, beef 350 pieces in 20 puncheons iron bound, pork 230 pieces in 8 puncheons iron bound, peas 17 buſhels in 2 hogſheads, oatmeal 100 gallons, flour 4,500 pounds, wine 1,200 gallons, rum 350 gallons, oil 30 gallons in one jar."

Mr. Solicitor. Now we read the letter dated London, the 12th of March, 1783; ſigned Henry Bailey.

Court. You have produced the receipt, the next thing is, whether it is Mr. Rooke's hand writing, you muſt call him to prove that it is his hand writing; in the courſe of buſineſs you have proved a receipt, now you are to prove it was forged.

COLONEL JAMES ROOKE *ſworn.*

Examined by Mr. Sylveſter.

Where was you on the 10th of May, 1779?—At Goree.

What ſtation was you in then?—I was commanding officer of his Majeſty's troops at Goree.

Look at that, is that your hand writing?—It is ſo much like my hand writing, that I cannot ſay it is not my hand writing.

Look at the whole of it, what do you believe on the ſubject?——The words Lieutenant Colonel appear to be not my handwriting.

While you was commanding officer at Goree, did you ever receive thoſe proviſions from his Majeſty's ſhip the Superbe?—I did receive proviſions in conſequence of an application to Admiral Hughes, but I cannot poſſibly ſay whether I received thoſe or not.

Did you ſign that paper, look at the whole of it?—I cannot ſwear I did not ſign James Rooke.

Look at the whole of it, did you ever ſign a paper like that.

(*The Priſoner's Council objected to this queſtion.*)

Mr. Sylveſter. My Lord, but a very few ſeſſions ago there was a forgery on the Eaſt India Company, and the Secretary ſaid he would not poſitively ſwear that was not his hand-writing, it was ſo like it, but he would ſwear that he never ſigned two.

Mr. Lee. That has nothing at all to do with this caſe; why you might as well indict me for this forgery.

Court. You cannot ſtir a ſtep; Colonel Rooke ſays he applied to Admiral Hughes for proviſions, and he did receive a quantity of proviſions from Admiral Hughes, and he cannot ſay what quantity.

Mr. Bearcroft. This would not be evidence in a civil caſe.

Mr. Solicitor General. I aſſure you my Lord, if it had not been ſtated to me, that Colonel Rooke would have ſaid that this was not his hand-writing, I would not have proceeded.

Court. Gentlemen of the Jury, You ſee the complexion of this, you muſt acquit Mr. Robertſon, and I think he is honourably acquitted.

NOT GUILTY.

Mr. Juſtice Willes. I have known Colonel Rooke theſe thirty years, I believe there is not a worthier honeſter man, and more of a gentleman.

Mr. Bearcroft. My Lord, I had a witneſs on the part of the priſoner to prove that he received theſe papers in the condition

tion exactly that they are now, many months before this application; may I be permitted my Lord, to ſtate that I have a witneſs who was clerk to the priſoner at the bar, who received theſe papers that are ſuppoſed to be forged, in a package with a great number of others, apparently coming from ſomebody who ſent them from the dead purſer's goods; I underſtand nothing in the world is ſo common when a death happens on board, for ſomebody or other to pack up the papers, and ſend them to the agent: my Lord that clerk would have proved that they were brought to him unopened, and when they were opened, they were exactly in the ſame ſtate they are now, I think this declaration due to my client's character; I never thought any thing elſe was in danger.

David M'Cormick who was an evidence on the above trial was ordered to be diſcharged.

Mr. Robertſon retired from the bar as ſoon as the verdict of Not Guilty was pronounced, but returned in a minute afterwards and ſaid, "I return my thanks to the Gentlemen of the Jury."

Tried by the ſecond Middleſex Jury, before Mr. Juſtice WILLES.

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551. ANN POWIS was indicted for feloniouſly ſtealing, on the 28th day of April laſt, one Bath cloak, value 5s. one black ſilk cloak, value 8s. one chip hat, value 1s. one black ſilk handkerchief, value 2s. one apron, value 1s. one plated ſpoon, value 4d. one ink-ſtand, value 4s. two caps, value 2s. and ſix yards of thread lace, value 2s. the property of John Edwards.

MARY EDWARDS *ſworn.*

On the 28th of April the priſoner robbed me of the things mentioned in the indictment, ſhe came to me on the 24th for lodgings, ſhe ſaid ſhe came up by the waggon, and ſhe had expended all her money; I took her in on Wedneſday about one, ſhe went from my apartment and took the things with her; ſhe was to go by Mr. Ward's Birmingham waggon, from the Bell in Smithfield, and in about half an hour after ſhe was gone, I miſſed the things mentioned in the indictment; I went after her and found her in Smithfield about four, I took hold of her, and a woman came up and aſked the priſoner if a man and woman belonged to her; I ſaw nobody but the priſoner, but the other people ſaid they ſaw them; the priſoner ſaid yes, and ſaid to my daughter, that man and woman has got the black box and your cloak.

Court. What do you mean by the black box?——The ink-ſtand; we took the priſoner to the Compter, ſhe had my cloak on her; ſhe never denied taking the things, but ſaid ſhe gave them to this man and woman; ſhe ſaid firſt that they ſet her to rob me, then ſhe ſaid ſhe met them in the ſtreet and aſked them for a lodging, and gave them the bundle.

Mr. Sylveſter, Priſoner's Council. How long has this woman been in town?—She has been five weeks in priſon.

What are you?—I ſell gingerbread and ſaloop in the ſtreet; I live in Hen and Chicken Court, by St. Dunſtan's Church.

ROBERT WALKER *ſworn.*

I am a watchman, I took the priſoner into a publick houſe, and ſhe ſaid ſhe had given the box to the man and woman that had promiſed to let her a lodging, and they lived at St. Giles's Church; ſhe ſaid ſhe knew nothing of the man and woman, but ſhe gave the box on purpoſe to get a ſhilling for a lodging, as ſhe had no money.

She never attempted to run away?—No, ſhe was like a baby, as inoffenſive as a lamb to look at, ſhe could not well get from me.

No, certainly, not from you; you are the lion and ſhe the lamb, you are quite a tiger of a watchman.

SARAH PUGH *ſworn.*

I went of an errand for my mother, and I met the priſoner about half paſt one; ſhe told me my mother had ſent her to look for me, ſhe aſked me to go with her to wait till the waggon came in, and ſhe deſired me to go firſt, and ſhe ſaid ſhe would wait for me; when I came back, I found the priſoner gone; I went with my mother to the Bell Inn, to ſee if ſhe was coming there, and coming back from there, we met her with my mother's cloak on her back, and there was a man and woman with her, the man was dreſſed like a ſailor, and the woman had a red cloak on; the man and woman went along, and a woman came up, and aſked the priſoner if that man and woman did not belong to her, and ſhe ſaid, yes, they did, and they had the black box and my cloak; I met her in Fetter-lane.

Mr. Sylveſter. You met her a little way from the Bell Inn?—Yes, in Smithfield.

She did not attempt to get away from you?——No, we both laid hold of her.

You are neither of you very ſtrong I ſee?——No, the waggon came in that night.

Now this poor creature, you had not known her long?——No, only that Saturday.

You never ſaw the man and woman after?——No, they both ran down Chick-lane, nobody ran after them, we were afraid to follow them.

RICHARD WILTSHIRE *ſworn.*

I took charge of the priſoner in Chick-lane, about half paſt five, with this cloak on her ſhoulders; I heard her ſay nothing.

Mr. Silveſter. You was alarmed to hear there was a thief in Chick-lane?—There are a vaſt many thieves in Chick-lane.

(The cloak produced and depoſed to.)

PRISONER's DEFENCE.

Sir, I came out of the country, and my things were to come the next week; I was not acquainted with the place, I met this woman, and ſhe ſaid ſhe would give me a lodging; I aſked her to lend me her cloak, and ſhe ſaid I might have it, I made bold to put it on, and after that ſhe and her daughter followed me and had me taken up.

Where do you belong to?——I came out of Glouceſterſhire.

What had you to do with the Birmingham waggon?——I came in Mr. Ward's waggon from Shipſtone, I came about five miles from Stratford upon Avon; as to the other things, I never ſaw any of them, but the woman would not mind ſwearing my life away.

A witneſs for the priſoner depoſed, that the priſoner's clothes had ſince come out of the country, and were at the Bell Inn at that time.

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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552. EDWARD M'QUID was indicted for feloniouſly ſtealing, on the 26th day of May, one pair of leather ſhoes, value 2s. the property of Robert Alexander.

The proſecutor being informed by one Griffin, that the priſoner had ſtolen his ſhoes, which were hanging at his door, purſued and took him with the ſhoes upon him, which were depoſed to.

GUILTY.

Whipped.

Tried by the London Jury, before Mr. RECORDER.

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553. ELIZABETH KELLY was indicted for feloniouſly ſtealing, on the 26th day of April, two pewter quart pots, value 3s. and one pint pewter pot, value 1s. the property of Joſiah Knutt.

GUILTY.

Privately whipped.

Tried by the London Jury before Mr. RECORDER.

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554. GEORGE HYATT was indicted for feloniouſly ſtealing on the 7th day of May, one pound weight of tobacco, value

lue 1s. the property of a certain perſon unknown.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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555. EDWARD REUBENS was indicted for feloniouſly ſtealing on the 14th day of May, four pounds weight of lead, value 6d. and ten pounds weight of braſs, value 6s. the property of John Warner.

GUILTY.

Recommended by the Jury, being aged.

To be privately whipped, and impriſoned one month in Newgate.

Tried by the London Jury, before Mr. RECORDER.

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556. DANIEL DANIELS was indicted for feloniouſly ſtealing on the 21ſt day of May, one copper pot with a copper cover, value 4s. one pewter diſh, value 6d. one pewter porringer, value 3d. and one pair of ſhoes, value 6d. the property of Joſeph Solomons.

JOSEPH SOLOMONS *ſworn.*

Laſt Saturday was a week, when I got up in the morning, I found I was robbed, we have cloſets in the yard, I made an alarm, and by applying to the watchman I got ſome of my property.

JOHN WILLIAMSON *ſworn.*

I am a watchman at Aldgate, I ſaw the priſoner the 22d in the morning, about half paſt three, with a copper in his right hand, he puſhed down an alley about four yards, and dropped the pot and this diſh, I purſued him, and loſt ſight of him in Cox's-ſquare; ſix days after he was taken, I am ſure it is the ſame man, I knew him before, I can ſwear to the things.

Thomas Tyler and John Hopkins confirmed the former account.

(The things depoſed to.)

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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557. JOHN AYNERS and JOHN ADAMS were indicted for feloniouſly ſtealing on the 15th day of March laſt, 214 pounds weight of lead, value 30s. belonging to Jonathan Mab, and then and there affixed to his dwelling houſe, againſt the ſtatute.

JOHN ROBINSON *ſworn.*

Between eight and nine in the evening, March the 15th, I took a walk round, and at the place called the Circus Building, I went into an houſe uninhabited, and ſtood in the door way, with my face towards the door, and the two priſoners came and paſſed me with each a load, I ſtood till they got paſt me, I ſaw another man behind, he ſet down his load, I took no notice at all of him, but I went into Quebeck-ſtreet and told the people of the publick-houſe, two of the men followed me, I took one of the priſoners, and purſued after the other two. but could not find them, I came round the ſouth ſide; when I took Ayners, he wanted me to keep it quiet, I told him no, it would not do, then I perceived Adams and another man along with him, I met them half way along the ſouth ſide of Portman-ſquare, I took Adams, and the other man got away, they had both loads on their backs.

Court. When you firſt ſaw them, were they coming from that way?—Yes, I took the lead and matched it, and found it had been taken from a houſe belonging to Jonathan Mab, it fitted exactly, it was taken from the middle gutter, there were nail holes, and it fitted exactly, here is one Robinſon, who ſaw the lead matched.

——— ROBINSON *ſworn.*

Did you ſee this lead tried on the houſe? —Yes.

Did it fit the places?—Yes.

Was the place cut out even or irregular? —It was cut out irregular.

So that nothing could fit it but the piece itſelf?—Nothing but the piece itſelf.

(The lead produced.)

Court to Robinſon. That is not ſo irregular as you deſcribed it?—It is impoſſible for a man to cut it even without he had a line to cut it by, they cut two pieces out from the gutter, they matched exactly to the place.

PRISONER ADAMS's DEFENCE.

I ſhewed them the man that employed me when he took me.

Court. Where is the man, can you produce him?—No, I cannot, I had a gentleman here laſt ſeſſions that waited two or three days.

PRISONER AYNER's DEFENCE.

When they took me, I told them the man that employed me was before me, and they took him.

BOTH GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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558. **ANN WRIGHT** was indicted for feloniouſly ſtealing, on the 11th of May, one cloth coat, value 40s. one waiſtcoat, value 2s. one pair of breeches, value 2s. one coat, value 4s. one waiſtcoat, value 2s. one pair of everlaſting breeches, value 2s. one cotton gown, value 3s. one linen gown, value 3s. one linen apron, value 1s. one boy's ſhirt, value 2s. one black ruſſel petticoat, value 4s. one flannel petticoat, value 1s. one pair of cotton ſtockings, value 1s. ten copper medals, value 6d. one ſilver medal, value 6d. and one half-penny, value a half-penny, the property of John Hill.

Mrs. HILL *ſworn.*

The priſoner was my ſervant, about three months ſhe laid with me, on account of my huſband being in trouble, he was arreſted for a debt that he was bail for, I called her up early in the morning as I wanted to go out, ſhe got up immediately to iron ſome things, I thought ſhe was up doing her buſineſs, a little boy of mine cried and made a noiſe for his breeches, I was angry with him, and told him to go to Nanny; I then found that the maid was gone, and every box, and every drawer, and wearing apparel, my petticoats, my gown, my ſhift, and every individual thing but my garters, I believe the keys might be on the table, as I never hardly put them in my pocket; in two days I found the things, the priſoner was going by Biſhop's Court, in the Old-Bayley, with all my clothes on her back, my hat and every thing ſhe had on was mine, I took her into cuſtody, and found duplicates in her pocket of a great many things that ſhe had pledged, and the pocket-piece and medals were found in her pocket, ſhe ſaid the devil was very buſy with her, ſhe was in liquor.

WILLIAM BOTHMAN *ſworn.*

I have two boys coats, waiſtcoats, and breeches, the priſoner brought them to our ſhop, on the 18th of May.

(The things depoſed to.)

JOHN TAYLOR *ſworn.*

I have two gowns, a petticoat, an under petticoat, a ſhift, and a linen apron, all the things but one of the gowns were found upon the priſoner's back.

(Theſe things depoſed to.)

GEORGE MEECHAM *ſworn.*

I was with Taylor and took the priſoner, theſe things were found upon her, I found ſome medals on her, and a pair of white cotton ſtockings in her pocket, and a remarkable half-penny with a name engraved upon it, and I found all the duplicates.

(Theſe things depoſed to.)

PRI-

PRISONER's DEFENCE.

The proſecutrix gave me the things to keep for her, for ſhe was affraid of having them taken away from her, theſe things I had on my back ſhe lent me, and I was to pay for them as ſoon as I could.

The priſoner called two witneſſes who gave her a good character.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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559. ELIZABETH MILLER was indicted for felonioufly ſtealing, on the 12th of May, one ſcarlet cloth coat, value 2s. one linen ſhirt, value 2s. one linen ſhift, value 2s. two children's linen ſhawls, value 1s. one ſilk handkerchief, value 1s. and one blanket, value 1s. the property of Benjamin Bailey.

BENJAMIN BAILEY *ſworn.*

On the 12th of this month, I was informed my door was broke open, I left my apartments between twelve and one in the afternoon, I left my wife at home, ſhe came to me about ſix in the evening, and told me I muſt run home directly, I went home and found my place broke open, it was one pair of ſtairs, there is no lower place to the houſe, there is no door only the ſtreet door, the things mentioned in the indictment were miſſing.

SUSANNAH BAILEY *ſworn.*

I left my apartment about ten minutes after five, I went up two pair of ſtairs in the ſame houſe to drink tea, and I had been up about ten minutes or a quarter of an hour, and I heard the door go to very hard, I had locked my door and had the key in my pocket, I went down and found my door open, the ſtaple was forced out, and laying down by the chair, the things were gone; I never found the things.

ELIZABETH DINGLY *ſworn.*

I live in the ſame houſe, on Wedneſday the 12th of May, a little after two o'clock, I went out, and came home within a few minutes after five, I ſaw a woman come out in a bed-gown, I live in the ſame houſe, I knew her to be a ſtranger, I looked at her ſeveral times, ſo much as to know her again, I went up ſtairs and opened Mrs. Bailey's door, and one of the witneſſes aſked me if I had been in the room, I ſaid no, Mrs. Bailey ſaid ſomebody has, I ſaid I ſaw ſomebody go out that I ſhould know again, I purſued her but did not find her, I ſaw her in Roſemary-lane, and took her into cuſtody with the things.

(The things depoſed to.)

PRISONER's DEFENCE.

On Wedneſday morning I bought theſe things, I was going to the fair to ſell them, and I was taken, I did not know they were ſtolen, I gave 7s. for them, I am almoſt ſtarved alive.

GUILTY.

To be privately whipped, and confined to hard labour 12 months in the Houſe of Correction.

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560. JOSEPH LEVY was indicted for felonioufly ſtealing, on the 1ſt of May, one copper kettle, value 8s. the property of Sarah Anderſon.

SARAH ANDERSON *ſworn.*

I ſell ſaloop in the morning, the kettle ſtood at the door, and I went to lock the door, and in two minutes it was gone; it was about one o'clock in the morning, I ſaid I have loſt my kettle, and a man ſaid he ſaw a man going down Church-row with a hot fire, and a great kettle in it.

JOHN COLLISON *ſworn.*

I am a beadle, I had been out that night, and between twelve and one I was going home, and ſaw an uncommon light in Church-row, by Aldgate church, I thought it was a lanthorn with a ſnuff in it, I went a little further, and the proſecutrix ſaid ſhe had loſt her kettle, I told her I ſaw an uncommon light, and the watchman run down and gave the alarm, I ſaw the priſoner brought back with the kettle in his hand, they ſaid we have catched the thief I brought him to the watch-houſe, we appeared before the Alderman, and he was committed; I did n t ſee him take it.

WILLIAM BOX *ſworn.*

I found this kettle in the priſoner's hand, full of ſaloop and fire under it, I am ſure it was the priſoner.

GEORGE WADE *ſworn.*

I was with the laſt witneſs, I took the priſoner, he had the kettle in his hand.

PRISONER's DEFENCE.

I picked up the kettle full of fire.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

561. ROBERT JONES was indicted for feloniouſly ſtealing on the 26th of April laſt, two printed cotton gowns, value 10s. one cotton petticoat, value 5s. one ſtuff petticoat, value 8s. five linen ſhifts, value 10s. one cotton counterpane, value 3s. one linen counterpane, value 4s. one diaper napkin, value 12d. two diaper table cloths, value 5s. a bed gown, value 10s. a knife caſe, value 16s. eleven knives, value 6s. ten forks, value 4s. one ſilver ſtrainer, value 12d. the property of Ann Walker, ſpinſter, in her dwelling houſe.

ANN WALKER *ſworn.*

I loſt my property; I know nothing of the priſoner.

GEORGE MEACHAM *ſworn.*

On Monday the 26th of April laſt, between one and two in the afternoon, I met the priſoner in Drury-lane, with this knife caſe under his coat, I immediately took him into cuſtody, I took him to Juſtice Walker's, in Hyde-ſtreet, Bloomſbury, I advertiſed the property, and the proſecutrix owned it.

Was there any thing but that knife caſe found on the priſoner?—I found nothing elſe, he behaved very civil, and ſaid he bought it of a man juſt by, he did not ſay where.

(The knife caſe depoſed to, by the proſecutrix.)

What do you know it by?—I deſcribed the caſe and the knives that were in it, and I have the key in my pocket *(The knife caſe opened)* I am ſure it is mine, I loſt it on the 26th of April, I miſſed it about three o'clock, it was taken from the top of the houſe, a drawer was broke open and cleared of the linen; on Thurſday I ſaw the advertiſement and deſcribed my knife caſe, I do not know how he got in, I had not been out.

What does your family conſiſt of?—I keep a ſchool, and we had a great many children about at the time, my door ſtands open, I live in Southampton-ſtreet, Covent Garden.

PRISONER's DEFENCE.

I was coming up Ruſſel-ſtreet, from Covent Garden, and met a ſhipmate of mine, he aſked me to drink, we went into the corner houſe and had a glaſs of rum, he aſked me if I was going towards Oxford-road, I told him I was, he aſked me to carry it for him, I did not know the property was ſtolen, I met Meacham, and the man knowing him made his eſcape, I went quietly with him not thinking they were ſtolen.

Who was the man?—He was a ſhipmate of mine on board the Princeſs Royal.

What was his name?—Thomas Oſborn.

Where was he when Meacham ſtopped you?—He was juſt behind.

Why did you not call him then?—I was rather frightened, I have no witneſſes.

Court. Gentlemen of the Jury; we have no proof of any thing but the knife caſe, which is laid to be of the value of twenty ſix ſhillings only, ſo that then the offence is not capital, and it is for your conſideration, whether you think upon this evidence he ſtole this knife caſe, it was found in the afternoon ſoon after it was miſſed, he then ſaid he bought it, now he gives a different account, you will judge whether he ſtole it, and if you think ſo, you will find him guilty.

GUILTY 26s.

Court to Proſecutor. Did you ſay your drawers were broke open up ſtairs?—Yes, my Lord.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

THE WHOLE

PROCEEDINGS

ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*;
HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 26th of MAY, 1784, and the following Days;
Being the FIFTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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562. MARY GARRAT was indicted for feloniouſly ſtealing, on the 21ſt of May, twenty guineas, value 21l. eighteen half guineas, value 9l. 9s. one half crown, value 2s. 6d. and two ſhillings and ſixpence in monies numbered, the monies of Elizabeth Eaſt, privately from her perſon.

ELIZABETH EAST *ſworn.*

Examined by Mr. Peate, Counſel for the Proſecution.

Did you ſell out any ſtock, and when?—I ſold out 100l. bank ſtock laſt Friday week, out of the 3 per cents.

What did you do with the money?—I paid one gentleman five guineas, and another four, when I paid the money I received ſome hand-bills, I wrapped up the reſt of my money in two of theſe bills, I went to the Blue Poſts in the afternoon of the ſame day, I wrapped the money up in theſe two bills, and put it in my pocket, I felt it in my pocket at Taylor's the conſtable's, and I loſt it going down to the Juſtices, I had a quarrel with a perſon, and the priſoner was there, I aſked her to drink.

Court. In which ſide pocket was it?—In my right hand pocket.

Mr. Peat. Did you go to Taylor's?—Yes, the priſoner ſaid ſhe would ſee me righted, and I went to Taylor's, and there I felt it in my pocket, and I ſaw it in my hand, nobody went with me but the conſtable and the priſoner.

When you came to the magiſtrate's, what happened then?—I aſked for a warrant and put my hand in my pocket, and ſaid what ſhall I do, I am robbed of all my money, ſhe immediately cried out ſhe had nothing but the change of a ſhilling, which I had given her.

Was that anſwer immediately upon your declaring you had loſt your money?—Yes.

What paſſed then?—Then Mr. Taylor the conſtable inſiſted upon ſearching her.

Did he ſearch her?—He did, and ſhe declared ſhe had nothing but this money, and he pulled out of her pocket two ſixpences and ſome halfpence, and then he put his hands under her arms, and ſaid, by God, here is the woman's money; with that ſhe ſaid, do not make any words, and they opened her clothes, and either under her right breaſt, or her left breaſt, the money was found, the Juſtice ſaw it found.

Court to Proſecutrix. Did you feel her take it out of your pocket?—No, Sir, I did not indeed.

JOHN TAYLOR *ſworn.*

I am conſtable of St. Margaret's pariſh, Weſtminſter; the proſecutor and the priſoner

ner came to my houſe betwen nine and ten, I was at ſupper, I went with them to get a warrant, when we was at the Juſtice's, while he was writing out the warrant, the woman felt in her pocket and ſaid ſhe had loſt her money; I did not think ſhe had any money, but I ſaid to the woman next to me, I will ſearch you, ſhe ſaid ſhe had no money, and juſt underneath her arm, I felt a great lump, and I made oath here is the money, I put my hand between her ſkin and her ſhift; and there was the money, I put it down by the Juſtice, and he counted it, and there was twenty guineas, and eighteen half guineas, and half a crown piece, and two ſhillings and ſixpence, the Juſtice incloſed it and he ſealed it, and I ſealed it, and he gave me his gold ſeal to take care of, this is the ſeal, I left it with the Juſtice to take care of, it has never been opened, I can ſwear to the ſeal, I left it in the Juſtice's hands for fear of an accident.

Court to Proſecutrix. What were thoſe hand-bills that you wrapped it up in?—This is one of the ſame ſort, I had four or five.

Where did you get theſe hand-bills?—I paid a perſon five guineas, and he gave me theſe bills.

Court to Conſtable. Theſe two bills were wrapped round the money when you found it?—Yes.

Court to Proſecutrix. Are you ſure you did not drop this money, or drop it out of your pocket?—Yes, I am ſure of that.

What had you done with the reſt of the money?—I had paid away nine guineas, and bought ſome clothes.

PRISONER'S DEFENCE.

My Lord, the man that the proſecutrix cohabits with happened to have a quarrel, and a great diſpute aroſe, ſhe gave me a gown to hold, I ſaw ſomething lay, and I took it up, and put it into my boſom; in a little time after ſhe aſked me to go with her, I told her I had found ſomething, ſhe never ſaid ſhe had loſt any thing at the time, I never looked at what I had, I kept it in my boſom, I went with her to the conſtable's, and from thence to the Juſtice's, when I came there, ſhe ſaid ſhe had no money to diſcharge the warrant, I did not imagine the money belonged to her, or that ſhe could have ſo much.

Court. Was it before you went to the conſtable's that you picked this up?—Yes.

Court to Proſecutrix. Are you ſure that you had it when you was at the conſtable's?—Yes, my Lord.

GUILTY, **Death.**

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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563. DAVID LANKEY was indicted for feloniouſly ſtealing on the 25th of May, one ſilk handkerchief, value 2s. the property of William Andrews.

WILLIAM ANDREWS *ſworn.*

On this day ſe'nnight I loſt my handkerchief, I ſeized the priſoner and took him to the watch-houſe, but nothing was found upon him.

GODBY HERE *ſworn.*

I ſaw the priſoner take the handkerchief out of this gentleman's pocket, he immediately conveyed it away; two or three people were very near him, I am clear he was the perſon that took it.

PRISONER's DEFENCE.

I went on a meſſage for my father, and coming home there were ſeven or eight people, and this gentleman ſaid I took his handkerchief; I am a taylor.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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564. WILLIAM HALL was indicted for feloniouſly ſtealing, on the 3d of April laſt, ſeventy-five yards of canvas, value 5l. the property of William Gardner.

There was no evidence to convict the priſoner.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

565. ADAM LUMMERS, otherwiſe HAINE, was indicted for ſtealing, on the 17th of March laſt, one wooden bowl, value 1d. and 5s. in monies numbered, the property of Joſeph Starling.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice WILLES.

566. LEWIS BURKE and ELEANOR KELLY were indicted for ſtealing on the 19th of March laſt, one martin ſkin muff, value 40s. one martin ſkin tippet, value 50s. and one woollen cloak, value 40s. the property of Simon Jackſon, in his dwelling houſe.

There was no evidence to convict the priſoners.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice WILLES.

567. BENJAMIN DOUGHTY was indicted for ſtealing 18d. in monies numbered, the monies of Michael Young.

The proſecutor not appearing, the priſoner was

ACQUITTED.

568. ANN BURTON and SARAH BAKER were indicted for feloniouſly aſſaulting Charles Croſs in a certain houſe near the King's highway, on the 5th of April laſt, and putting him in fear, and taking from his perſon and againſt his will, one baſe metal watch, value 40s. one chain, value 6d. a key, value 1d. a ſeal, value 6d. a hook, value 1d. and 3s. in monies numbered, his property.

The proſecutor not appearing, the priſoner was

ACQUITTED.

569. RACHEL CRAVEN was indicted for ſtealing, on the 19th of March laſt, one table cloth, value 12d. three handkerchiefs, value 18d. one ſheet, value 2s. two half handkerchiefs, value 6d. one ſhirt, value 6d. ſix clouts, value 18d. and two caps, value 6d. the property of James Ducheman.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

570. THOMAS STAPLING was indicted for ſtealing, on the 11th of March, fifteen yards of ſail cloth, value 10s. the property of Edward Hoare.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

571. BENJAMIN BURWOOD was indicted for ſtealing, on the 18th of April, one cotton handkerchief, value 2s. the property of Thomas Monday, privily from his perſon.

Richard Armitage, a material witneſs, not appearing, the priſoner was

ACQUITTED.

572. MARGARET WILLIAMS was indicted for ſtealing, on the 8th of

April, four yards of callico, value 2s. the property of Thomas Lothbury.

The proſecutor could not ſwear to the callico.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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473. THOMAS TYLER was indicted for feloniouſly ſtealing, on the 31ſt of May, 1783, four half guineas, value 2l. 2s. and 3l. 3s. in monies numbered, the property of Luke Hill, in his dwelling houſe.

ELIZABETH HILL *ſworn.*

I am wife of Luke Hill, the proſecutor, he lives in White Hart Yard; on the 31ſt of May 1783, the priſoner came to me and aſked me to oblige him with four or five guineas worth of change; he ſaid he was the foreman of Mr. Mortimer's ſhop, who is a ſcowerer; he ſaid if I could oblige him with that he would be a cuſtomer; I told him where they had their beer they would have the change; I aſked him where his gold was; ſays he, if that is all you want, I will fetch it; he went out and ſtaid about three-quarters of an hour, and aſked if the change was ready; I counted him two half guineas, and three guineas worth of ſilver, and he took and ſwept it into his hat; then he aſked me if I could oblige him with other two half guineas, I told him I did not know that I could, I went up ſtairs to fetch them, he met me at the bottom of the ſtairs, and took them from me, and run through the tap room, and the door opening and ſhutting I loſt ſight of him.

Court. Did he never give you the gold in change?——No, he ran away through the tap room.

Had you ever known any thing of this man before?——No, never ſaw him before.

You had great faith in truſting him ſo far; how came you to do that?——I had no thoughts of any body behaving ſo, I never heard of ſuch a thing in my life.

Are you ſure the priſoner is the perſon?—Yes I am.

Priſoner. I never ſaw the woman in my life to my knowledge, it does not ſtand to reaſon that I ſhould have waited for the two half guineas, but I ſhould certainly have gone off with the four guineas worth of change; I was at Hallifax in Yorkſhire at the time.

Jury to Proſecutrix. Was he foreman to that man he ſaid he was?—No.

ELIZABETH CROSS *ſworn.*

I was in the houſe and ſaw the priſoner; a man came into Mrs. Hill's houſe and aſked for four guineas worth of ſilver.

Had you ever ſeen the priſoner before?—No, I never ſaw him before.

Nor between that time and this?—No.

And will you poſitively ſwear that is the man?—Yes.

Did you hear any converſation paſs between Mrs. Hill and the priſoner?——She made ſome ſcruple in letting him have the change, and ſhe aſked me if I knew the perſon where he came from, he ſaid it was not above one hundred yards from where he lived, ſhe then ſaid ſhe would let him have it, he came the ſecond time, he ſaid we were in the living way, we were eating our ſuppers, he came round her, I ſaw him put his hand up and take ſomething from her, and I ſaw him go to meet her at the bottom of the ſtairs, and I ſaw him after at the Rotation Office.

PRISONER's DEFENCE.

My Lord, I have nothing to ſay, any further than this, I know nothing about it, nor her houſe, nor where ſhe lives; I ſhould hardly have waited in the houſe while ſhe went up ſtairs for two more half guineas, but have gone off with the four guineas.

What is your way of livelihood?——I am a ſcowerer and dyer; I never lived with Mr. Mortimer, I never knew him; I have been in the brokering buſineſs for ſome time, and when I was out of that, I uſed to be put in poſſeſſion at times, I have people to my character, I was in Hallifax, but I have nobody to prove that here.

The priſoner called four witneſſes, who all gave him a very good character.

Court. Gentlemen of the Jury, the account Mrs. Hill gives is a very ſtrange ſtory indeed, and it is very extraordinary that the priſoner, as he ſays, ſhould not be content with four guineas, but ſhould wait for one more; Mrs. Croſs was in the houſe at the time, and they both ſwear poſitively to the perſon of the priſoner, and yet they ſay they never ſaw him before in their lives: if there was no teſtimony on the part of the defendant, I ſhould think this evidence too ſlight to convict him, but much more ſo when oppoſed by ſo many reſpectable witneſſes.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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574. The ſaid THOMAS TYLER was again indicted for feloniouſly ſtealing, on the 29th of April laſt, 52s. 6d. in monies numbered, the monies of Richard Radford.

MARY RADFORD *ſworn.*

I am wife of Richard Radford; on the 29th of April, I gave two guineas and a half to the priſoner at the bar, he came to me to deſire me to ſend two pots of beer to the ſilk dyer's and ſcowerer's in the Strand, and deſired to know if I could ſupply them with change, as they were going to change the houſe where they dealt, and they ſhould be exceeding good cuſtomers; he deſired me to ſend as much change with the beer as I could poſſibly ſpare to pay their men; I ſuppoſed him to be a journeyman, I ſent a man with him that was to bring the two guineas and a half back, and the money for the beer, I gave the change into the priſoner's hand.

CHARLES HOWELL *ſworn.*

I went into the proſecutor's juſt as the priſoner had received two guineas worth of change, her huſband came in with me, and ſhe got ſome more ſilver of him, and ſhe deſired me to go over with the priſoner and to take the two pots of beer and the two guineas and a half, I went along with him out of the back door to the top of Eſſex-ſtreet, and croſſing the Strand, there were ſome coaches that interrupted us, and I ſtepped up to the door, and having one pot of beer in each hand, I miſſed him, and I could not get ſight of him again then, but I found him the next morning; I am ſure the priſoner is the ſame man.

PRISONER's DEFENCE.

I gave him two guineas again, and he promiſed to releaſe me if I would give him the other half guinea.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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575. JOHN TAYLOR the younger, was indicted on the coroner's inquiſition, for feloniouſly killing and ſlaying Edward Jacob, on the 19th of May, by feloniouſly ſtriking and beating him with both his hands, and giving him a mortal bruiſe on the right temple, of which he afterwards died.

GEORGE JEWITT *ſworn.*

I live at Feltham; there was a little bit of a fair in our little village when this was done, it was on Monday the 19th of May, it was at the ſign of the Crown, they were ſtanding together as intimate as two brothers, and I ſaid, what is the matter with you, and the deceaſed Edward Jacobs ſtruck the priſoner and threw him down, that was the firſt blow that was given; then the priſoner got up again: it was a ſudden quarrel all at once, the deceaſed inſiſted on fighting, but the priſoner wiſhed not to fight.

Court. Gentlemen of the Jury, this is an unfortunate buſineſs, that aroſe from a ſudden quarrel, the law calls it manſlaughter; but though it is not murder, no doubt on ſuch a quarrel where death enſues it is manſlaughter, and is an unlawful act.

GUILTY

Of manſlaughter.

Court. I have a power under the late act of parliament to mitigate the puniſhment from burning in the hand and impriſonment. The Judges always conſider the nature of the caſe and direct the puniſhment accordingly, and therefore my ſentence is, that you ſhall pay ſixpence and be diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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576. **JOHN HARRIS** was indicted for feloniouſly returning from tranſportation, and being found at large within this kingdom on the 17th of April laſt, without any lawful cauſe, and before the expiration of the term for which he was tranſported.

Priſoner. I was obliged to come on ſhore, and were the captain and the people here they would ſay ſo; it was from the laſt ſhip. I was taken off the coach box of the Exeter coach; I was coming to ſurrender myſelf to the Juſtice, in hopes of finding mercy; when I was taken they found nothing on me: my Lord, I plead guilty.

Court. If this man was not active I would report him accordingly; let a letter be written to the Captain, who is now at Exeter, to enquire into his behaviour.

Court to Priſoner. I will take your plea, and enquire into the circumſtances of your caſe before I report you to the King.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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577. **NATHANIEL COLLIER** was indicted for feloniouſly returning from tranſportation, having been tranſported for life, and being found at large within this kingdom without any lawful cauſe.

Priſoner. My Lord, I plead guilty.

Court. Let his plea be recorded.

GUILTY, Death.

Tried by the London Jury, before Mr. RECORDER.

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578. **THOMAS PETCH** was indicted, for that he about the hour of nine in the night, on the 10th of March laſt, unlawfully, maliciouſly, wilfully, and feloniouſly, did ſet fire to a certain houſe of Joſeph Welch, William Read, and Elizabeth Creed Read, the wife of the ſaid William Read, againſt the ſtatute.

A Second Count, for ſetting fire to the ſame houſe, laying it to be the property of William Read, and Elizabeth Creed Read his wife, only.

A Third Count, laying it to be the houſe of William Read only.

A Fourth Count, laying it to be the houſe of Anthony Foreman.

Court. It is now ſettled, that if a man ſets fire to the houſe he occupies, it is not arſon. In the caſe of the King and Spalding, tried at Bury the laſt aſſizes, the man had inſured the houſe, and he was indicted on two general counts; firſt, for feloniouſly ſetting on fire his out-houſe; the ſecond, for feloniouſly ſetting on fire his houſe; and it was proved that the priſoner's houſe was at the village of H———, and there was no doubt but he wilfully ſet fire to the girder, by which means the houſe was burnt: the proſecutor called the following witneſſes; James Johnſon, agent to the Sun Fire-office, produced a book belonging to the Office, in which were entered the names of the Perſons, the nature of the property, and the ſums inſured; and it appeared the priſoner had inſured one hundred pounds on his houſe and goods, and paid ſix ſhillings, he alſo produced the original policy of inſurance, which he received from

Benjamin Nott, the mortgagee; he alſo produced the receipt of the money from Lady-day 1779 to 1780; then they called Benjamin Nott, to whom this houſe was ſecured; this was laid before the Court to induce them to think that he had the advantage of the inſurance money, and deſtroyed the ſecurity: the queſtion was, whether the priſoner's offence amounted to the crime of arſon, and the Judges were of opinion it did not. The premiſes being inſured makes no difference in the offence, as for inſtance, the caſe of the man belonging to the hoſpital for blind people at Kentiſh town; I cannot make any difference between a tenant for three years and for ſeven years.

Mr. Sylveſter. My Lord, I certainly ſay this man was in poſſeſſion under this title from year to year.

Court. How long had he been in poſſeſſion?——Several years.

Court to Mr. Sylveſter. If you think ſeriouſly that there is any foundation to have a ſpecial verdict on this, you ſhall take it, but I cannot reſerve it; we have tried Holme's caſe over and over again, and it is now confirmed to be good law; it is not another man's houſe whilſt I have the lawful poſſeſſion. It is now ſettled, that if a tenant ſets fire to the houſe he occupies, it is not arſon: the Judges ſaid Holmes's caſe governs us. But however I would not have this man diſcharged by any means in the world, if you will undertake to indict him for a miſdemeanor at common law in burning the houſe.

Court to Jury. Gentlemen, you muſt acquit the priſoner under this indictment, and they undertake to indict him at Hicks's-hall for a very high miſdemeanor in burning his own houſe, and I wiſh it may be preferred this ſeſſions.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice WILLES.

579. JONATHAN LEE was indicted for feloniouſly ſtealing, on the 28th day of April laſt, one opera glaſs, value 6s. the property of Daniel Pultney, privily from his perſon.

Daniel Pultney called on his recognizance, and not appearing, the recognizance was ordered to be eſtreated, and the Priſoner

ACQUITTED.

580. HENRY DENNISON was indicted for feloniouſly ſtealing, on the 16th day of April laſt, three cotton gowns, value 30s. two waiſtcoats, value 8s. one Marſeilles petticoat, value 12s. one dimity pocket, value 6d. one linen ſhift, value 1s. one handkerchief, value 1s. the property of Elizabeth Morgan, ſpinſter, in the dwelling houſe of Betty Purchaſe:

And ROSE OATS was indicted for feloniouſly receiving the ſame goods, knowing them to be ſtolen.

The priſoner Henry Denniſon's brother, John Denniſon, was a ſervant in the houſe of Mrs. Purchaſe, and he had given ſome things of Mrs. Morgan's, another ſervant, to the priſoner Roſe Oats to pawn, but there being nothing to affect the priſoner Henry himſelf, who is the principal in this indictment, of courſe they were

BOTH ACQUITTED.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice WILLES.

581. THOMAS WATTS was indicted for feloniouſly ſtealing on the 30th day of April laſt, three yards of gauze, value 4s. 6d. two yards of other gauze, value 5s. one half yard of other gauze, value 1s. twenty yards of ribbon, value 3s. and two yards and an half of other ribbon, value 6d. the property of Charlotte Jones, ſpinſter.

Margaret Whiley depoſed, that ſhe was going to ſee Charlotte Jones ſafe home on the 30th of April laſt, and Jones gave her a parcel to carry, which the priſoner ſnatched ed away from her, but this witneſs not knowing the contents of the parcel, except by the information of Jones, could not of her own knowledge depoſe to them, and Jones not attending, the priſoner was

ACQUITTED.

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582. **ELIZABETH TIBBETS** was indicted for feloniouſly ſtealing, on the 23d day of April, 10s. in monies numbered, the monies of Morris Gearing.

MORRIS GEARING *ſworn.*

I am a ſawyer; on the 23d of April, at twelve, I went into a houſe in Chick-lane, it rained; and I called for a pint of purl and a glaſs of gin, and another girl and the priſoner helped to drink it, and we had another pint of purl and two glaſſes more gin; then we went out, and the priſoner aſked me to go to her private room, and we went up all three, it was about half after twelve.

Court. How long did you ſtay there?—About ten or twelve minutes.

Was you in bed?——No.

Both the girls were with you?——Sometime; then the other girl ſaid ſhe would go; we were not on the bed together; after the other girl went down, this girl and I ſtopped about ſix or ſeven minutes.

Did you loſe your money before the firſt girl went down or after?—After, the priſoner ſaid ſhe found I was rather cautious of my money, and ſhe would have me take it out and tell it; I did ſo, and I had two half crowns and five ſhillings, I put it into my hat, and I had a ſilver watch, which I alſo put into my hat; ſhe took the watch out of the hat to ſee what it was o'clock, ſhe likewiſe put the hat and the money behind the bed; then ſhe flung herſelf back on the bed and catched the money in her hand.

You had your watch again?——Yes.

Did not you agree ſhe ſhould have the money for her good ſervices?——No, your Honour.

Did you give her any thing?——No.

Did you ſee her take this money?—Yes, and catched hold of her hand, ſhe ſaid murder! the other girl who ſtood at the door came in.

I ſuppoſe you was not a match for them both?——No; I let go her hand, and I ſaved my watch; I did not ſtay a great while, the girls went down firſt; there were a couple more people that lived in the houſe came up ſtairs and ſhut the door againſt me till they thought the two girls were got away; I got away at two o'clock.

Was you concerned at being robbed?—No, your Honour: I am ſure that girl took my money out of my hat.

PRISONER's DEFENCE.

I never ſaw the man till he came into the public houſe, and bid a man take me; he ſaid if I did not go he would uſe me ill; he could not ſwear to me before the Juſtice till he was perſuaded; he ſaid he did not know the conſequence of an oath; he offered to make it up for a guinea: the proſecutor came to the bail-dock to me yeſterday.

Court to Proſecutor. Is that ſo?——I went there and ſhe beckoned me, I made her no offer.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Juſtice WILLES.

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583. **SAMUEL MATTHYSON** was indicted for feloniouſly ſtealing on the 17th of May, one gold watch, value 20l. two cornelian ſeals ſet in gold, value 6l. one ſtone ſeal ſet in gold, value 20s. one gold watch chain, value 8l. the goods of James Adair, Eſq; one of his Majeſty's Serjeants at law.

JAMES ADAIR, Eſq; *ſworn.*

My Lord, on the 17th of this month I was at Covent Garden, the day that the election cloſed; I was going from the corner of Henrietta-ſtreet towards Southampton-ſtreet, the crowd was very great, I preſſed through it with ſome difficulty, and I got

I got near the corner of Southampton-ſtreet, it was then I think about half paſt two in the afternoon, when I came near the corner of Southampton-ſtreet, the obſtruction was increaſed by two men who were either quarrelling, or pretending to quarrell, I found ſome difficulty in attempting to paſs, and I obſerved that one man, which ever way I puſhed in order to paſs, puſhed againſt me; after this had happened two or three times, it drew my attention, and I was perfectly convinced that it was done on purpoſe, that man was the priſoner at the bar.

Court. Are you ſure of it Sir?——I am quite certain of it, I have no doubt, for the reaſons I ſhall tell your Lordſhip preſently; when I was convinced it was done on purpoſe, I laid hold of him, and gave him a pretty violent puſh paſt me, telling him to go one way or the other, I had buttoned up the chain and ſeals of my watch in my breeches pocket, which buttons very tight, juſt at the inſtant when I had puſhed this man paſt me, I felt a violent pull at my watch chain, I immediately looked down, and I ſaw the watch in the priſoner's hand, juſt moving from my fob, I immediately laid hold of him with one hand by the arm that had the watch, and with the other by the collar, but in the very inſtant of my laying hold of him, the watch paſſed from him in ſuch a manner that I could not diſcern whether he threw it on the ground, or gave it to any body behind him; I then laid hold of him with both my hands to his collar, and endeavoured to drag him along towards the place where the conſtables ſtood; there were a number of people round, who endeavoured to force in between us, and ſeveral of them endeavoured to drag him the oppoſite way, I dragged him with a great deal of reſiſtance from himſelf and others, but no blows were ſtruck either by him or any body elſe, for about forty yards, I believe, and when I had got him near the conſtables, he made a violent effort, and there looſed from one of my hands, and then I had not ſtrength to hold him with the other hand, and then I was ſeparated from him by the crowd; during that time I had frequently called on people to aſſiſt me, ſo that the cry was known by the mob, for the ſtruggle laſted ſeveral minutes, and he went down Henrietta-ſtreet, as I could perceive by the mob going that way, but I could not perceive him for the mob, I purſued the way I underſtood he was gone, as far as Charing Croſs, and there I dropped the purſuit; he was afterwards taken, and I believe there is another witneſs who will inform your lordſhip where, for I do not know myſelf but from hearſay, I had him the whole time face to face, as I held him with both hands, and walked myſelf backwards, and dragged him in that way the greateſt part of the time, his face was within a foot of me, I have not the ſmalleſt doubt of his face, though he was a ſtranger to me before, I know his face as well as any man's; he had at the time of the ſtruggle a black patch on his noſe, but when he was brought before the Juſtice, the patch was taken off; while I was giving information at Sir Sampſon Wright's, he was brought in between ſix and ſeven o'clock, I knew him in a moment without the leaſt doubt or difficulty.

Court. Give me up the indictment?—It is laid as a ſingle felony, the watch was a gold one, with inſide and outſide caſes, and a gold chain, and three ſeals ſet in gold, as ſtated in the indictment.

BENJAMIN AKERS *ſworn.*

The firſt I ſaw of it was the ſide of Henrietta-ſtreet, Covent Garden, I ſaw Mr. Adair have hold of the priſoner, with that I tried to make through the mob to get to him, I heard Mr. Adair ſay he had loſt his watch, and that the priſoner had it in his hand, with that I endeavoured to get nearer to him, and I heard Mr. Adair ſay he had dropped it, I puſhed the people away to ſee where he had dropped it, but there were ſo many people I could not ſee it nor what became of it; Mr. Adair had hold of him at the ſame time, I held the priſoner's coat, but he got away from me, and the mob cloſed in and kept him from me, and he run down Henrietta-ſtreet, then I went through the crowd, and followed him down Chandos-ſtreet, I came up with him in a paſſage and ſtopped him, and I could not get any aſſiſtance, and the people ſaid, did he pick your pocket? I ſaid no, he has picked the Recorder's pocket in Covent Garden; he got away and I purſued him again and ſtopped him, two men got him away, then, I purſued him to the King's Mews, and took him there; I thought I would ſtop till the gentleman came up, I got the priſoner to ſit down on a ſtone, and one of the ſervants came up and ſaid he ſhould not ſtay there, I ſhould either duck him or let him go, upon which he readily got up from the ſtone, and got to Spring Gardens, he was ſtopped there, and I had him brought back to the Mews again, they wanted to duck him, I deſired them not, becauſe the gentleman would be there in a minute; he ſeemed inclinable to go in, I ſaid if you do, I will not leave you till the gentleman comes, he went in without his ſhoes, and a ſoldier came and puſhed him backwards, he deſired him to let him go, he ſaid he had ſuffered enough, he got out of the pond at another part, and was going off again, I aſked the people round to aſſiſt me in taking him to the Juſtice's, ſome ſaid has he robbed you? I ſaid no, he has robbed a gentleman of his watch, and a gentleman came up and ſaid, I will aſſiſt you, and we took him to Juſtice Hyde's, and I left a notice at Mr. Adair's, when I came back he was removed to Sir Sampſon Wright's, and he was committed.

Priſoner. Was it not by your deſire that I was uſed ſo ill?—No, Sir, I perſuaded him and them not to do it, and moreover, a hundred times I ſuppoſe, I perſuaded them that he ſhould not go in.

Priſoner. I have nothing to ſay in my defence; what my proſecutor ſays is very juſt, but the evidence has not told you how cruelly I was uſed, I was afterwards ducked in a ciſtern.

GUILTY.

Court. The Recorder has, with great humanity, laid this only as a ſingle felony, which he might have laid capitally.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Baron PERRYN.

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584. ISAAC SIMMS was indicted for that he, well knowing that one Iſaac Steel had lately ſerved our Lord the King as a mariner, on board the Scorpion, on the 5th of May, feloniouſly, willingly and knowingly did perſonate and falſly aſſume the name and character of the ſaid Iſaac Steel, in order to receive the wages and pay then ſuppoſed to be due and payable to him, againſt the ſtatute.

A Second Count. For perſonating the name and character of Iſaac Steel, a mariner on board a certain other veſſel called the Scorpion, ſuppoſing he was intitled to certain wages, in order to receive the ſame.

JAMES SLADE *ſworn.*

I am clerk at the Pay-office, on the 5th of May, the priſoner applyed to me, producing this certificate from Lieutenant Scott of the Scorpion, demanding wages for Iſaac Steel of the Scorpion, on examining we found there was an Iſaac Steel but he was dead, and the money had been paid, I aſked him in what capacity he had ſerved on board, he ſaid a Sail-makers mate, I aſked him if he was ſure his name was Iſaac Steel, and he ſaid it was, I ſaid I am affraid your name is not Iſaac Steel, for he is dead; he then confeſſed his name was not Iſaac Steel but Simms, I aſked him how he came to know of Iſaac Steel's death, he ſaid he was at Long-Iſland the 24th of July, 1780.

CHARLES WADE *ſworn.*

Was this that paſſed between Mr. Slade and the priſoner ſaid in your hearing?——Yes.

——— SCOTT *ſworn.*

I was maſter of the Scorpion, I knew

Iſaac Steel, he was not the priſoner, his name is Iſaac Simms, I gave him this certificate.

PRISONER's DEFENCE.

I was diſtreſſed, was the reaſon of my having done ſo, I had wages due, I beg my life.

Court to Scott. What ſort of a man was the priſoner?—A very good man indeed, I never knew a better.

GUILTY **Death.**

He was humbly recommended to mercy by the Jury.

Tried by the London Jury, before Mr. RECORDER.

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585. WILLIAM MACKEY was indicted, for that he well knowing that William Leſlie had ſerved our Lord the King, on board the Yarmouth as a ſeaman, andſuppoſing that certain wages and pay were due and owing to him for ſuch ſervices, on the 19th of May, feloniouſly, willingly, and knowingly did perſonate, and falſly aſſume the name and character of the ſame William Leſlie, the ſeaman aforeſaid, ſuppoſing him to be intitled to ſuch wages and pay, in order to receive the ſame, againſt the ſtatute.

A Second Count. For perſonating the ſaid William Leſlie, ſuppoſing he was intitled to certain wages and pay on board the ſaid ſhip, againſt the Statute.

JAMES SLADE *ſworn.*

There was a man applied to me, I cannot ſwear to the identity of the priſoner.

JOHN COLLINS *ſworn.*

On the 6th of May, the priſoner by the name William Leſlie, applied to me at the Ticket Office, and claimed wages as William Leſlie for the ſhip Yarmouth, I told him the ſhip was paid off, he went to the Pay Office, and Mr. Slade ſent him back with a memorandum, *thus*

"Q. The entry in the Experiment."

Court. Are you ſure that is the man?—That is the man that applied to me I am ſure, he did not bring back the certificate to me; he gave me this certificate, I did not aſk him if it was his name, I ſuppoſed his name was William Leſlie.

THOMAS STEBBING *ſworn.*

I am a clerk in the Ticket Office, the priſoner applied to me on the 19th of this month, he came with that certificate from the Pay Office; on looking into the Experiment's books, I found William Leſlie came from the Yarmouth, and appeared dead on the Experiment's books, I acquainted Mr. Hunter, he deſired the priſoner to be ſtopped; he immediately ran down ſtairs and begged for mercy, he ſaid his name was not William Leſlie, but William Mackey.

CAPTAIN PARRY *ſworn.*

I commanded the Yarmouth, I granted the certificate from what the priſoner told me, I did not know William Leſlie, I concluded the priſoner was him.

Did he apply to you as William Leſlie?—Yes.

JAMES RIDDLE *ſworn.*

Do you know the priſoner?—No.

Did you know William Leſlie?—Extremely well.

Is that him!—No.

Are you ſure of that?—I am ſure of that, I belonged to the Yarmouth with him.

Court. There were two other Leſlie's on board, were not there?—Yes, I knew one of them that is William Leſlie, he was with me in the Suffolk.

You cannot ſay but this may be one of the other Leſlie's?—There were two William Leſlie's, and one George.

Court to Stebbing. Relate particularly when this man was ſtopped, what he ſaid?—He begged for mercy, and hoped they would not hang him this time; he ſaid William Burke, who was waiting about the office, told him of this.

Court. Was any promiſe or threat made uſe of?—No, Sir, I am ſure of that.

Who elſe was preſent?

Mr. Collins. I was preſent, I heard no ſuch promiſe, it was entirely of himſelf he owned it immediately, he was not aſked by any body.

PRISONER's DEFENCE.

I know nothing of it, I did not know my trial would have come on ſo ſoon, or elſe I ſhould have had a witneſs to my character.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

586. JOHN PAUL was indicted for feloniouſly ſtealing on the 12th of April laſt, one hempen boat-rope, value 10s. the property of John Phillips.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

587. JOHN HILL was indicted for feloniouſly ſtealing, on the 9th day of May, one linen handkerchief, value 6d. the property of Thomas Barge.

THOMAS BARGE *ſworn.*

Coming down Snow Hill, I loſt my handkerchief, on the 9th of May, I felt the priſoner take my handkerchief, I turned round and took hold of him, and I ſaw him drop it out of his right hand, when I tried to ſtop him, he ran away, I cried ſtop thief.

Richard Lee, and ——— *Alexander* apprehended the priſoner.

Priſoner. I did not take it.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

588. HUMPHRY DAVIS was indicted for feloniouſly ſtealing, on the 22d day of May, one deal box, value 6d. two cloth coats, value 10s. two cloth waiſtcoats, value 5s. two pair of breeches, value 5s. two pair of ſtockings, value 2s. the property of James Stuart.

The priſoner was employed to carry a box of cloaths, and he went off with it, and was taken ſoon after with ſome of the things.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

589. FRANCIS FIELDER otherwiſe JONES, was indicted for felonionſly ſtealing, on the 13th day of May, one Bath beaver cloak, value 5s. the property of Richard Bright.

GUILTY

To be privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

590. JOSEPH MACGINNIS (aged 12) was indicted for ſtealing, on the 29th of April laſt, one linen handkerchief, value 4d. the property of Jeremiah Booth.

GUILTY.

Privately Whipped.

Tried by the London Jury before Mr. RECORDER.

591. JANE PHILLIPS was indicted for feloniouſly ſtealing, on the 24th day of May, 16s. in monies numbered, the property of Solomon Samuel.

This was an attempt to take the Proſecutor's money, which his activity prevented.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

592. JAMES BRADLEY was indicted for ſtealing, on the 11th of May, one linen handkerchief, value 1s. the property of John Hughes.

JOHN HUGHES *ſworn.*

I loſt my handkerchief on the 11th of May, the next witneſs ſaw it taken, I did not perceive any body take it; I followed the priſoner, and ſaw him drop my handkerchief; he was taken directly.

JOHN SUTTON *ſworn.*

I ſaw the priſoner pick the proſecutor's pocket, and I told him of it.

Priſoner. I have nothing to ſay.

The priſoner called two witneſſes to his character.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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593. MARY, wife of JOHN LAWRENCE, was indicted for feloniouſly ſtealing, on the 21ſt day of April laſt, one pair of ſilver ſalt ſpoons, value 3s. five ſilver table ſpoons, value 30s. two ſilver tea ſpoons, value 2s. one pair of tea tongs, value 3s. a ſilk gown, value 15s. two muſlin gowns, value 20s. one muſlin petticoat, value 20s. one pair of ſtone buckles, value 2s. a ſhagreen caſe, value 2d. a gold locket, value 2s. two gold mourning rings, value 4s. two ſilk cloaks, value 5s. one camblet cloak, value 1s. two linen table cloths, value 2s. the property of Lillias Warden; one ſilk gown, value 10s. and one muſlin apron, value 2s. the property of Elizabeth Delayne; one ſatin petticoat, value 3s. one cotton gown, value 3s. and one dimity petticoat, value 2s. the property of Ann Pearſon, in the dwelling houſe of the ſaid Lillias Warden.

LILLIAS WARDEN *ſworn.*

I miſſed my things, and found them at the pawnbroker's on the 22d; Mrs. Pearſon miſſed ſome things, ſhe lives in the houſe with me; the priſoner was my ſervant two years and a half.

ANN PEARSON *ſworn.*

I miſſed a gown which I wanted to put on, on the 21ſt of April, I enquired of the priſoner for it, ſhe told me it was up ſtairs, I was going up ſtairs to ſee for it and ſhe prevented me, ſaying ſhe would go up herſelf for it, but did not; the next morning I went to ſee for it myſelf, but did not find it, and when I came to look, I miſſed another gown and two petticoats, that cauſed a great confuſion in the houſe, and then we miſſed the other things; I came down and could not find the priſoner, but when ſhe returned ſhe was called up ſtairs, and ſhe owned then that the things were at the pawnbroker's; ſhe owned to a part, but not to them all.

Court. Was any thing ſaid to induce her to make a full confeſſion?——I believe not any thing.

Did they tell her ſhe ſhould have favour ſhewn her?——Elizabeth Devayne called her up, but what ſhe ſaid to her I cannot ſay.

ELIZABETH DEVAYNE *ſworn.*

I called up the priſoner; I miſſed my gown, ſhe ſaid it was in my room, when I came to look I miſſed a ſtriped ſilk gown of my own; I rung the bell for her, ſhe came up ſoon after, I aſked her what was become of my gown, ſhe ſaid it was below ſtairs; I aſked her what buſineſs ſhe had to take it below, ſhe then began to equivocate, and could not tell where it was, at laſt ſhe ſaid it was pawned.

What did you ſay to her to prevail on her to tell where it was?——Nothing; I ſaid I hope you have not taken any of your miſtreſs's things; ſhe ſaid ſhe had pawned a great many things, but ſhe did not tell me what: I am ſure I made her no promiſe; ſhe took me to the pawnbroker, to James Aſhborne's, and Ann Pearſon went with me.

Court. Were the things taken at one time or at different times?——At different times.

JAMES

JAMES ASHBORNE *ſworn.*

I am a pawnbroker in the Strand; I had theſe things from the priſoner from the 13th of January to the 21ſt of April.

Court. There was nothing to any large amount pledged at any one time I ſuppoſe?—No, Sir, not higher than fifteen ſhillings.

(The things depoſed to belonging to the different owners.)

Priſoner. I have nothing to ſay.

Proſecutor. My Lord, I wiſh to ſpeak for her, ſhe always behaved very well to me before this, ſhe was a very good ſervant for two years and a half, ſhe had a very good character before, and had been fourteen years in one houſe.

GUILTY.

Court to Priſoner. You may think yourſelf very fortunate, that from ſome circumſtances which the tenderneſs of the law in favour of life has enabled me to diſtinguiſh in this indictment, ſo as not to render it capital, your life is ſaved; but your crime is certainly of a very aggravated nature, eſpecially as a ſervant living in a family, and plundering every thing that came to your hands; this entirely deſtroys all the comfort and ſecurity of private families, and renders it difficult to know whom we can truſt: it is therefore neceſſary that examples ſhould be made; it was the wiſh of your maſter (not knowing that the tenderneſs of the law would do it) to ſave your life; but I ſhould think myſelf wanting in juſtice if I carried the favour of the Court any further, and no puniſhment ſhort of death is too much for your offence; the ſentence of the law upon you therefore is, that you be

Tranſported to America for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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594. SARAH SCOTT and ANN HANNAWAY were indicted for feloniouſly ſtealing, on the 26th day of April laſt, two ſilk gowns, value 40s. one linen gown, value 5s. one ſilk ſlip, value 3s. three dimity petticoats, value 10s. four ſilk cloaks, value 32s. a dimity cloak, value 2s. four children's ſilk cloaks, value 2s. one cloth coat, value 17s. a pair of cotton breeches, value 3s. one cotton bedgown, value 1s. two ſilk handkerchiefs, value 1s. one muſlin apron, value 1s. one linen towel, value 3d. one pair of ſtuff breeches, value 1s. one breadth of ſilk, value 2s. one child's coat, value 1s. one dimity waiſtcoat, value 3s. one pair of ſilk cuffs, value 1s. and three half guineas, value 31s. 6d. the property of Thomas Putney, in his dwelling houſe.

THOMAS PUTNEY *ſworn.*

I live in Boſwell-court, Glouceſter-ſtreet; on the 26th of April I heard a noiſe on the ſtairs, I found my door open and things gone, I ſuppoſe it had been opened with a picklock key; I purſued the priſoners with Mr. Evans, and in Glouceſter-ſtreet we ſaw the priſoner Scott, who was got into a coach, and the other had run away; I ran after her, and left Evans with Scott; ſhe ſtruggled a little, ſhe had none of the clothes: Scott had theſe things in her lap in the coach; this gown I think I could know any where.

Court. What is the value of it?—Twenty ſhillings; here is another gown worth about five ſhillings; here is another gown I am ſure of; here is a ſlip, and the reſt of the things I believe to be mine.

GRIFFITH EVANS *ſworn.*

I live in Boſwell-court, between four and five on the 26th of April, I ſaw theſe two women come out of the proſecutor's houſe, and out of Scott's apron hung a bit of a new pair of jean or cotton breeches; the priſoners looked like two baſket women; I thought they had robbed ſomebody, and I followed them into Devonſhire-ſtreet; then I ran to the proſecutor, and we went and took them; I am ſure they are the ſame people, one of them was got into a coach, and I took her out, and the things were in her apron.

PRISONER SCOTT's DEFENCE.

A man gave them to me, I know him by ſight.

PRISONER HANNAWAY's DEFENCE.

There was a man with the priſoner.

Court to Jury. The proſecutor cannot ſwear poſitively to a conſiderable part of the things.

BOTH GUILTY, 39s.

To be each privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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595. JOHN STANLEY and JOHN MEARS were indicted, together with ISAAC CASH, who is ſick, for felonioufly aſſaulting William Heartley on the King's highway, on the 18th of May, and putting him in fear and danger of his life, and felonioufly taking from his perſon and againſt his will, one iron key, value 2d. three guineas, value 3l. 3s. three half-crowns, value 7s. 6d. and 6s. in monies numbered, his property.

The witneſſes examined apart at the requeſt of the priſoners.

WILLIAM HEARTLEY *ſworn.*

Examined by Mr. Sylveſter, Council for the Proſecution.

Give an account of this robbery.—I was coming towards Iſlington from Ball's Pond in a phaeton, and we were ſtopped by three footpads, two of them had hangers; I did not immediately ſtop, and they made a feint blow at me; I told them not to uſe me ill, as I was very willing to give them what I had; two of them got into the phaeton.

Court. Which two?——The two priſoners, they had both cutlaſſes, I cannot ſay whether the other man had a cutlaſs or not.

Priſoner. You ſwore before the Juſtice that only one man had a cutlaſs.——One ſtood at the horſes heads, they ſwore at us a good deal, and told us to pull our hats over our eyes that we might not ſee them, it was juſt day-light, the two men that were in the phaeton demanded our money, upon which I pulled out my purſe which contained two guineas, three or four half crowns, and ſix ſhillings, I gave it to one of them in the phaeton; they took alſo from my waiſtcoat pocket one guinea and a key.

How came you to have a guinea in your waiſtcoat pocket?——We were rather apprehenſive, and I diſperſed my money and hid it and my watch; they damned my eyes, and aſked me where it was; the man that was robbing the other gentleman cried out, damn his eyes, Jack, cut him down, for he ſees us; to the beſt of my knowledge the priſoners were two of the men.

Can you ſwear to either of them?——I cannot ſwear to either of the priſoners, not clearly, but I think they are the two men that were in the phaeton; by their dreſs and by their aprons, I believe them to be the ſame by their red waiſtcoats: I have no other reaſon to think ſo but by their dreſs and their aprons.

How ſoon were they taken after?——About two hours after: the other man was dreſſed in rather darkiſh clothes, with an apron on; the man who robbed me has rather a particular voice, and I knew the voice inſtantly, and he had a pale face; he went to make a blow at me and I fell back, and the boy at the head of the horſes had an apron on; Mears was the perſon that robbed me.

CAPTAIN TRYON *ſworn.*

I was coming to town with Mr. Heartley, paſſing Ball's Pond three men jumped out into the highway, apparently behind a poſt.

Court. Was it light or dark?——It was after nine.

What ſort of night?—It was a very foggy night.

Then it was darkiſh?—Yes; one went to the horſe's heads, the other two came into the carriage, the man who came on my ſide pulled my hat over my eyes, and aſked me for my money and watch.

Court. You muſt confine yourſelf now to the robbery of Mr. Heartley: do you know the perſons of either of the priſoners?——I do not poſitively ſwear to either of them; I obſerved the man that was next me had an apron on, I did not ſee him at Bow-ſtreet till ſeveral days after.

Mr. Silveſter. My Lord, here is M'Manus who took the priſoners two hours after, he found ſome money on them, and aprons on them.

Court to Jury. This laſt gentleman cannot ſwear to them at all, and the other gentleman only ſwears to them from their dreſs, and having aprons on; he ſays one of them had a pale face, and a particular voice.

Jury. Was the key found?—No, nor the purſe.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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596. The ſaid JOHN STANLEY and JOHN MEARS were again indicted for feloniouſly aſſaulting William Tryon, on the King's highway, on the 18th day of May, and putting him in fear, and feloniouſly taking from his perſon and againſt his will one linen handkerchief, value 1s. and one guinea, value 1l. 1s. the monies of the ſaid William.

There being no other evidence than that on the laſt trial, the priſoners were

BOTH ACQUITTED.

Court. As to the priſoner Caſh, as ſoon as he is better he may be bailed, and the recognizance of theſe gentlemen with reſpect to him diſcharged.

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597. WILLIAM NORTHEY and SARAH NORTHEY (his wife) were indicted for feloniouſly ſtealing, on the 8th day of May, forty-one yards and three-quarters of thread lace edging, value 30s. the property of Thomas Flint, privily in his ſhop.

THOMAS FLINT *ſworn*.

The priſoners frequently came to my ſhop to buy ribbons and lace, and on the 8th of May, between three and four in the afternoon, they came together; my boy told me they had taken a card of lace; I let them go out of the ſhop, and I ſent a ſervant to follow him, nothing was found on the woman, the lace was found in the man's coat pocket, there were forty-one yards and three-quarters, the card was marked with my mark; from the boy's deſcription the man did not intermeddle; he ſaid if he had it, it was more than he knew, and when it was found on him, he ſaid it was very hard he ſhould ſuffer, for it was more than he knew.

SAMUEL BLAKE *ſworn*.

I am upon liking to Mr. Flint, the priſoners came in, I was in the ſhop, they bought at firſt ſome trollee lace, and paid a few ſhillings, they ſaid they would be glad to ſee ſome thread edgings, the woman took out a card out of the box, and ſhe ſaid ſhe would let it lay till ſhe came to a card that ſhe liked better, I ſoon after miſſed that card, and I told my maſter before they went out of the ſhop, I ſaw the woman take it in her hand, and ſhe ſeemed to put it under her ſtays, by her manner of ſhrinking herſelf up; it was the woman I ſaw, and not the man.

THOMAS ROBINSON *ſworn*.

I am a conſtable, I was ſent for, I have the lace.

Court to Proſecutor. Where is the man that followed the priſoners?—He does not live with me, I could not find him.

Are you ſure the people that were brought back, were the people that came to your ſhop?——Yes, we know them very well, they came frequently to our ſhop.

(The lace depoſed to.)

PRISONER WILLIAM's DEFENCE.

I am a man that travel the country, and get my livelihood by making all kinds of net work, and I came to London to buy thread to make this lace with, and I came to this gentleman's ſhop, and I bought twenty yards and an half of ribbon at fourpence halfpenny. I never aſked to look at any lace at all or edging, and I bought three groſs of ſhirt buttons, and ſome laces for ſtays, my wife bought ſome lace, ſhe had ſome halfpence and was counting them, the young man tied up what we had bought in a handkerchief, and he took away the box, and left this card of lace on the counter, my wife was in a hurry, and ſaid, William, you are going to leave the goods that you have bought, I took it and put it in my pocket; when we got about ten or twelve yards, the gentleman beckoned us back, we went back directly, we were ſearched, I told them I had nothing about me, I put it careleſsly in my pocket when my wife ſpoke, for I thought it what I had bought, and I was going to tie it in the handkerchief; I offered afterwards to pay for it, for I never was in priſon an hour in my life, in the country I could have had plenty of friends.

Court to Blake. You ſerved the priſoners? —Yes, I did.

Did you tie up the things that they bought?—I did not.

Did any of your other ſhop-people?—Not that I know of.

What things did they buy?—A few yards of trollee lace, and two yards of edging, and I wound them on a card, and laid them on the counter.

Did you obſerve their taking up what they had bought?—No, I did not, while I was cutting off the edging I ſaw the woman leaning over the counter, and put her other hand, ſhe ſeemed to hit her huſband's elbow; this was after they bought the lace.

How long did they ſtay in the ſhop after they took up this card?—But a very ſhort time, juſt while they could pay me for this lace, the lace was not there when they were gone out; as to counting the halfpence, their was no ſuch thing.

Court to Priſoner William. Is there any evidence to ſhew that this woman is your wife?—Here is my certificate.

(The Certificate handed up.)

Court to Proſecutor. Did you know any thing of them before?——No, only their coming to the ſhop; we have a good many of theſe hawking people that hawk about the country, and we generally look very ſharp after them, for we are ſuſpicious of them; there was an uncle of the man's came to make interceſſion for them, he ſaid they had been married a twelvemonth, he begged to let them off; I ſaid I was determined to make an example of them, as I ſuffer daily.

Court to Jury. With reſpect to the priſoner Sarah, ſhe has produced a certificate of marriage, which though it appears to be a genuine one, would not be legal evidence, unleſs ſomebody had proved the handwriting of the party; but in the indictment ſhe is ſtated to be the wife of William Northey; therefore upon this indictment, without any evidence, we muſt take her to be his wife, and you know that where a felony is committed by a married woman, in the preſence of her huſband, ſhe ought to be acquitted, and if both are preſent at the commiſſion of the fact, and privy to it, in that caſe it is not neceſſary that there ſhould be any actual proof that the huſband was the principal party, and the wife acting under his influence, if he is preſent and privy, the law preſumes her acting under his influence, though ſhe may be the hand that commits the felony: But if you are of opinion that the wife ſtole it altogether without the knowledge or privity of her huſband, and he knew nothing at all of it, then his being preſent will neither affect him, nor excuſe her; and upon that ſuppoſition, if you can be ſatisfied he knew nothing of the fact at all, you ſhould find the woman guilty, and acquit the man: If you are doubtful whether either of them ſtole this, you ſhould acquit them both.

WILLIAM NORTHEY, NOT GUILTY.
SARAH NORTHEY, GUILTY.

Of ſtealing, but not privily.

To be privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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598. WILLIAM PARKER was indicted for ſtealing, on the 14th of May, one linen gown, value 5s. one ſtuff bed-gown, value 6d. three linen aprons, value 2s. three linen half handkerchiefs, value 1s. and one pair of ſtuff ſhoes, value 2s. the property of Hannah Griffiths.

HANNAH GRIFFITHS *ſworn.*

I am ſervant at an eating houſe, I loſt the things mentioned in the indictment, I was inticed away by this young man, in the way of marrying me, I loſt theſe things in Princes-ſtreet, Leather-lane.

How long have you left your ſervice, ſince you loſt your clothes?—I left my place about 10 o'clock on Thurſday, I loſt them on Friday the 14th.

Did you go to bed together?—Yes, Sir, he got up in the morning and was to come home to breakfaſt.

How long had you been acquainted with him, before you went together?——A month.

What country woman are you?——Shropſhire.

How long have you been in London?—About three years.

Have you been in ſeveral ſervices?——Yes, I live at the eating-houſe, he returned again to breakfaſt, and he brought a note along with him, when he came to breakfaſt, and told me he had ſome money to receive on that note at the Royal Exchange, I took the note and went, and could find no ſuch perſon.

How came you acquainted with this man?—He lived at the publick houſe, and uſed to bring beer to our houſe.

When was you to have been married?—On Sunday in church.

What countryman is the priſoner?—I do not know.

WILLIAM CATCHPOLE *ſworn.*

I am one of the ſix Marſhalmen of the City of London; on the 19th of this month, I went down with ſearch a warrant to ſearch the houſe of one John Alford, who keeps an old iron ſhop in Chick-lane, in which I found the property which the young woman has depoſed to.

Court to Proſecutrix. You left the things in the room?—Yes, I went with the note to receive the money that he ſent me after, and when I returned about four o'clock, the things were all gone, he had left the key with the people of the houſe, ſomebody ſent for me, and when I went it was him, he ſent for me a day or two after he had done it, he had ſome things up in my room and he told me to go and bring the things out, the gentlewoman in the lodgings would not let me go out and I ſtopped a bit, and he came himſelf, he would not own to them, but inſiſted on having an officer, there was an officer fetched and he went to Bridewell, and he confeſſed afterwards in priſon where he had ſold them, which was at this iron ſhop in Chick-lane, that was the occaſion of the finding the things.

(Catchpole produces the things, except the ſtuff bed-gown and the ſhoes.)

(The things depoſed to.)

Priſoner. I have been about five years at ſea, and I had been at home about ſix weeks when I firſt got acquainted with that——!

MARY DAVIS *ſworn.*

I am ſiſter to the proſecutrix, ſhe has been in London three years, I have been married about 11 years.

Was your ſiſter a virtuous girl as you believe, when ſhe came to town?—I believe ſhe was.

How came ſhe to be ſeduced?—I do not know, ſhe ſent for me, I went the next morning, and going down to Hatton Garden I met my ſiſter crying, ſays I, what is the matter with you, ſays ſhe, I durſt not tell you, ſays I, for what reaſon, ſays ſhe, I have loſt all my clothes, I am robbed and durſt not tell you how, a young man got my clothes and promiſed to marry me, and this morning he ſent me with a falſe note; when I was at Hicks's-Hall, the young man confeſſed he ſold the clothes for 4s.

Were any promiſes made to him?—No.

PRISONER's DEFENCE.

I am quite a ſtranger to that woman, I came home about ſix weeks ago, and I got acquainted with this young woman, ſhe aſked me to take her away from her lodgings, we were together two or three days, ſhe had been connected with twenty different people before ever I knew her, when our money was gone ſhe gave me theſe things to ſell, I belonged to the Punch ſchooner, I met her in the ſtreet, and after I ſold the things I gave her two and threepence of the money, I came to an acquaintance in Pelican-court, they ſaid to me you have robbed the girl, I went immediately to the houſe, and the man knocked me down and uſed me very ill, I ſaid I would go before the Juſtice, the Juſtice ſaid if I would let him know where the things were ſold he would let me go, I told him where they were; it was in the ſtreet that I met her, and I parted with her there; ſhe lived on my money while it laſted, I never ſaw the ſiſter.

Court to Mary Davis. Your ſiſter lived at an eating-houſe?—Yes; I never heard any thing to the prejudice of her character before now; my huſband is a ſhoe-maker.

Were there any promiſes made to him when he confeſſed?—I did not hear any.

Priſoner. The proſecutrix's maſter told me ſhe was a common woman.

Jury to Griffiths. Did he give you any of that money he ſold the things for?—No.

Jury. Did the woman of the houſe where you lived know that he had taken your things?—No, Sir, ſhe did not tell me ſo.

Court. I ſhould be very glad to know from the girl's maſter what her character was; though ſhe has been very frail and weak, yet I ſhould think it a very bad ſeduction; I wiſh the maſter of the girl may be aſked, for her character will alter my idea of the affair with reſpect to the puniſhment.

(The maſter called.)

Court. How long has the proſecutrix lived with you?—Near three months, and ſhe lived with me before four or five or ſix months; then ſhe went to her friends; ſhe was remarkably honeſt, ſhe is a thoughtleſs, ſimple girl, but I never ſaw the leaſt want of propriety in her behaviour. I told the priſoner he would make her a common woman, I never told him ſhe was ſo: if I was not provided I would take her again.

Court. I wiſh you would recommend her to a place.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice WILLES.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of MAY, 1784, and the following Days;
Being the FIFTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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599. JOSEPH MORREL and WILLIAM CADY were indicted for feloniouſly ſtealing, ~~on the~~ 10th of May, one large waſhing copper kettle, value 10s. the property of Elizabeth Fortuam.

The witneſſes examined apart at the requeſt of the priſoners.

The Proſecutrix depoſed that ſhe miſſed her copper the 10th of May, and ſaw it two hours afterwards.

JOHN RANDALL *ſworn.*

I aroſe in the morning early, and found the priſoner Morrell with a bag on his ſhoulders, and a little further I ſaw that gentleman the priſoner Cady, with a bag on his ſhoulders, as ſoon as he obſerved us he directly wriggled the bag from his ſhoulders and pretended to go againſt the wall, and when he found we followed him, he run away, and I cried out ſtop thief! I and my ſon took Morrell, Mr. Lou and another took the other, and we conducted them to the cage belonging to the church; the bags that were on his ſhoulders I took off with one hand, and I collared him with the other, and the other gentleman took the bag that Cady dropped, we carried them before the Juſtice and examined the contents of the bags, there was a copper in each, in an old apron, the copper belonging to the proſecutrix was in the poſſeſſion of the priſoner Morrell (*The copper produced and depoſed to*) here is a piece at the bottom that is patched; after we had taken that gentleman to the watch-houſe, the beadle ſearched that young man, and took out a pair of ſtockings out of his pocket, a knife and pair of ſmall ſpring ſteelyards, at the Juſtices the priſoner Morrell ſaid he found them; he made no confeſſion, but he had a pair of ſtockings on his legs that belonged to Mrs. Trimmer.

Mr. Chetwood Counſel for the Priſoner. How far was it that you ſaw him from this houſe of Mrs. Fortuam's?—I ſuppoſe 150 yards as nigh as I can gueſs.

Was not it half a mile?——No nor a quarter.

Was not he in the King's highway?—No, in no King's highway, he was in a field, he made no reſiſtance.

To Proſecutrix. Are you ſure of the copper?—I am ſure of it, I have lived in the place theſe ten years, I never was in this Court before.

Priſoner Morrell. I deſire to know what time they were robbed?—I cannot tell.

Robert Ware and Samuel Lou depoſed to the ſame effect.

PRISONER MORRELL's DEFENCE.

I was walking that morning, and I met the priſoner Cady by the workhouſe in Whitechapel, walking for his health, I went with him, and going along the road we ſaw theſe things laying at the foot of Whitchapel Mount.

WILLIAM CADY's DEFENCE.

We found theſe bags, and he took one and I the other; I ſaw theſe four gentlemen come up, *which I am ſorry to put the ſtile upon, as I thought I took them to be the four thieves.*

The priſoner Morrell called three witneſſes to his character.

BOTH GUILTY

Of ſtealing to the value of 10d.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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600. The ſaid JOSEPH MORRELL and WILLIAM CADY were again indicted for feloniouſly ſtealing, on the 10th of May, one waſhing copper kettle, value 10s. two pair of worſted ſtockings, value 1s. and one check apron, value 2s. the property of John Trimmer.

ELIZABETH TRIMMER *ſworn.*

On the 10th of May I loſt my waſhing copper, and the other things in the indictment, the priſoner Morrell had a pair of the ſtockings on, and the other priſoner had the other pair in his pocket.

(The ſtockings depoſed to.)

JOHN RANDALL *ſworn.*

This is the other copper that the other man had, which was on the back of Cady.

(The copper depoſed to by Mrs. Trimmer.)

Mr. Chetwood. Is there any patch upon it?——Nothing of the kind.

Was that copper fixed in brick-work?——Yes.

Has it been ſince applied to that brick-work to ſee if it fitted?—No, it has been at the Juſtices ever ſince.

What did the priſoners ſay?——Nothing particular.

BOTH GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron PERRYN.

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601. SOLOMON SPENCER was indicted for ſtealing, on the 3d day of May, one linen handkerchief, value 2s. the property of Samuel Sheen.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

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602. JOHN DEAN was indicted for ſtealing, on the 5th of May, one quart pewter pot, value 1s. and a pint pot, value 10d. the property of Alexander Clegg.

GUILTY.

Whipped.

Tried by the London Jury before Mr. ROSE.

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603. GEORGE MATTHEWS and JOHN MATTHEWS were indicted for ſtealing, on the 25th day of April laſt, twenty-eight pounds of loaf ſugar, value 20s. and ſixty-eight pounds of lump ſugar, value 30s. the property of Richard Butt.

RICHARD BUTT *ſworn.*

I am a ſugar refiner, I have ſeveral times loſt ſugar, and about April laſt I loſt ſeveral quantities of ſugar; we miſſed eight loaves out of one parcel, four out of another, and two lumps out of another; the two lumps were found on the priſoners, and two loaves, the loaves were particularly marked: the priſoner George was juſt diſcharged from my ſervice.

JOHN GREEN *ſworn*.

I am a watchman in Biſhopſgate-ſtreet, my brother watchman Brown told me two men had gone by loaded, and he thought were gone for a freſh load, this was about a quarter of a mile from Mr. Butt's; I went with him, and found the priſoners coming freſh loaded; I took hold of the priſoner John, and aſked him what he had with him, he ſaid he had found it, he carried it on his head; he turned round and ſeemed as if he would ſtrike me, the two priſoners were then taken and brought with the bundle into the watch-houſe; George flung his bundle away, I ſaw him throw it away at the corner; I found in the bundle that John had two large lumps of ſugar.

What was in George's bundle?—Two ſmall loaves I think they call them.

(*The lumps of ſugar produced.*)

Court to Butt. Do you know them to be your's?——I ſwore to them by the mark, but they have been carried about ſo much, that the mark is rubbed out.

Mr. Sylveſter, Priſoner's Council. Shew us the mark.——They were marked with chalk, and marked upon the face of the goods *equal the ſame*, they were ſold but not delivered.

How many loaves did you make?——A good many.

How many did you ſell?——I ſold them all; the ſugar is mine, I know it by the quality and clearneſs; (*the other ſugar produced*) they are marked No. 1.

Mr. Sylveſter. What countryman are you?—A German.

In England you never ſaw any body mark No. 1, before?—Yes, I have.

How do you diſtinguiſh your mark from another perſon's mark?—We make it by a tool we work with.

And every ſugar-baker works with the ſame tool?—They have different tools.

Thank you for your information! but it is by the ſame ſort of tools?—I cannot ſay that I have ſeen any of others that have been marked No. 1.

They all mark their ſugar with ſome inſtrument? why it is not difficult in Germany to anſwer that queſtion?——No.

Then why do not you anſwer it in England?——They may mark with a tool.

Did not your maſter mark with a tool?—Very like ſo.

Then you do not know; do you mean to ſay that no other ſugar-baker in this City of London, marks the ſugar any other way than with a tool?—I cannot tell.

How did your maſter mark his ſugar?—Of various marks.

He uſed to mark them No. 1, did not he?——I cannot remember, he may.

Will you ſwear he did not?—I will not take upon me to ſwear that.

Do not you know that he did mark with No. 1?—I will not ſwear that, ſometimes we began with one number, and ſometimes with another.

How many loaves have you marked No. 1?——As many as there are in a day's work.

How many may be made in a day?——Why a hundred and upwards; theſe were all ſold to one man.

Now the boiling before that how many did you make of No. 1, then?—I cannot tell.

Court. Is your marking of No. 1, a particular baking?—A particular day's work.

Which day do you begin with?—Sometimes with No. 1, and ſometimes 2; we have no particular day of making them in the week; ſometimes we go as high as ten or twelve.

Court. Have you any other means of knowing theſe ſugar loaves to be your's but by their being marked No. 1; how can you tell that theſe are not the ſugar-loaves that you ſold to your friend and correſpondent?——By the marks and the make I know the goods.

Court. What was the mark on the ſide that was rubbed out?—It was a mark on the ſugar that was marked with a nail, I cannot perceive it here.

Mr. Sylveſter. Nothing elſe beſides the mark with a nail?——I never ſaw any.

Court. How many loaves have you ſold marked No. 1?—They were ſold to Mr. Naylor, in Bread-ſtreet, but none of them had been delivered; there were eighty-four.

How many of the eighty-four were wanting?—Two of them.

How many ſugar-loaves had you delivered, marked No. 1, within theſe ſix months?——I do not know, I cannot tell.

Mr. Sylveſter. Speak within a few hundreds?—I cannot tell any thing about the matter.

Court. When did you make theſe loaves of ſugar marked No. 1, which you ſold to Mr. Naylor?—About ſix weeks or more before this happened.

How ſoon had you manufactured any before thoſe that were ſold to Mr. Naylor?—I cannot tell.

Were they marked with No. 1, or not?——I cannot remember.

JOHN HARVEY *ſworn.*

I am conſtable for Biſhopſgate, the watchman brought theſe loaves of ſugar into the watch-houſe; I did not obſerve any particular marks on the papers then, only a ſcratch on the bottom of the loaf of ſugar, and there was ſome chalk on the paper.

Butt. My Lord, that mark is off now.

Court to Jury. The queſtion is, how far there is ſufficient evidence given to identify this ſugar; that is the whole of the queſtion. I wiſh you would talk to one another about it, and I will ſum it up to you, and put the priſoners on their defence, if you think the mark No. 1, was ſufficient to identify the ſugar.

Court to Proſecutor. Have you valued this ſugar?——No.

Jury. Have you the ſamples that you ſhewed them by?——I have not brought them here.

Priſoner George. We went and took a walk in the morning in the City-road, and my brother ſaw a bundle lay, and he called me.

MICHAEL BROWN *ſworn.*

I am a watchman, I informed Green of theſe people; I ſaw William paſs and repaſs twice, and I ſaw John paſs twice, he had a little bundle once under his coat, but I could not tell what it was; but the ſecond time I do not know whether he had any thing or no, beſides his own property.

Mr. Sylveſter. Did you know him before?—Never ſaw him before.

Darkiſh?—No.

Between light and dark?——At three in the morning it was day-light.

The Priſoners called ſix witneſſes, who gave them a very good character.

Court to Proſecutor. What length of time did you miſs the ſugar before the priſoners were taken up?——They were in the houſe on the Saturday, and on the Monday morning this was miſſed.

GEORGE MATTHEWS, } GUILTY.
JOHN MATTHEWS,

Each to be impriſoned in Newgate two years.

Tried by the London Jury before Mr. Juſtice WILLES.

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604. JANE BILLARD was indicted for feloniouſly ſtealing, on the 26th day of March laſt, one pair of ſheets, value 10s. two pillows, value 4s. two linen pillow caſes, value 2s. one bolſter, value 4s. the property of John Porteous, being in a lodging room in his dwelling houſe, let by contract by him to her, and to be uſed with the lodging aforeſaid, againſt the ſtatute.

The witneſſes examined apart at the requeſt of the priſoner.

JOHN PORTEOUS *ſworn.*

I let this gentlewoman the room furniſhed the day before Chriſtmas Day; ſhe continued in the place till the 26th of March, ſhe went away without warning. On the Monday after I opened the room and miſſed the things; the things were found at the pawnbroker's.

Mr. Akerman. My Lord, the priſoner cannot ſpeak Engliſh.

Priſoner. I underſtand ſome Engliſh, but cannot ſpeak proper.

John Lightfoot, ſervant to Mr. Payne, a pawnbroker, produced a bolſter, two pillows, and a pair of pillow caſes, which he took in of the priſoner between the 3d of January and the 4th of March.

John Layton produced ſome other things, which were taken in by a man that is gone away.

(The proſecutor depoſed to the things brought by Lightfoot.)

Proſecutor. She confeſſed before the Juſtice they were the things ſhe took from my place; I did not think of that before.

Did he tell her it would be better for her to tell the truth?——He did.

Jury. Did ſhe ſpeak in Engliſh before the Juſtice?—Yes, broken Engliſh, but we could underſtand what ſhe ſaid.

PRISONER's DEFENCE.

I took this room the day before Chriſtmas, I did not pay him exactly, and laſt week he *come* up to my room, and bid me look for another; I ſay I will pay you very well; the wall was very bad, and the two pair of ſtairs wanted to be repaired: I have been very ill in the place, I catched cold; I had no work, I did it through neceſſity, I did not intend to rob this place; I told him I would look for a room as ſoon as poſſible; I owed his wife a ſhilling, and the day after I brought it her. I come from Paris, and I have been theſe twelve years in England; I keep my poverty from my friends, that is all I can ſay.

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

605. JONATHAN HUGHES was indicted for ſtealing, on the 30th day of April, one large wooden caſk, value 7s. the property of Richard Harriſon and Richard Munday.

GUILTY 10*d.*

Privately Whipped.

Tried by the London Jury before Mr. RECORDER.

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606. JOSEPH ENGLISH and SAMUEL DUFF were indicted for ſtealing, on the 19th of April, one large Cheſhire cheeſe, value 16s. the property of Richard Price, Eſq; and one other cheeſe, value 3s. the property of Joſeph Corniſh.

JOSEPH ENGLISH, NOT GUILTY.
SAMUEL DUFF, GUILTY.

Privately Whipped.

Tried by the London Jury, before Mr. RECORDER.

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607. WILLIAM MOUNTAIN was indicted for feloniouſly ſtealing, on the 23d of May, one pair of leather boots, value 1s. one cloak, value 1s. one linen petticoat, value 3s. the property of Tabitha Hirſt.

Margaret Keele ſaw the priſoner in the proſecutrix's houſe, with the boots and a bundle which had dropped, and which contained the cloak and petticoat; and *James Maidwell* ſaw him drop the boots.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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608. SAMUEL BENNERE was indicted for feloniouſly aſſaulting Mary, the wife of William Lewis, on the 22d day of April laſt, in a certain field and open place

near the King's highway, and then and there in a forcible and violent manner, unlawfully, maliciouſly, and feloniouſly demanding the money of the ſaid William, from the ſaid Mary, with a felonious intent the money of the ſaid William, from the perſon of the ſaid Mary, then and there feloniouſly to ſteal.

MARY LEWIS *ſworn.*

On the 22d of April, at twelve in the day, I was in a lane called Bow-fair Field, behind the boarding-ſchool, and the priſoner paſſed me, I went after him, and when he came to the middle of the lane, he ſtopped and ſaid, give me your money; I ſaid I had none; he had a knife which he took out of his pocket, an oldiſh knife, he ſaid if I did not give it to him, he would cut my throat; I ſtepped back, and I trod on my gown till I fell down; I ſaid if you do not go away, my man is on the other ſide of the gardens, and I cried out, John, and murder! and he ran away, and they came out and followed him.

Court. He did not take any thing from you?——No, he did not offer to take any, whether he wanted me to give it him or no, I cannot ſay.

JAMES DORREN *ſworn.*

I heard the proſecutrix cry murder! and I ran to her aſſiſtance and took him; I did not ſee him till I came into the main road, ſhe had deſcribed him to me, and I aſked William Ray whether ſuch a perſon was gone by, and he ſaid yes; when I took him he ſaid he did not touch her at all, or offer to meddle with her, only that ſhe cried murder, and he ran away; when I brought him to my maſter's garden he admitted he was the perſon.

WILLIAM RAY *ſworn.*

I was coming from Mile-end, and I ſaw the priſoner come over Bow-fair Field, and a few minutes after, James Dorren came and aſked me, and I directed him.

Court to Proſecutrix. Are you quite ſure this is the ſame man?—Yes.

PRISONER's DEFENCE.

I never ſaw the woman before with my eyes.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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609. JAMES DEALEY was indicted for feloniouſly ſtealing on the 18th day of May, one wooden trunk, value 12d. one cloth great coat, value 10s. one cloth coat, value 20s. one velvet waiſtcoat, value 4s. one pair of jean breeches, value 5s. one linen ſhirt, value 4s. one dimity waiſtcoat, value 5s. one ſilk neckcloth, value 12d. one muſlin neckcloth, value 12d. one ſtock, value 6d. one ſilver ſtock buckle, value 2s. one pair of ſilk ſtockings, value 2s. and one pair of worſted ſtockings, value 6d. the property of Joſeph Shilling.

JOSEPH SHILLING *ſworn.*

The priſoner came to my houſe at Portſmouth on the 16th of April, and aſked me for a lodging, he owed me nineteen pounds, and I brought him up to town with me, and we came to the Angel behind St. Clement's, I left my trunk there and I took the priſoner with me to the coffee-houſe in the Strand, and we could not ſee his captain, and the priſoner ſaid he wanted to eaſe himſelf, and he went away, and came to the Angel to take my trunk, and marched off with it; I ſtaid there about ten minutes, I returned back to my lodgings and found my things were gone, I found ſome of them out, I thought I ſhould find him down in Wapping, I went to St. Catherine's, and they perſuaded me to go to the Juſtice and get a warrant, which I did, the priſoner happened to come into the houſe the Saturday following, the 22d of May, he was ſtopped and brought before me, ſo he told me he had left the trunk at one Mr. Ready's, a publican, and as he owed Mr. Ready four pounds or five pounds, he had ſtopped it; Ready took the things and pawned them.

RICHARD

RICHARD READY *ſworn.*

I live in Cable-ſtreet, the priſoner came to my houſe laſt Tueſday was a week, about three o'clock, and brought a trunk about fourteen inches long, he came in a coach to me there, and he ordered the coachman to bring in the trunk, and it was laid upon the table, it was broke open behind, and he put on a pair of clean ſtockings, he ſaid his mother had given him money, and he bought ſome clothes, he owed me four pounds two ſhillings, he ſaid he bought the clothes ſecond hand, he gave me the trunk to take care of; on the Wedneſday morning he came to me for the clothes, he ſaid he wanted to ſell them; I refuſed to let him have them without he paid me; on the Thurſday morning he came to me, and ſaid he was going to receive his money, and if I would lend him a ſhilling, I might keep the clothes; accordingly when the proſecutor came, I told him I had pawned all the things, I pawned them at Mr. Author's, the priſoner ſaid ſeveral times the things I pawned were his own property, I never knew him rob any body before, and I have known him a twelvemonth.

Priſoner. A man gave me the trunk oppoſite St. Paul's, to carry down to this gentleman's lodging; aſk him if there was not a ſailor came next day and owned the clothes?—Yes, but the priſoner told me afterwards that, that man only came on a falſe pretence to get the clothes away from me.

THOMAS DAVIS *ſworn.*

I live at the Angel behind St. Clement's, the priſoner came by our Portſmouth coach on the Tueſday morning, and the proſecutor with him, they delivered the things at the bar, they came in for a pot of beer, and were gone about an hour, and the priſoner came and aſked for them, and the landlord delivered them into his hands, he aſked if any thing was to pay.

Richard Humphreys, the maſter of the tap confirmed the above account.

Thomas Author, the pawnbroker produced part of the things which were pledged by the mother-in-law of Mr. Ready.

ELEANOR M'DONALD *ſworn.*

I pledged the things that were given me by the requeſt of the priſoner, he was preſent.

(*A coat depoſed to.*)

WILLIAM WHITEWAY *ſworn.*

I apprehended the priſoner, and went with a ſearch warrant to Ready's houſe.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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610. RICHARD MOSS was indicted for feloniouſly aſſaulting John Dewell, on the King's highway, on the 24th of May, and putting him in fear, and feloniouſly taking from his perſon, and againſt his will, 6s. in monies numbered, his monies.

JOHN DEWELL *ſworn.*

The priſoner came up to me on Monday night laſt, a little after nine, on Hounſlow Heath, on the ſide of the road, and he gave me a kick on the ſide of the ribs, two more were with him, I had been aſleep, and was juſt awaked, I had been hard at work, he aſked me what I lay there for, with that he caught hold of my arm, and pulled me up and ſaid, where are you going? you ſhall go home, and they dragged me along, and puſhed me along, they ſaid they would have me home, for they were going that way.

Court. Was you in liquor?—No, not then, I was a little before, but no great deal, they dragged me along the ſpace of a quarter of a mile, and then they dragged me up a lane, and this man put his hand in my pocket, and took my money out of my pocket; I caught his hand in my pocket.

Did he ſay any thing?—No, only joſtled and hugged me.

Under what pretence was it?—I ſuppoſe the pretence was to rob me, they pretended to carry me home.

He did not aſk any money from you?—No.

Nor make uſe of any threatening?—No, when he had taken my money out I ſaid, this will not do, then the other took hold of me and ſearched my breeches pocket; in half an hour I ſaw him again, I found them at the publick houſe, I ſaid they had juſt robbed me, and out they came, I knew the men very well, one of them run away, I never ſaw them before.

JOSEPH DOWDING *ſworn.*

The priſoner is a ſtranger, I never ſaw him but once before that night, and I believe it was in the courſe of the day; laſt Monday night about ten, the priſoner and two men came into my houſe and called for a pint of beer, and drinking of the third pint I heard ſomebody call Joe, Joe, at the door; I went, and it was this Dewell, ſays he, are there three ſtrange people in your houſe? I ſaid yes; he ſaid they have robbed me, where is a conſtable? As we were talking the men came out, and took a ſmall circle round us, they did not come immediately before us, we immediately drew towards them, John looked at them, ſays he, theſe are the people that robbed me, he gave a ſnatch at one of them, but he miſſed his hand, and he ran away from him, and he ran I ſuppoſe about a hundred yards, and I heard a ſcuffle, and I thought he had got him, but when I came up to him he had only tumbled down, and the man was run off; he then ſays, that is the man that has robbed me, that took the money out of my pocket, and he left me to go for an officer, and before the officer came the other ran away; then they took this man to the Juſtice's; he was ſearched at the Juſtice's, we did not think of ſearching him before.

Court. Was Dewell ſober at this time?—He was not drunk, he was very ſenſible.

Upon your oath was he quite ſober?—I did not perceive any thing deficient in him I give you my word, to the beſt of my knowledge he was ſober.

Anſwer the queſtion?—I think he was ſober then, what he had been I know nothing about.

Did the priſoner ſay any thing after he was taken?—A very trifle indeed.

What was that trifle?—Nothing particular that I know of.

Can you recollect what it was?—He ſaid, ſays he, maſter I will not run away from you; ſays I, young man, it is of no uſe.

He did not attempt to run away?—No.

Did he ſay whether he was innocent or guilty?—No.

PRISONER's DEFENCE.

The time we were drinking in at this landlord's houſe, before the beer was drank out, this John Dewell came up and called the landlord out and aſked him if there were ſome ſtrange men in the houſe, and two men ſlipped out, and the proſecutor followed them, and when he came up again, ſays he, damn them, they are gone, but here is one of them: I came from Stroud in Berkſhire, I never was in London twice before.

Court to Jury. Gentlemen, in the firſt place, with reſpect to the capital part of the charge, a robbery on the highway, which is taking money or goods from the perſon of a man by force or fear, againſt his conſent, and the eſſence of the crime conſiſts either in violence to the perſon, or putting in fear; now it does not appear that the money taken from the man at this time was taken with that degree of force which the law ſeems to require to conſtitute an highway robbery; there was no putting in fear, no weapon uſed, but whilſt they were pulling him along, under pretence of taking care of him, this man ſlipped his hand into his pocket, and he found his hand in his pocket, if you believe that the money was taken at firſt, in the manner he deſcribes, it was not by fear, but by having his arm over him, and there does not ſeem a ſufficient degree of force to conſtitute a highway robbery. If you are ſatisfied therefore that he ſtole the money, I think it would be too much to find him guilty of the capital part.

Not Guilty.

Tried by the firſt Middleſex Jury, before Mr. Recorder.

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611. JOHN ARCHER was indicted for feloniouſly ſtealing, on the 28th of April laſt, two large coach glaſſes, value 40s. the property of the Reverend Charles Tarrant, D. D. privately in his coach houſe.

JOHN JONES *ſworn.*

I am coachman to Dr. Tarrant, I came in with the chariot about twelve at night, the 27th of April laſt, the ſtable was at the Red-lion, in Argyle-ſtreet, I left the ſtable at half after one, I put the carriage under the gate-way in the yard, we do not put it in the coach houſe becauſe the yard is a cloſe yard, the door was faſtened and I ſaw the boy going up to bed; and the next morning when I came at half after ſix the glaſſes of the chariot were gone, and the ſtrings of the glaſſes were a part left in the carriage, but my maſter deſired me to inform the Court he could not ſpare the glaſſes, he has ſent the ſtrings; the priſoner was taken by the watchman, I ſaw him the next day about eleven, before Juſtice Hyde.

PHILIP WELCH *ſworn.*

I ſtopped the priſoner at paſt four in the morning, near Red-lion-ſtreet, he had a pair of coach-glaſſes in this bag, I called to him twice and he would not ſtop, I aſked him where he was going with it, he ſaid to the gentleman's, I took him to the watch-houſe, we went about a quarter of an hour after to Red-lion-yard, as we ſaw two men lurking about there at night, and we found the taſſels belonging to the chariot in the chariot, they fitted the ſtrings that were to the glaſſes which the priſoner had, (*The ſtraps and taſſels produced*) Jones the coachman took off theſe ſtrings in my preſence, and I took them into my poſſeſſion.

(*The ſtrings and the taſſels handed up.*)

EDWARD VISE *ſworn.*

I was in Holborn when the priſoner was ſtopped, he called upon me for aſſiſtance, and I went with him to the watch-houſe, we ſearched two or three coach houſes, and we went into this coach houſe and the doors of the chariot were open, and the taſſels lay there; he ſaid he was going to ſell them to a coachmaker.

PRISONER's DEFENCE.

I have nothing further to ſay than that I know nothing of the robbery, I never committed it, Welch told me right or wrong it was immaterial, I ſhould be hanged, I ſaid I hoped not, I aſked him if he had the law in his own hands, he ſaid damn the law, I ſhould have enough by and by.

Court. Gentlemen of the Jury, this indictment is ſo framed as to make it a capital offence, why it was ſo framed after hearing the evidence, I am at a loſs to conceive; for the priſoner might as well have been indicted under any other ſtatute in the ſtatute book as this, there is not the ſmalleſt foundation whatever for that part of the charge which makes the capital part of the indictment, for theſe coach-glaſſes were not ſtolen in any place belonging to Dr. Tarrant, nor were they ſtolen in any coach-houſe, but they were ſtolen from under a gate-way in a yard; you will therefore reject that part of the caſe and conſider the evidence, you are to judge on comparing theſe ſtrings, whether you are ſatisfied they are the ſame, I looked at them myſelf, and they do very ſtrongly appear to be ſeparated one from the other.

Guilty.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Recorder.

612. THOMAS THORPE was indicted for feloniouſly ſtealing, on the 1ſt of May, one cloth jacket, value 5s. one linen check ſhirt, value 1s. a pair of linen trowſers, value 1s. a pair of worſted ſtockings, value 6d. a pair of leather ſhoes, value 2s. the property of Robert Barnes.

ROBERT BARNES *ſworn*.

The priſoner is a particular acquaintance of mine, and I was drinking with him one evening about nine, at the Black-horſe, on the firſt of May, I ſaid I was going to lay out of my lodgings that night, and I parted from him; the next day I went home to my lodgings and I miſſed my things, I went and found the priſoner in the New Road, and I took him immediately, and I told him he had taken theſe things of mine, and he owned it; he had my ſhoes and ſhirt on, and trowſers in his pocket, he told me he had made away with the reſt, that he had pawned them or ſold them.

Did you make him any promiſes of favour if he would tell you the truth?—No, I did not, I never found any of the other things, I loſt the other things that are mentioned in the indictment, the conſtable took charge of the man, and I found the ſhoes upon him, that is all I know.

(The ſhirt and trowſers depoſed to.)

Court to Proſecutor. Did you mention to him that theſe things were your's?—Yes.

Did he acknowledge it?—Yes.

PRISONER's DEFENCE.

I was drinking with him that evening, he told me I was welcome, he would lend them to me, he and my wife got intimate together and he deluded her away, on the 24th of April, I caught her and him together, and ſhe in his room, on Tueſday I could find no tidings of them, and at eleven at night on Saturday I found her concealed in his room, I looked for them all day on Monday and Tueſday, and could hear nothing of them, when he lodged along with me, he uſed to wear my things and I his, ſo I made bold to put on a ſhirt, and I was bringing it back to his lodgings when he took me, he ſaid before the Juſtice when I was fully committed, if I would give it from under my hand not to trouble him, he would let me go.

Court. How came you to make away with the other things?—They had diſtreſſed me, and I did it for want.

Court to Proſecutor. Why is not your landlord here who ſaw this man as you ſay come to theſe lodgings?—The woman was at home, I did not aſk her to come, I aſked the Juſtice whether I had witneſſes enough of it, and he ſaid yes.

You have heard what the priſoner has ſaid about your going away with his wife and about your wearing his things?—Yes, when I lodged along with him, I wore his things.

Priſoner. I have witneſſes to my character.

Jury. What way was the priſoner going when you met him?—He was going to my lodging.

Court. That turns out a very material queſtion in the way in which it is anſwered, though it might not have been ſo material if it had turned out the other way, perhaps this may ſave the trouble of going on with this matter.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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613. THOMAS BRADLEY was indicted for feloniouſly ſtealing, on the 17th of April, one ſilver watch, value 20s. one baſe metal key, value 1d. the property of James Collins.

JAMES COLLINS *ſworn*.

About the 9th or 10th of April on a Saturday, I am not ſure to the day of the month, but I am ſure to the day of the week, I ſaw a pawnbroker's ſhop in Crown-court, the corner of Princes-ſtreet, and I wanted ſixpence upon my watch to buy my dinner, when I came to the door the man that took my watch from me ſtood at the pawnbroker's door, I aſked him if that was a pawnbroker's ſhop, and he ſaid yes, I aſked him if he belonged to the ſhop, and he ſaid yes, ſo he aſked me if I wanted money, I told him I wanted ſixpence for my dinner, and that I worked near, I did not chuſe to aſk my maſter as Saturday night was ſo near, he asked me what I had got to pawn, I had my watch in my hand and he ſnatched it out of my hand, and ſaid ſtop ten minutes I will bring you the money out, I ſtopped about ten minutes, and he never came to me out of that door, and I began to be doubtful of my watch, then I went in and he was not there.

Did you ever get your watch again?—No.

Where did you find this man again?—On the Saturday night following I took him in Leiceſter-fields, I knew him to be the ſame man, and the pawnbroker's man was with me.

What did he ſay for himſelf?—He beat me very bad in the face, and began to call me ſcoundrel, he gave me one black eye, I took him myſelf and brought him to Litchfield-ſtreet, he was all of a ſhudder, he was eaſily took: I heard the watch was pawned in Shoe-lane, I ſaw it there, and deſcribed it before it was ſhewn me in every particular.

What did the priſoner ſay about it?——After he was examined he owned it to me that he had the watch, and it was pawned for twelve ſhillings, and he offered me a great coat to make it up, and to pay for my loſs of time.

Mr. Chetwood Counſel for the Priſoner. What was your purpoſe at the pawnbroker's?—I went there to leave ſomething for ſixpence.

Had you ever been in there or at any other pawnbroker's before?——No, Sir, never.

Upon your oath did you or did you not expreſs reluctance or unwillingneſs to go into a pawnbroker's ſhop?—No, Sir.

Had you determined what to pawn, to raiſe a little money?—I did not care whether it was my watch or my handkerchief.

You ſay your watch was ſnatched?——Yes.

Did you or did you not, deſire the priſoner to pawn it for you?——No, Sir, I did not.

Did you never declare to the priſoner himſelf that you had ſo deſired it?—No.

Did you ſee him go into the pawnbroker's?——Yes.

If you had not given him the watch to pawn, how came you not to go after him, did not he carry in your watch to the pawnbroker's by your own conſent?—No Sir, he ſnatched it out of my hand.

Court. If he had given the watch to the man to have pawned, and the man had gone off with it, I am very clear that would have been a felony.

Mr. Chetwood. I mean to ſhew the difference in his evidence, now and when he was at the Juſtice's, he ſaid he belonged to the pawnbroker's ſhop, he had a coat under his arm.

Did not he tell you he was going to pawn his coat?—No.

Was you deſired to ſtop at the door, or to go to the public houſe?—To the public houſe, a man went paſt and the priſoner ſaid go to the public houſe with that man and have a pint of beer.

Then you never declared that you gave him the watch to pawn?—No, Sir, he ſnatched it out of my hand.

JOHN LANE *ſworn.*

On the 17th of April, a woman came and pledged a watch with me for 12s. I cannot ſay the day of the week, ſhe pledged it in the name of Mary Harris, ſhe always pledged in that name with us, I knew he before, her name is Mary Hart, it was i the day time, but I cannot tell the hour.

Court to Proſecutor. What time was i that you met this man in Leiceſter-field and took him up?—On Saturday night.

MARY HART *ſworn.*

Where did you get the watch that yo pledge pledged at the pawnbroker's?——The priſoner brought it to me to pledge for him, I had not it above five minutes, he told me it was not his, but a perſon was waiting for him at the public houſe.

Was the watch that you pledged, the ſame that the priſoner brought you?—Yes.

Court to Pawnbroker. Is this the watch that this woman pledged?——Yes.

(The watch produced.)

PRISONER's DEFENCE.

My Lord, this man gave me the watch as I was going to pawn my coat, he aſked me where I was going, I told him to receive ſome money, he aſked me to pawn his watch, and he took it out and gave it me, I went and ſtopped ſome time there, he ſaid he would go to the public houſe and wait, when I came out I went to the public houſe to enquire for him, he was not there, and not finding him, I took the watch to that woman the very ſame day to pawn, he took me the Saturday following, I offered to make him every reſtitution, I had no intention of defrauding him.

Court to Mrs. Hart. How long have you known the priſoner?—I have known him ſeveral years, and never knew any harm of him before.

FOR THE PRISONER.

The Priſoner's witneſſes examined ſeparate.

ROBERT HOGG *ſworn.*

I live in Queen-ſtreet, Soho-ſquare, No. 12, I am a maſter jeweller, and a houſekeeper, I have known him ſixteen or ſeventeen years, I have kept a houſe there near twenty years, he always bore a good character, I knew him when he lived with Mr. Robinſon, a merchant and jeweller, I have known him truſted with 10,000 pounds worth of jewels, I never heard any thing amiſs of his character.

Court to Hogg. Did you keep any ſhop?——No, Sir, I am a working jeweller, I have a private ſhop.

You ſay you have lived there near twenty years?——Yes, Sir, the merchant that he lived with, Mr. Robinſon of Gerrard-ſtreet, he is dead, he has truſted him with jewels to bring me to the value of 10,000l. what I ſpeak of is twelve years ago.

Do you keep the whole houſe?——Yes, I keep the whole houſe.

Are you married or ſingle?——I am married.

WILLIAM ANDERSON *ſworn.*

Do you know any thing of this tranſaction?——Yes.

Had you ever any converſation with the proſecutor upon this?——No, I met the priſoner in April laſt, I cannot be particular to the day, it was of a Saturday in Covent Garden.

Do you recollect what Saturday it was in April?——I think it was about the 17th of April, and after aſking him how he did and ſo forth.

Court. Any converſation between you and the priſoner is no evidence.——We walked together as far as Crown-court in Princes-ſtreet, Soho, and he and I ſtopped ſpeaking together at the Pawnbroker's door, and the proſecutor came up, and ſaid to him, are you a going to pawn any thing, he ſaid yes, I am going to pawn my coat; in conſequence of this, I ſaw the proſecutor take the watch out of his own pocket and give it into the hands of the priſoner, he introduced himſelf by ſaying, if you are going to pawn your coat, I wiſh you would pawn my watch for me, I do not like to pawn it myſelf, in conſequence of this I ſaw the proſecutor give the watch to the priſoner to pawn.

Court. And you ſay upon your oath, you ſaw him give the watch to the priſoner to pawn?——I did.

Upon what day was it?——It was on the Saturday, and I think it was about the 17th of laſt April, to the beſt of my recollection, I cannot be particular to the day of the month.

Did you ſee what became of the priſoner afterwards?——I waited till the priſoner came out, and he ſaid to me, do you know where the man is, I ſaid no, I was looking at the oppoſite ſhop; the priſoner ſaid to me, I have not pawned this man's watch, and I wiſh to give it him again; after this I took my leave of the priſoner, and wiſhed him a good day, and went about my buſineſs and he about his.

What became of the man after he had given the priſoner the watch?——I do not know, I ſaw him give him the watch to pawn, I turned my head to look at ſome ſtockings, and I ſaw no more of him.

The proſecutor was a ſtranger to you and the priſoner?—I never ſaw him before in my life.

Did the priſoner and he ſeem to have any acquaintance?—So far as I ſhould judge I ſhould think they had not.

What did he ſay about it now as near as you can recollect?——I recollect nothing further than what I have ſaid before.

Did the proſecutor ſay any thing that led you to think they were acquainted?—No, I took them to be entire ſtrangers.

Did the proſecutor tell the priſoner his name, or where he lived?——Not in my hearing.

Then the proſecutor came up to the priſoner, who was an entire ſtranger to him, and gave him his watch to pawn, without having any direction where he lived?——I heard no direction given, I ſaw the proſecutor give the priſoner the watch.

Who was to receive the money for the watch when it was pawned?——That I do not know, I ſaw him give him the watch to pawn.

That is the point you came here to ſwear to?—I thought the proſecutor ſaid for me.

How was he to get the money?—That I do not know.

What reaſon have you to believe that this was on the 17th of April?—I made a remark of it in my pocket book of the ſtate of the poll.

Then you have no doubt it was the 17th of April?—I think there could be no doubt of it, I was told by information it was the 17th of April in the Garden, and I made a memorandum of it in my pocket book; it was a pocket book that writes with a ſlate pencil, and as the day's poll was over, a few days after I rubbed it out.

You give a very good reaſon for knowing the day; then you have no doubt it was the 17th of April, or the day the people called the 17th of April?——I might be miſtaken in the day, but I think there is not the leaſt doubt it was that day.

Do you happen to recollect what the ſtate of the poll was that day?—I do not.

You are ſure it was not a week earlier than the 17th?——I am perfectly ſure of that; I met a perſon that knew the priſoner four or five days after, and he told me he was taken up in conſequence of pawning a watch for a man.

You heard within a week after?—Yes, within a week after, I am ſure of that, and the perſon ſaid the priſoner deſired him if he met me, knowing me, to deſire me to come to him, to ſay what I knew of the tranſaction, that is all I know.

Court to Officer. This witneſs muſt not go out of Court till the Jury have given their verdict.

Jury. You did not hear how long the priſoner had been in cuſtody?—I cannot ſay I did.

Court to Proſecutor. The time you met with the priſoner in Leiceſter-fields, when he was taken, was it the ſame Saturday on which you loſt your watch, or the Saturday week?—The Saturday week.

You are ſure of that?—I am quite ſure; it was on Saturday the 10th of April I loſt my watch, and the Saturday week I met the priſoner; the ſtory that has been told by this man is not true, there are two or three of them have been after me to make it up, and a man at Hicks's-hall has offered me the watch, and to have it mended, and a good ſupper.

Mr. Chetwood. As to the time, it could be aſcertained with preciſion, by ſending to the pawnbroker.

Court. That may be neceſſary hereafter, but the proſecutor ſwears poſitively that the priſoner was not taken up on the ſame day, and it is in evidence from the other pawnbroker that the watch was pledged on the 17th.

Mr. Chetwood. My Lord, if the other pawnbroker was ſent for it would appear clearly.

To Proſecutor. Was the coat pledged on the ſame day that you loſt your watch?—Yes, Sir, directly as he went into the ſhop.

What is the name of the pawnbroker at the corner of Crown-court?—Prieſtman.

Priſoner. The coat was pledged for four ſhillings, in the name of Johnſon; I believe it might be Thomas Johnſon, but I am not ſure.

Court to Jury. Gentlemen, I think public juſtice is very much concerned that this matter ſhould be fully inveſtigated; I am ſending for the pawnbroker, the priſoner ſhall ſit down, and in the mean time you will try another priſoner.

(*The two pawnbrokers books ſent for, and as ſoon as they were brought the trial went on.*)

Court to Priſoner. Have you any other evidence to give to the Court after the pawnbroker's man is examined?——Here is one.

GEORGE BANFIELD *ſworn.*

I live in Duke's-court Drury-lane, No. 14.

Court. I adviſe you to be cautious before I examine you, for I have ordered the witneſſes on each ſide, for the proſecutor and the priſoner, to be detained in Court; on which ever ſide the belief of the Jury turns againſt, I ſhall probably direct a proſecution for perjury.——The priſoner came to me and aſked me if I would have a coat that was in pawn, and I was to redeem the coat and buy it, and I went to the pawnbroker's where the coat was, and was ſtopped till the proſecutor came in, and then he came in, and ſaid this is not the man that had the watch of me; ſays I was you robbed of a watch; no, ſays he, I gave it to a man to pawn, and he ran away with the money; I ſaid you muſt be a ſtupid man, he ſaid he never ſaw him before, upon which I gave him my addreſs.

JOSEPH HEWLETT *ſworn.*

I am ſervant to Mr. Prieſtman.

Do you know the perſon of the man at the bar?——No, I do not.

Do you remember a coat pledged at your ſhop in the name of Johnſon?—Yes, I do.

Have you any entry in your books that enables you to ſpeak with certainty on what day it was pledged?——Here is the book.

Court. Let me look at the book, (*looks at it*) I do not ſee any entry in this book of Saturday the 10th of April, how happens that here is Friday the 9th of April, and Monday the 12th? have you ever a whole day, eſpecially on a Saturday in which nothing is pledged at your ſhop?——No.

Then find the entry of the 10th of April.——It was Good Friday, we do not keep the ſhop above an hour, ſo it was put Friday inſtead of Saturday.

How came that?——We did no buſineſs on Friday, ſo it paſſed for Saturday.

Court. Let me look at it again; have you any mark where the Saturday's entry begins; here is Mr. Johnſon on that day, gold ſeal 7s. 6d.—That is another perſon, that gentleman comes to us to this day.

Here is another Mr. Johnſon, ſixteen prints, was that the perſon?——No, it was not.

Do you know the perſon of the priſoner?——I do not.

Do you know whether he was the man of the name of Johnſon?——I ſtood by the perſon that took it in, that wrote the ticket to put on it, he wrote that, he did not write any duplicate, and he is as far as Northumberland; I know it was a talliſh man, but I cannot tell the perſon.

Court to Lane. Look at your book and ſee when the watch was pledged.

Priſoner. Was there a duplicate on the coat as the proſecutor ſwore?—There was none.

(*Lane's book handed up and read.*)

Court. The 17th of April, here is the ticket of the watch, and the woman had the duplicate.

When was the watch found with you?——The Monday or Tueſday following.

Court to Collins. You ſaid when you took the priſoner in Leiceſter-fields the pawnbroker's man was with you?—Yes, Hewlett was with me.

Is that true?——Yes.

Now when was it?——On the Saturday night following.

It was not the ſame Saturday that the coat was pledged?——No, it was not.

Do you know of any thing about the watch after the priſoner was taken?—No, I am ſure it was the Saturday week after the coat was pledged.

Priſoner. What did the proſecutor ſay to you when he went in to enquire for his watch?—— He ſaid he had been drinking with the man at the public houſe, and wanted ſome money, and had nothing to leave but his watch, that he only wanted to borrow ſixpence, and that he met this man at the door; he came in a great hurry, and ſaid, has there been a man to pawn a watch for ſixpence; ſo the man told the whole ſtory that he had loſt his watch, he ſaid he gave it him.

How long did the man that pawned the coat ſtay in the ſhop?—Not two minutes; I think he went out at the other door through into Princes-ſtreet.

Jury. Did Collins tell you he took the man for a perſon belonging to the ſhop?—Yes, he did.

Jury to Collins. What trade are you?—A ſmith, I worked the whole week, I kept about a quarter of a day on Monday in the afternoon.

Was this the Eaſter week that you pledged the watch?——I cannot recollect that.

Court. Gentlemen of the Jury, this trial has turned out of more conſequence than it might at firſt appear to be of; if the proſecutor gave the watch to the priſoner to pawn for him, and he went away with the money, that is as much a felony as if he ſnatched it from him; and no poſſible reaſon can be aſſigned for the proſecutor's going away after he had given him the watch to pledge; ſome very extraordinary accident muſt have interfered, to ſhew why the priſoner came out of the pawnbroker's without pledging it, and then he goes a mile off, and pledges it by another hand at another pawnbroker's: you will decide for yourſelves, and your verdict will decide my opinion of the witneſs Anderſon.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

Court. Let Anderſon be committed to Newgate.

Anderſon. It is very hard, my Lord, I ſpoke no more than the truth.

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614. GEORGE SPITTLE, (aged fourteen) was indicted for feloniouſly ſtealing, on the 30th of April, eight linen ſhirts, value 20s. two ſhifts, value 10s. the property of Joſeph Pugh.

Mary Pearce met the priſoner in the paſſage with theſe things over his arm, and run after him, and ſaw him drop them in the ſtreet.

The priſoner called three witneſſes, who gave him a good character.

GUILTY.

Whipped, and reſtored to his father.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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615. WILLIAM THOMPSON was indicted for ſtealing, on the 7th of May, one ſhift, value 2s. and one table cloth, value 3s. the property of John Kelly.

John Orange ſaw the priſoner running with ſome things, near the proſecutor's houſe, and ſtopped him; and Mrs. Kelly depoſed to the things.

Priſoner. I bought the things in Back-lane of a perſon who is not here.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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616. BENJAMIN WRIGHT and ROBERT MORGAN were indicted for feloniouſly ſtealing, on the 20th of May, one ſilk handkerchief, value 2s. the property of a certain perſon unknown.

THOMAS DOUGLAS *ſworn.*

On the 20th of May, between one and two, I was at the Cooper's-arms, in Chick-lane, drinking a pint of beer, and ſaw the two priſoners follow a gentleman by the window; I immediately went out and watched them about a dozen yards, I ſaw the priſoner Wright take the handkerchief out of the gentleman's pocket, I would have followed the gentleman, but I was afraid, for there was another gang of them; five minutes after they came by the window again, I knew them and we took them in Smithfield, we followed them into the public houſe again, and we took this handkerchief from Wright, under his arm, between his ſkin and his ſhirt, the other only followed him.

Was he in company with him?——He was.

Could he ſee him do it?——He could.

Did he continue in company with him? ——He did.

ROBERT WALKER *ſworn.*

I went with the proſecutor and another perſon, and took the priſoner.

SAMUEL JACKSON *ſworn.*

I took him with the handkerchief under his arm, they were both together.

PRISONER MORGAN's DEFENCE.

I can tell where I had been, and who is my maſter; my maſter's name is Gordon, in Petty France, he is a plaiſterer, I had been at work in Brook-ſtreet; I know nothing of that young man.

BOTH GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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617. BARWICK HOMES and JOHN MARSHALL were indicted for feloniouſly ſtealing, on the 26th of April laſt, four pair of ſatin ſhoes, embroidered with gold and ſilver, value 30s. and one pair of cloth ſhoes, value 4s. the property of James Davis.

JAMES DAVIS *ſworn.*

I am a ſhoe-maker, on the 26th of April my houſe was burnt down, and I loſt theſe ſhoes.

The witneſſes examined apart at the requeſt of the priſoners.

WILLIAM DAVY *ſworn.*

On Wedneſday night the 12th of May, a young fellow, one George Morley, came to me, and ſaid he thought there were ſome ſhoes at a place belonging to Mr. Davis; I went with him, and the ſhoes were tied up in this handkerchief, I opened them, and took care of them, and the next morning I went and took the woman that had them; I have had the ſhoes ever ſince, *(the ſhoes produced)* I found the ſhoes in a fruiterer's ſhop in Brook's-market, up one pair of ſtairs, the woman's name is Lamb where I took the ſhoes from; one Elizabeth Cohen had left them there, I know nothing of her.

ELIZABETH COHEN *ſworn.*

One night I was in bed about ten o'clock, ſomebody knocked at my door, I aſked who it was; it was about a fortnight before I was taken up; I was ſent for to the Lebeck's Head to buy theſe ſhoes, there were ſeven pair, I bought five pair and the woman of the houſe bought two pair; I gave a guinea in gold, ſix ſhillings in ſilver, and twopence half-penny for the good of the houſe, I bought them of a man whom ſhe called by the name of Barwick, I never ſaw the other lad till I ſaw him at the Juſtice's.

Court. How comes he here?

Proſecutor. By his own confeſſion, he came to Juſtice Blackborough, and ſaid he was the perſon that took them, he ſaid he took the nineteen pair; he was committed on his own confeſſion.

Court to Cohen. How came you to be ſent for to buy theſe ſhoes?—Becauſe I keep a ſhop, I never bought any thing of the kind before in my life; I did not know they were ſtolen, or elſe I would not have bought them; I did not go till the next morning, ſhe knew me to be a dealer, I buy and ſell clothes.

Mr. Davis. I cannot tell the particulars of his confeſſion, it was reduced into writing; he ſaid he came to the ſhop, that they were given to him; he came voluntarily and confeſſed it the next day after the other was taken up; he ſaid he ſold fourteen pair to a woman for twenty-ſeven ſhillings.

(The confeſſion read.)

“The voluntary confeſſion of John Marſhall.”

“Dated May 12, 1784.”

“That he took from the houſe of James Davis, in Holborn, ſhoe-maker, when the houſe was on fire, nineteen pair of ſhoes of different ſorts; and ſold on the ſame night at half paſt nine o'clock, to one Elizabeth Cohen, fourteen pair of the ſaid ſhoes, for one pound ſeven ſhillings, and ſold five pair to a Jew in the ſtreet for ten ſhillings.”

Court to Cohen. By this confeſſion that has been read you bought them of Marſhall? ——I bought them of Barwick, I never bought any ſhoes of the other, I never ſaw him before that I know of.

PRISONER HOLMES's DEFENCE.

I never was in the woman's houſe, nor never bought any ſhoes that night, and here is the woman that will take her oath that I was not; this other priſoner is my brother-in-law.

PRISONER MARSHALL's DEFENCE.

I was going along Gray's-inn-lane, through Brookss-market, and I ſaw there nineteen pair of ſhoes tied up in a red ſilk handkerchief, they were all one ſort, I took and opened them, and ſold ſome to her for twenty-ſeven ſhillings, I ſold the other five pair to the Jew, I ſaid at Juſtice Blackborough's that I found them in Gray's-inn-lane under a gateway; I told the clerk he was wrong in it.

Priſoner Holmes. This woman ſaid the ſecond day at the Juſtice's, that my brother was the man that ſold the ſhoes.

SARAH MOSS *ſworn.*

I carried Holmes's linen home at eleven o'clock in the morning and he was at home.

The Priſoners called two witneſſes to their character.

BOTH NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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618. JOHN CHIPCHASE was indicted for feloniouſly ſtealing on the 26th of May, ſixty yards of carpet, value 6l. the property of James Baxter, in his dwelling houſe.

JAMES BAXTER *ſworn.*

I loſt the carpet on Wedneſday the 26th of May, about nine in the evening I miſſed it from my ſhop window, which is in Piccadilly, I ſaw the carpet at the Black Bear gateway after it was thrown down, the priſoner had been a ſervant of mine for many months, the priſoner was brought back in cuſtody, when I ſaw the carpet I charged him with the fact, and he begged for mercy that I would not hurt him, the carpet ſtood on my window inſide.

Court. You are ſure it was in the inſide?—Yes.

(The carpet depoſed to.)

ELIZABETH BLUNDELL *ſworn.*

I live next door to Mr. Baxter, I ſtood at my own bar, and I ſaw the priſoner pull the carpet out of Mr. Baxter's window, with intent to lay it on his ſhoulder, and another man helped him with it on his ſhoulder, I believe it was about eight in the evening of the 26th of May, my bar window juts out, I can ſee each way.

Does the window project?—Yes.

Was the carpet withinſide or without?—It was level to the front of the houſe.

How do you know it was the priſoner?—I know the priſoner perfectly well, but I did not know at that time it was him till they brought him back again.

Then how do you know now that it was the priſoner?—When I ſaw him taking it away, I rapped at the window, thinking that might prevent him taking it, and I went to call Mr. Baxter's ſervants, and when I returned back, I ſaw a man in the gateway with the carpet on his ſhoulders, during which time he had been out of my ſight, the carpet was on his ſhoulders when I ſaw him enter the yard.

Did you follow him into that Bear-yard?—No.

Did you ſee any more of him?—No.

When you ſaw him with the carpet on his ſhoulders did you then know it was the priſoner?—No.

How do you know then that the man that was brought back was the ſame man that you ſaw take the carpet?——I cannot tell that, there is a gentleman that ſhould be here, that ſaw him drop the carpet.

But you yourſelf cannot ſwear that the man that was brought back was the ſame man that you ſaw take the carpet?—No.

Court to Proſecutor. When you firſt went into the Black Bear yard, the carpet was laying there, where was the priſoner then?—My man had got hold of him.

RICHARD WOOLEY *ſworn.*

On Wedneſday the 26th of May I was up ſtairs in my own apartment between ſeven and eight, I cannot be poſitive to the time, and my father called me down, and deſired me to look ſharp about the ſhop windows, he thought they were after our windows, I looked out and ſaw three chaps ſtanding at the corner of the Caſtle gateway, one of which was the priſoner at the bar.

Are you ſure of that?—Poſitive of it, I then called my father and aſked him if that was the perſon he meant, he ſaid it was, the priſoner was dreſſed the ſame as he is now, they then went away towards the Haymarket, I ſtepped out on the pavement and watched them, one of them left the other man and went towards the Hay-market, the man ſtopped oppoſite to Mr. Baxter's ſhop, and the priſoner was ſtanding in a ſtooping poſition, as if he was pulling ſomething, then the other lifted the carpet upon his ſhoulders.

Did you ſee the carpet lifted on his ſhoulders?—I ſaw that myſelf, he was going away with it on his left ſhoulder, I purſued him, he that helped him up with it croſſed the way, and the priſoner turned up the Black Bear yard with it, about thirty yards from Mr. Baxter's houſe, about three parts up this yard, there is a part rather narrower than the other and darker, when I came about three yards off him, I ſaw him let the carpet fall and run away, he tumbled over it, the priſoner was not out of my ſight, only at the turning of the corner out of the gateway, that was after he got the carpet, that was only for a moment of time, I got ſight of him directly, I might be ſix or eight yards behind him, I have no doubt at all but that was the ſame perſon.

Did you know him before?—I never ſaw him before.

Whereabouts in Mr. Baxter's ſhop window was the carpet ſtanding?—It is an open window, it ſtood upon the ſtool-board, as ſoon as I came back I obſerved the ſituation of the other carpets, and I obſerved that they were all within where the ſhuttters went.

Becauſe in ſome ſhops there is a board that projects beyond the window of the ſhop?—I purſued him, and turning the corner of Sherrard-ſtreet, I called ſtop thief, and a man ſtopped him, I inſtantly came up with the priſoner and laid hold of him, and told him he muſt come along with me, at the corner of the yard Mr. Baxter came up to him and laid hold of him.

PRISONER's DEFENCE.

Laſt Tueſday evening after I had done work, I went to ſee my mother as I uſually did, ſhe deſired me to go to the White Horſe Cellar, to ſee if my uncle was come to town, as I was coming back a man aſked me to earn a ſhilling, he ſaid he wanted me to carry that carpet, and he put it on my ſhoulders, he went down the Black Bear yard, and I went after him, I am innocent of it.

The priſoner called two witneſſes to his character.

GUILTY.

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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619. JOHN WELCH was indicted for ſtealing on the 14th of May, one pair of linen ſheets, value 49s. the property of John George Goldfrap, in his dwelling houſe.

JOHN FIELD *ſworn.*

I am between fourteen and fifteen, I know the nature of an oath, the ſheets belonged to my maſter John George Goldfrap, he is a Captain, I am his ſervant boy, I have lived with him three quarters of a year, the priſoner was my fellow ſervant and ſlept with me, the priſoner came up ſtairs half undreſſed on Friday three weeks, between ſix and ſeven, I aſked him where he had been, I was in ſleep when he went down, but I was awake when he came in again, he always called me up when he got up, and he ſaid he had been to the neceſſary; then he dreſſed himſelf and went down, he had then all on but his coat, and his ſhoes were not buckled; when I went down the back part of the ſhutters were open, where the drawers were that had the linen in, and I went into the yard, and while I was in the yard he went out, I did not ſee him take any thing out, but I heard the door ſhut; when my maſter and miſtreſs got up he did not come home, and my maſter ſaid he would turn him away, we never heard any thing of him till he was taken up, we were ſent for to the office in Litchfield-ſtreet about eleven o'clock, when I ſaw him at the office he was in cuſtody.

Was there any thing produced when you were there at the office?—No, he told me himſelf that he had taken away my maſter's ſheets to pawn.

How came he to tell you that?——I do not know.

Mr. Garrow. Whoſe houſe does Mr. Goldfrap lodge at?——At No. 8, he has taken it at three months, all the houſe.

Does nobody elſe live in it?—No.

Theſe are ready furniſhed lodgings?—No, my maſter has taken all the houſe.

And furniſhed it himſelf?—No, Sir, it is a ready furniſhed houſe.

Does no perſon who belongs to the houſe, nor any ſervant belonging to them live in the houſe?—No.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of MAY, 1784, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of John Welch.

WILLIAM DERVIN *ſworn.*

On the 14th of May, about ſeven in the morning, the priſoner came to me with a pair of ſheets, I am a pawnbroker, he wanted to pledge them for twenty-five ſhillings, he ſaid they belonged to one Mr. Chamberford, I aſked his name, he ſaid his name was William Warren, I aſked him where he lived, he ſaid it was nothing to me, I aſked him ſeveral other queſtions, and he gave me very odd anſwers, he aſked me if I would take them in, he aſked me if I would chuſe to ſtop them, and he then attempted to run away, I jumped over the counter and collared him, and took him to the Rotation-office in Litchfield-ſtreet.

Court. Are they new ſheets?——They have never been uſed I believe.

ELIZABETH FRANCIS *ſworn.*

(Depoſes to the ſheets.)

They are my maſter's property, he has the whole houſe.

Does any part of the family of the perſon he took it from live in the houſe?—Nobody but his family, they are his property, they are marked J. G. No. 4, and a dot over the letters.

The priſoner called two witneſſes to his character.

GUILTY

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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620. ALEXANDER ELDER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Malpas, on the 28th of April laſt, and burglariouſly ſtealing therein, two cotton gowns, value 20s. and one ſilk cloak, value 5s. the property of Hannah Richards.

Mr. Keys, Counſel for the Proſecution.

HANNAH RICHARDS *ſworn.*

I lodge at John Malpas's; Margaret Nowland lodges with me: I left my room on the 28th of April, a little after nine; I double locked my door, and put my hand againſt it to be ſure it was locked, and I am ſure it was locked; I returned in about half an hour, and there was a great croud about the door, and the priſoner was amongſt them, he was taken up into my room, and I came up to ſee if any thing was gone, and I found the room door had been broken open, and he took out my gowns out of his pocket, a cloak and a large brown bag, the things were left in my room, I have had them ever ſince.

(The things depoſed to.)

Mr. Garrow, Priſoner's Counſel. Who are you?——I am a ſervant.

Who to?—Sir John Honeywood, I had not been there but nine or ten days, I came to London on the 29th of February.

How did you employ your time?—I went out to ironing, I lodge with Mrs. Nowland.

You ſaid the door of the room was broke, how was it broke?——It was open, I locked it when I went out, I think it was broke open.

Court. Was any part of the door broke? ——No.

Mr. Garrow. Who deſired you to come here and ſay it was broke open?—Nobody.

You cannot tell who opened it?—No, the gowns were in the rooms when I went out.

There are a good many lodgers in the houſe?——I cannot ſay.

As full as a rabbit warren?——I cannot ſay.

Give a gueſs how many, twenty or thirty?—I never aſked any queſtions about the lodgers.

Mr. Keys. Was the bolt of the door put back?—It was put back.

Court. Who keeps the key of the outward door of the houſe?—Mr. Malpas.

JOHN NOWLAND *ſworn.*

Court. How old are you?—I was fourteen the firſt of laſt month.

Mr. Keys. Do you know the nature of an oath?——No.

Do you know for what purpoſe you come here?—To ſpeak the truth, and tell what I ſaw.

What will happen to you if you ſpeak falſe?——I will not ſpeak any more than the truth.

Mr. Garrow. But if you ſhould tell a lie, do you know what will be the conſequence?——No, Sir.

Do you know that any miſchief will happen to you?——No, Sir.

Have you never heard what is the conſequence of falſe ſwearing?——No.

Court. I do not think he ought to be examined.

PRISONER's DEFENCE.

I had been at Marybone, and coming home ſeveral people were running by, and a little boy ſaid that is he, and they took hold of me, I had nothing but my own property, I had a waiſtcoat in my pocket I went up ſtairs, the room was full of people, and they ſaid they had found the things.

Court. Then you deny the fact of their being taken out of your pocket?—Entirely; I have had friends here every day.

GUILTY.

Of ſtealing, but not of breaking and entering the dwelling houſe.

To be whipped, and confined to hard labour twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

---

621. JOHN KEY was indicted for ſtealing, on the 24th of April laſt, one linen handkerchief, value 2s. the property of Ralph Price.

——— PRICE brother to Ralph Price ſaw the priſoner pick his brother's pocket on Snow Hill, and drop the handkerchief after he purſued and took him, and never loſt ſight of him

GUILTY

Tranſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

622. MARY DAVIS was indicted for ſtealing on the 25th of April laſt, a pair of leather ſhoes, value 7s. the property of Thomas Bullock Harvey.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

---

623. CHARLES GOSSETT was indicted for ſtealing on the 29th of April, one Marſeilles waiſtcoat, value 6s. the property of John Williams.

GUILTY.

To be privately whipped.

Tried by the London Jury before Mr. ROSE.

---

624. RICHARD SANDERS and ANDREW HACKMAN were indicted for ſtealing on the 1ſt of May, one copper pot, value 5s. two wicker baſkets, value 1d. nine china plates, value 3s. three cups, value 2d. three ſaucers, value 1d. one tea kettle, value 6d. two tin ſaucepans, value 6d. five ſoup plates, value 4d. one iron frying pan, value 6d. one clothes bruſh, value 6d. and one pair of bellows, value 3d. the property of James Herring.

The priſoners were ſtopped by the watchmen with the property on them, which was depoſed to.

BOTH GUILTY.

Each to be tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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625. MOSES PIKE was indicted for ſtealing, on the 7th of May, forty-one wooden deals, value 5l. the property of Andrew Graham and John Count, in a certain barge on the navigable River of Thames.

ANDREW GRAHAM *ſworn.*

I intruſted ſome deals to Mr. Sainſbury.

—— SAINSBURY *ſworn.*

Examined by Mr. Chetwood, Council for the Proſecution.

I was intruſted with ſome deals by Mr. Graham, and I brought them up in a lighter on the 5th of May, and I was afraid ſhe would ſink, and I put forty-one into the long-boat, and brought them to Limehouſe-dock along ſide the barge; ſhe lay in Limehouſe-dock aground in the evening of the 5th of May, and a little after three in the morning I went to look after her, and I found the boat was gone, and I found it at Ratcliffe-croſs empty; a man on the wharf informed me that the watchman was carrying ſome deals up to Ratcliffe watchouſe; I went there and ſaw fifteen deals ſet up in the Narrow-ſtreet; the watchman had carried the other up to the watch-houſe.

Court. Do you know them?——Yes, I marked them with chalk; I am ſure to the deals, there were five I had put marks on, and nine of them were numbered.

Mr. Peat, Priſoner's Council. They were marked with white chalk?—Yes, but I can eaſily diſtinguiſh them and ſwear to them.

WILLIAM CARTWRIGHT *ſworn.*

I am a watchman at Ratcliffe, I know the priſoner, I ſaw him going along with a deal on his ſhoulder to the back door of his houſe, and there were ſome in a narrow place; he was ſtopped on ſuſpicion, and carried to the watch-houſe with the deal.

Were they piled up againſt the wall?—The were ſome on one ſide and ſome on the other, they were put down on the ground, between the water-ſide and his houſe: we ſaw Mr. Sainſbury the next morning.

Did you ſhew him the very deal you had taken off that man's ſhoulder?——It was marked with three notches on one ſide, and one on the other, with a knife.

Sainſbury. I ſaw the croſs the chalk mark.

PRISONER's DEFENCE.

My Lord, I live in Queen-ſtreet, and have lived there five years; the Saturday night before this happened my yard had been robbed, my fowls and things were taken away, and they accuſed the watchman. I went along three parts of this alley, and there lay that deal, I took it up and carried it in, and the watchman took me.

The priſoner called three witneſſes who gave him a very good character.

Court to Jury. This is made capital by a particular act of Parliament taking away the benefit of Clergy from ſuch as ſhall ſteal to the value of 40s. on the navigable River of Thames, &c. you know the exactneſs of the law requires, that every fact to conſtitute that which is preciſely ſtated in the indictment, muſt be ſupported by evidence, and this evidence does not ſupport the deſcription of being upon the navigable River of Thames, therefore he muſt be acquitted of the capital part of the indictment.

GUILTY

Of ſtealing.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before MR. RECORDER.

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626. RICHARD BRIGGS was indicted for ſtealing, on the 11th of May, ſix large hempen ſacks, value 6s. and twelve buſhels of rye, value 24s. the property of John Milward.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before MR. RECORDER.

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627. ELIZABETH BROWN was indicted for ſtealing, on the 3d of May, one cotton gown, value 4s. one child's dimity cloak, value 12d. and one man's ſhirt, value 2s. the property of Daniel Bailey.

DANIEL BAILEY *ſworn.*

About half after ſix, on the 28th of May, I ſent my wife out to get me ſomething to drink, I was in bed, and when ſhe was gone I heard a perſon come in and go into the yard; nobody was in my apartment but myſelf, there were other lodgers up ſtairs.

ANN BAILEY *ſworn.*

When I returned and was in the doorway, I ſaw the priſoner in the yard, the child's cloak was pinned to a gown, and the woman had half of the gown upon her ſhoulder, and the half part ſhe was opening, it was pinned to the line to dry, and a ſhirt was unpinned, and the cloak; the ſhirt was not taken off the line, but the cloak was chucked into the neceſſary, within the door; I pinned the cloak and gown on myſelf: I aſked the priſoner what ſhe wanted.

PRISONER's DEFENCE.

I went into the yard, I asked leave of her lodger; the proſecutrix is a good for nothing huſſey, ſhe tells a thing that is *as falſe as the child that is in her arms.*

Court to Jury. With reſpect to the gown and the ſhirt, it is only an attempt to ſteal, but with reſpect to the cloak, if you are ſatisfied that was pinned to the gown, and could not fall off by accident, there was a ſufficient removal to conſtitute a felony.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before MR. RECORDER.

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628. DAVID RICHARDS was indicted for ſtealing, on the 5th day of May, one linen table cloth, value 15s. three pair of cotton ſtockings, value 3s. one muſlin half handkerchief, value 3s. three muſlin neckcloths, value 3s. one child's ſhirt, value 6d. two bibs, value 6d. one towel, value 3d. and one bed quilt, value 20s. the property of James Finney.

CHARLES CHINNERY *ſworn.*

On the 5th of May, in the morning, juſt after three o'clock, I was in Tottenham-court-road, and from information I went to a door of a coal vault, where ſome houſes were building in John-ſtreet, and I found the priſoner there packing up ſome linen in a bed quilt, I took him, he endeavoured to eſcape and the things, we had a tuſtle, and then he pulled ſome ſmall articles from his pockets and dropped them, after I had ſecured him we took the things and went to the watch-houſe along with the priſoner, the things were carried down to the Rotation Office in Litchfield-ſtreet; after we ſecured the priſoner we found another bundle in the ſame vault buried under ſome rubbiſh, they were carried to the watch-houſe, and they were then given to the proſecutor, being wet, by the Juſtice, we firſt marked them.

Mr. Garrow, Council for the priſoner. You went back and found a ſecond parcel of things buried under ſome rubbiſh?—Yes.

Was it conſiderably buried?——No, ſo as to be out of ſight.

You ſearched the priſoner?——Yes, we found a knife, a picklock key, and a ſtock-lock key in his pocket.

Did you try theſe keys that you found upon him with the place from whence theſe things were taken?—I never did, they were not tried as I know of.

What ſort of place is it?——It is a garden from under a carpenter's ſhop.

Was there not a dog there?—Yes, there was a dog by the vault, and he met me, he was a very large and a very fierce dog, that dog has been in the place where theſe things were ſaid to be ſtolen ſeveral years.

Could he get over the wall or not?—I do not know whether he could or not, it may be ſeven or eight feet.

Is there a dog in England that can take ſuch a jump?——I do not know.

Perhaps he may?—Very likely he may.

The Jury will judge of your credit after that; was that door open?——It was faſt.

What account did the priſoner give reſpecting theſe things before the magiſtrate and you?——He told me he only went in there to reſt himſelf, he had been out upon the *parole*, he ſaid he had been rambling about.

So you call rambling about, *the parole*, what idea do you annex to *parole*, there is ſomething very curious in it I dare ſay?—I cannot rightly tell.

Court. There was no door to the vault?—None at all.

How far from the entrance of the vault was the dog?—About ſix yards.

What was the dog doing?—At the firſt of his ſeeing me he made up towards me, he came as from the vault door, I did not ſee him in the vault.

THOMAS DORREN *ſworn.*

Coming home from work along John-ſtreet, a great dog jumped at me, the dog was down in the bottom of the vault, and as I was walking along the dog followed me, but could not get up.

How high was the wall?——Seven or eight feet, but the boys had made a way down.

Which way did the dog get up?——He could not get up at all, I never ſaw nothing but the dog.

Mr. Garrow. This dog is a very important perſon, my Lord, I aſſure you.

PHILIP QUINTIN *ſworn.*

I was going my rounds at half paſt three o'clock, and I heard a cry watch! watch! I ran acroſs the road, coming into John-ſtreet I ſaw the patrol have hold of the priſoner by the collar, I jumped off the paving, and the coachman was cloſe to the priſoner, I took hold of him, the priſoner ſaid, three or four buggers of you ſhall not; I took the piece in my hand and gave him a blow, the watchman took up the linen, I came back and jumped down, and found another parcel hid under the ſtraw and rubbiſh, I carried it to the watch-houſe.

Mr. Garrow. Did you ſee the dog?—Yes, the dog did not fly at me.

What time in the morning was it?——Between three and four.

What day was it?——On Wedneſday morning, the 5th of May.

It was pretty dark, I take it.—Not very clear, it was a cloudy morning.

Court to Proſecutor. Where was this linen before it was ſtolen?—It was in a yard incloſed with a wall of about ſeven or eight feet high, with a door to it where we carry out our goods backwards, that leads to a waſte piece of ground, I am a carpenter.

How is that door faſtened?——With a very ſtrong lock on the inſide, which locks into an iron ſtaple, the key-hole goes through, there is no bolt on the inſide.

Do you know any thing about this dog they have been talking about?—I bred him, I have had him about ſix years, the wall is about ſeven feet high, he is a very fierce dog, I am never in any danger when I let him looſe; and every night about ten he is let looſe.

Do you recollect whether that dog was in the yard the night before?—Yes.

Where is the key of that door that goes into the waſte ground kept?—I think that night it was by the door, either hung up or laid down; there is a hole where cocks and hens go out, and I believe the dog got out there; I think it was big enough, and I ſaw ſome hair on it, and he met me in the yard at five o'clock, and that ſtruck me how it was poſſible for him to get into my premiſes again.

Who uſually locks the door?—Sometimes my ſervant, and ſometimes my eldeſt boy who is about eleven: I cannot poſitively declare whether I did not take the key off the nail. When I ſaw the things I knew them.

How many people have you employed about your yard?—I have had two lately, but one conſtant theſe two years.

They of courſe are familiar with the dog?—Yes.

Your man had acceſs to the key on all occaſions?—Yes; I never ſaw the priſoner before.

Had he any acquaintance with the dog?—No.

MARY SHADE *ſworn.*

I live oppoſite Mr. Finney; on Wedneſday the 5th of May about a quarter after three I was looking out of my window, and I ſaw a man come over the proſecutor's wall with a bundle in his arms, I ſaw him riſe by degrees, and he ſtept on the wall, I could hear the ſtep of men, he puſhed into the ſecond vault, and there was a coachman came under the window, and aſked the patrol where the watchman was; he ſeemed to have a drab coloured coat on, and they took him to the watch-houſe; afterwards I ſaw a large dog run thirty or forty times to theſe coal vaults in agony as if he wanted his maſter, and then I ſaw him go down a hole where the cocks and hens go, and hard ſet he was to get into that hole.

Mr. Garrow. So you conjectured that his agony was about his maſter?—Yes.

Who are you?—I am a married woman, my huſband is a brick-maker, I work at tayloring, I have nothing but what I work for.

How did it chance that you was looking out of window at this time of morning?—My huſband went to Kingſland the overnight after a job of work, and he did not come home, and I was afraid ſomething had happened.

PRISONER's DEFENCE.

I was locked out, I went to the Pilgrim in Holborn, and called for a pint of beer, and I fell aſleep, they ſaid I muſt not keep them up, I went ſtrolling up this place, and I went to lay down, and I ſaw a check apron with theſe things in it, and I was looking at them and the patrol came round and ſaw me, or elſe I was going to give information of them.

Jury to Slade. Do you know the perſon of the man at all that you ſaw get over the wall?——No.

What ſort of a man was it?—I cannot ſay what ſort of a perſon, only that he had a kind of a drab coloured coat.

The priſoner called one witneſs to his character, and ſaid he was an ivory turner.

Priſoner. All the ſhopkeepers in London know me in the ivory way.

Mr. Garrow. I know ſeveral people did attend, and ſeveral have ſpoke to me about him.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middlſex Jury before *Mr.* RECORDER.

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629. SUSANNAH WATTS was indicted for ſtealing, on the 22d of May, one ſilver watch, value 3l. one ſhagreen caſe, value 3d. and one pair of braſs money ſcales, value 5s. and three braſs weights, value 6d. the property of Chriſtopher Taylor.

There was no evidence to affect the priſoner.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before *Mr.* RECORDER.

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630. DANIEL LOVE and JOHN COX were indicted for ſtealing, on the 25th of May, fifty-ſix pounds weight of lead, value 5s. belonging to ——— Bliſs, Eſq. and then and there affixed to a certain building, againſt the ſtatute.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before *Mr.* RECORDER.

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631. ELIZABETH MULLENS and ELIZABETH HARDING were indicted for ſtealing, on the 23d of April, one handkerchief, value 6d. one guinea, value 21s. and two half guineas, value 21s. and 2s. in monies numbered, the property of William Ollive.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before *Mr.* RECORDER.

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632. JOHN NEALE was indicted for ſtealing, on the 27th of May, one watch, with the inſide caſe made of gold, and the outſide caſe of ſhagreen, value 10l. a gold chain, value 40s. two ſtone ſeals ſet in gold, value 40s. and one gold watch key, value 10s. the property of Paul Orchard, Eſq.

PAUL ORCHARD, Eſq; *ſworn.*

Coming out of the Pantheon on Thurſday night about eleven, there was a vaſt crowd, and I ſaw this man as I was going on with two ladies, whom I was conducting to their carriages, and I was on my guard, and I ſaw him ſtop and look at my watch chain; one of the ladies, Lady Egremont, I handed into her carriage, and Mrs. Orchard was a good deal frightened, and I handed her into my chair, and that moment I felt a twitch at my watch, and I ſaw the priſoner take my watch, and the inſtant I ſeized him I ſaw him dropping it; I ſtooped to take it up, but there were a great many people more: I took the fellow by the throat, ſays I, I have loſt my watch, but I will ſecure the villain; I gave him into the charge of a ſoldier that was there, and deſired he would conduct him to the conſtable; he was carried to the round-houſe: I ſwore poſitively then to the man as I do now, there was nobody near me; I pitched upon him that moment, and I am ſure it dropped from his hand and no other.

PRISONER's DEFENCE.

I never ſaw the watch, nor never touched it, I came up from Wapping, I was at work on board a ſhip, my brother lived in Welbeck-ſtreet, Marybone, and the gentleman challenged me.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before *Mr.* RECORDER.

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633. EDWARD WHITE was indicted for ſtealing, on the 5th of May, two plants called jurinams, value 5s. and one ſhrub called a ſweet-briar, value 1s. the property of James Duff, Earl of Fife, then

and there ſtanding and growing in a certain incloſed ground belonging to the ſaid Earl of Fiſe.

ABRAHAM SYMES *ſworn.*

I am ſervant to the Earl of Fiſe; on the 5th of May, at half paſt nine, I ſaw the priſoner ſtanding behind the farm of the green-houſe plants, it was an incloſed garden, I went to ſhut up the frame. I aſked who was there three times, he made no anſwer, and attempted to go over the wall by the water, he threw himſelf over the wall, and run very faſt, I caught him by Whitehall ſtairs: three of the pots were ſtripped, and there were miſſing two jurinams and one ſweet-briar, I ſaw them three hours before that.

Court. Is not it common for the family to cut them?—No.

Were the pots full before?—Yes.

Were the pots gone with the things?—Yes.

PRISONER's DEFENCE.

I was coming from my work, and I came by the centry, and this gentleman's ſervant ſaw me, and he hallooed to the centry to ſtop me, and they took me to the watch-houſe, I had nothing with me, I never was in the garden in my life.

Court. What was the value of the plants?—Six ſhillings.

Court to Jury. In this caſe the value is material, for the act under which this indictment is framed is, for the cultivation and better preſervation of trees, roots, and plants, and that enacts, that if any perſon ſhall dig up, cut up, &c. to the value of five ſhillings, they ſhall be guilty of felony; ſo that there is no felony at all if the value is leſs than five ſhillings.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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634. WILLIAM FRAZIER was indicted for feloniouſly ſtealing, on the 5th day of May, fourteen buſhels of coals, value 10s. the property of John Hurford, John Marſhall, and William Stone.

JOHN MARSHALL *ſworn.*

The coals are my property.

Mr. Garrow, Priſoner's Council. When were theſe things ſuppoſed to be loſt?—Either on the 4th or fifth of May.

Did the late Mr. Hurford oſtenſibly and to the world appear to be your partner?—No, Sir.

WILLIAM NICHOLLS *ſworn.*

On the 5th of May I was on board a ſhip at Blackwall, I was walking the deck, and I ſaw a barge go by, and I obſerved two men, and I looked at the priſoner, who was with the lighter, I thought him neither waterman or lighterman; I obſerved at the ſtern of the barge a ſmall yawl, and ſaw a pair of oars and a piece of canvas, and a bag in her; we went down, and I ſaw a man ſtep into the barge from No. 172, laying at the upper part of the ſhelf by Bow-creek, and he ſtuck his ſhovel in the mud, ſays I to the priſoner, young man, how came you to ſteal them coals; he ſaid, Sir, I hope you will overlook it, it is nothing to what they *do do* in common; ſays I, I cannot overlook it, I am determined to ſuppreſs thieving if I can; ſays I, what do you do with theſe coals after you have got them; ſays he, I go to Greenwich and Deptford, and ſell them at ten pence a buſhel, and carry them out myſelf; I took him into cuſtody, and carried him before the Juſtice; one John Nicholls, the lighterman, we cannot find.

Mr. Garrow. Who was he?—He was a lighterman to Mr. Marſhall, the priſoner is no waterman's boy, he is not a boy employed on the River Thames.

Did not the priſoner tell you that Nicholls gave him theſe coals for rowing in?—No, Sir, never, he gave four ſhillings for the coals to Nicholls by his own confeſſion.

Court. Then there is an end of it.

Court to Priſoner. Although there is no evidence here to affect you, do not fancy that what you have done is innocent.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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635. **JOHN TATE** was indicted for ſtealing, on the 2d of May, one linen handkerchief, value 2s. the property of Henry Beſwick.

The proſecutor coming down Chick-lane, was informed the priſoner had his handkerchief; and William Whiteway ſaw the priſoner and five or ſix more, and the priſoner ſaid, damn me, now is the time, and he hopped over with his crutch and picked the proſecutor's pocket; Whiteway caught the priſoner, and he ſaid, damn your bloody eyes, you will ſuffer for this, and uſed very bad expreſſions.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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636. **WILLIAM PERRY** and **JAMES BELLAMY** were indicted for ſtealing, on the 6th of May, one wooden caſk, value 2s. and forty gallons of train oil, value 3l. the property of George Brown and Thomas Davis.

BOTH GUILTY.

Each to be privately whipped, and impriſoned in Newgate one month.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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637. **JAMES WINGROVE** was indicted for feloniouſly aſſaulting William Grove the elder, on the King's highway, on the 9th of May, and putting him in fear and danger of his life, and taking from his perſon and againſt his will 2s. in monies numbered, his monies.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Council.

WILLIAM GROVE, the elder, *ſworn.*

I was robbed laſt Saturday three weeks at night, I am ſure of that, I was going home with my cart from Hounſlow to Hamworth, I live at Shepperton-green; it was about eleven at night, I cannot ſay juſtly, but as nigh as I can gueſs; James Wingrove ſtopped me on the road, I knew him when he was apprentice.

Court. Then you knew his perſon perfectly well?—Not juſt that minute.

Then we will ſay that a man ſtopped you on the Hamworth road, about three miles from Hounſlow?——I was not quite off the Heath.

Did he overtake you or meet you?—He came athwart the road, met me like, there were three men on horſe-back; this James Wingrove clapped a piſtol to my breaſt and demanded my money.

Were you walking or in the cart?——I was ſat down in my cart, he damned me, and ſaid make haſte, I told him I was lame, I would make all the haſte I could; I gave him two ſhillings, he aſked me if that was all I had, I told him I had a few halfpence in my waiſtcoat pocket; then he put his hand over to my left-hand breeches pocket, and he aſked me what I had there, I told him I had ſome parcels of writings, which would do him no good, and he did not take them; he then went away from me.

How were the other two men employed at this time?—They ſtood at a diſtance off, they all three rode off together.

What ſort of a night was it?——A very clear night.

Was it moon-light?—No, it was not, but the ſky was very clear indeed.

You ſay you did not at the firſt know that that was the perſon?—I did not at firſt in my fright, but I know it was he that robbed me very well, I knew him very well when we took him, that was the man I know that had my money.

Did you know him at the time of the robbery?—I knew I could know him again.

But you did not know who it was at the time?——No, I did not know then, I was frightened.

How ſoon after was he taken?—A quarter of an hour was the outſide.

Was any body elſe taken but him?——No, the others rode away.

How was he taken?—Two other men that had been robbed came up and followed him, and told us to follow, and we did; they took this Wingrove, and the others rode away and left us.

Did you ſee him taken?—Yes, I helped to take him.

What did you purſue with your cart?—Yes, we had not above a mile to go, and we gallopped the cart as faſt as we could.

And did you in your cart overtake him on horſeback?——They had ſtopped him, and knocked him off his horſe, the other men had, we carried him two miles in the cart afterwards, they would make me carry him.

Mr. Garrow, Priſoner's Council. Are theſe two gentlemen here, Mr. Grove?——No.

How does that happen?—I do not know.

If they are not here they are not entitled to any of the reward you know?—I do not know.

How long had he been knocked down before you came?——Juſt that moment.

Which way did they ride after they ſtopped you?——They rode away for Feltham.

So they rode on ſo leiſurely?—No, No, they did not ride ſo leiſurely.

Who were theſe two men, let us hear a little about them?——They are not here, they live at Sunbury, one is Humphries and the other Marchant.

What buſineſs are they, are not they a ſort of *moon light men*?—It was not moonlight.

Are not they a couple of ſmugglers?—They may as far as I know.

They go for that they ſay?——I do not know.

So they told you they had been robbed?——Yes.

Did they attend at the Juſtice's the next day?—Yes.

Did they give any charge againſt Mr. Wingrove?—I do not know what you mean by charges.

I believe you do, you are pretty well uſed to charges; did theſe two ſmugglers of your's give any charge againſt this priſoner?——They are no ſmugglers of mine.

They are friends of your's?—They are no friends of mine.

Then theſe two fellows, did they make any charge againſt Mr. Wingrove for robbing them?—Yes, they did make a charge.

Do not ſhuffle, Maſter Grove?—I do not know what you ſay.

I will make you know directly; upon your oath did not theſe two men attend the next day at Mr. Taylor's, and ſay that Wingrove was not one of the men that robbed them?——He is the man that robbed me, I will tell you the truth, he was the man that robbed me, I did not hear them ſay that he was not the man.

Upon your oath did not they ſay it?——No, they did not ſay it, I never heard them ſay it, that he was not the man that robbed them, I can ſwear that very ſafely, I never heard them ſay any ſuch word as he was not the man.

What did they ſay about the robbery?—They ſaid he was one of the men in the company.

Is that true that they ſaid he robbed them?—They ſaid he was one in the company.

That they ſwore?——Yes.

Was he committed for robbing them?—No, he was committed for robbing me.

That is pretty ſingular you know?—I do not underſtand the law, I never was in it before.

Who were the two men that robbed you a little while ago?——I never was robbed before.

No, Mr. Grove!——Yes, I have been robbed, but I do not know who they were, and pilfered and too much robbed.

Who were thoſe two men that robbed you?——I do not know.

Have you never ſaid that you knew them?——No, I know nothing about them.

Have you never ſaid that you had been robbed ſome time ago by two men, that you have never proſecuted them, that they were good friends, and that if you called on them at any time, you could have a guinea of them?——You know, Sir, that is wrong; no, no, Sir, I did not ſay that I could have money when I pleaſed, I did not ſay that I was good friends with the people that robbed me, I ſwear that I never did ſay that; they wanted me to ſcreen this here man, and ſaid they would be friends to me; his brother and another man came to me ſeveral times.

Court. Did you never ſay ſo?—No, never in my life, I never ſaid ſuch a word.

Did you never ſay ſuch a word?—No.

Mr. Garrow. I will put it now moſt unequivocally to you, and aſk you upon your oath, whether you have never ſaid to Mr. James Clarke by name, that you had been robbed ſome time ſince by two men, whom you have not proſecuted, who lived at Brentford; that they were good friends, and that if you called on them at any time, you could have a guinea of them?——No, never in my life; no, no, they miſtook, they came to me and wanted me not——

I aſk you a plain queſtion; have you ever ſaid that that I have ſtated to you?—No.

You never have?—No.

You know the Cock at Stains?—Yes, very well.

What converſation have you had about Wingrove there?——I do not know any more than this ſtick.

You know that it is not every day that one gets forty pounds for hanging a man; had you no converſation at the Cock at Stains about the reward for conviction?—You aſk a hundred queſtions, I will anſwer you what I know; no, not about no reward, I have been there, and there they have been aſking me about it, that is, we drank together, and I ſaid to him, as I might ſay to you, I do not know any thing about it; I did not ſay any ſuch thing, I never ſaid any thing about any reward, that I can ſay, I have ſaid nothing about no reward.

You remember being at Clerkenwell-green laſt week?—Yes.

Do you remember having any converſation with any body there upon this ſubject?—No, no more than any body may ſpeak, and I may ſpeak.

What have you ſaid?—I do not know.

You are ſure it was of a Saturday night you was robbed?—Yes I am ſure.

Did you ſee the other two men when you came up to the priſoner?—No.

He was the firſt man that you came up with?——No, no.

Had you paſſed any man before you came to him?—I paſſed no man.

He preſented his piſtol to you?—Aye, he did at firſt.

Did you find any piſtol upon him?—No.

Did you find him in company with any other two men?—He was in company then with two men, but when he was taken, they were rode away.

Was he the ſame man that took the canvas bag from your ſon?—Yes.

Did you find that bag upon him?——I did not ſearch him.

Was not he ſearched in your preſence?—I ſaw no bag, I believe there was no bag found upon him, I do not know that there was.

Do you know there was not?——I believe there was not, I do not know.

It was May-day?—Yes.

It was the day the people dance round the may-poles?—Let them dance if they would, I was lame, I could not dance, I ſaw chimney-ſweepers dance.

What, that day?—Very like it might.

Did you or did you not?—I might.

Did you ſee the milk people going about?—I ſaw all folks going about.

What makes you recollect it was May-day?—I told you it was laſt Saturday th weeks ago.

How do you recollect it was May-day?—I do not know whether it was May day

I had been in town that day, I had been twice in town before.

What is your buſineſs?—Boſs-maker and broom-maker.

Was you as drunk that night as you are now, how much have you been drinking to-day?——I might drink a pint with my victuals, I will not ſwear any thing about it.

How much gin?——I drank no gin.

What other ſpirits?—I do not love any other ſpirits, ſo you are not right there now.

Did you go to the place where this man was knocked down the next morning?—Yes I did, to find his piſtol or ſomething or another, I found nothing.

Did you find your two ſhillings?——I wiſh I had.

Forty pounds is better than two ſhillings?—No, I do not know that it is, upon a wrong cauſe.

When you came up to him you knew it was James Wingrove?—I know he was the man that robbed me.

Did you know, I ſay, whether it was James Wingrove?——I know it was the man that robbed me.

Court. That is not an anſwer, what did you ſay?—I did not know that it was him, I ſoon found out it was James Wingrove, I found it out going along upon the road.

When did you firſt find it was James Wingrove?—I would not believe it was him at firſt.

Court. Did he firſt tell you his name was James Wingrove?——No, he did not, he told me he knew us, and I ſaid, I know you too, then I knew him when he was carrying along the road, I would not believe it was James Wingrove, becauſe though I thought he was, I was not quite ſure he was; he ſaid he was James Wingrove, and I could hardly believe him.

What did you ſay when you went before Mr. Taylor the magiſtrate?—I ſaid how that was the man that robbed me.

Before you went there, had you told any body you did not know him?——No, I can ſwear that very ſafely.

In the courſe of the day that you went before the magiſtrate did you?—No, that I did not ſay any ſuch thing, I never ſaid any ſuch thing.

Did you always ſay that you had loſt two ſhillings?——Yes, I ſaid I did not know whether it was a ſhilling and a guinea at firſt, till I came to look at my money.

Was not it your doubt whether it was not a halfpenny?—No, it was not.

Had you a guinea in your pocket to loſe?—No.

Then how could you doubt it if you had not a guinea to loſe?—No.

How could you doubt it?—Not till I looked over my money.

Court. Had you a guinea in your bag that day?——Yes, I had, I did not know juſtly, till I came to conſult where I had taken money.

Then you never did tell any body, that you did not know what you had loſt, or that you did not know if it was a halfpenny?——I never ſaid that.

WILLIAM GROVE, the younger, *ſworn*.

I am ſon to William Grove, the elder, I was with my father when he was robbed, it was laſt Saturday night three weeks.

Where?——In Hamworth pariſh, juſt as you go off the Heath.

What time of night was it?——Nigh about eleven o'clock.

How many men robbed you?——One.

Did he meet you or overtake you?—He overtook us.

Was he on horſeback?—On horſeback, I was upon a horſe driving the team, and my father was in the cart; the man on horſeback overtook me, he aſked me where that road went to, I told him, and he aſked me how far it was to Chertſey, and I told him about ſix miles, and he aſked me what money I had, he took hold of my horſe's bridle, and put a piſtol up to my cheek, and I told him I had none; he ſaid I had, and I ſaid I had nothing but a note in my pocket, and I took it out.

Did he do any thing to your father?——

He then went away from me and went to my father.

What did he ſay or do to your father?—He aſked him for his money.

What did your father ſay?——He told him he had but two ſhillings in his pocket, and he took it and went away.

What did he do with the piſtol after he robbed you?—I do not know, I never ſaw any more of it after he put it to my cheek.

Did he take any thing from you?—Yes, Sir, a note in a purſe.

What note was it?——It was of no account, it was only a bill of parcels of ſome cheeſe which I had in my cart.

Was it a moon-light night?——It was not dark, but it was not moon-light.

After he had left you and left your father which way did he ride?——He rode to the back part of the cart, away from me behind.

He rode the oppoſite way then to what you were going?——Yes.

I ſuppoſe you were frightened at the piſtol, that made you let one man rob you?—I do not know I was frightened, it was an ugly tool to be frightened with; there were two more with him.

How came you to forget that till now?—I have mentioned it now.

How happened you did not mention it before?—This is the man that robbed me; I mentioned it to Mr. Taylor, the Juſtice, that there were two more men.

How did theſe two men employ themſelves while the other was robbing you?—One ſtood at the tail of the cart, and the other ſtood at the head of the fore horſe.

Did the man at the tail of the cart do or ſay any thing while this man was robbing you both?——No, Sir, nothing at all.

Stood looking on?——Yes; this man ordered the man that ſtood foremoſt to go and take what my father had, but he did not take it, and the other went round immediately and took it himſelf.

Who was this man that robbed you?—James Wingrove.

Did you know that at the time?——No, Sir, I did not, in the morning I knew it was him, we took him directly afterwards.

Then you did not know it that night?—No, Sir, I heard the people ſay ſo.

Who ſaid ſo?——I do not know their names.

Did your father tell you that night that it was James Wingrove?—No.

Nor any body elſe?——No.

Was he the firſt that told you the next morning it was James Wingrove?——No.

Then in fact you only heard the name of the man that was in cuſtody was James Wingrove?——Yes.

Your father knew no more about it than you did?—I knew him no otherwiſe.

Did your father know him any otherwiſe?—I do not know; he was taken in a quarter of an hour by Mr. Humfreys and Mr. Marchant; they all three came by me again, and followed the cart, and got before me.

All three?—They were all together when they came by me again.

Were they together when this man was taken?—Yes.

Did the other two make any reſiſtance?—I was not there juſt at the preſent.

If they were all together when this man was taken, what became of the other two?—They made their eſcape.

Then this man was not found alone, the other two had not rode off and left him in the lurch?—No.

Then the firſt thing your father ſaid to him was, that he had but two ſhillings in his pocket?——Yes.

He told them that before he took the money?—Yes, he told them he was but a poor man, and had but two ſhillings.

Mr. Garrow. How many horſes had you in the team?—I had two drawing the cart, and one I rode.

Had theſe people paſſed you the ſecond time before Humfreys and the other gentleman came up?——Humfreys came by me before this.

I ſuppoſe the reaſon they got off ſooner than you, you was heavy laden?——I gallopped as hard as I could, and the cart too.

It was a cart with a tail?——Yes, about ten hundred weight.

Was you with your father when he was robbed ſome ſhort time ago?—No, not as I know on.

Did you never tell any body it was Sunday night?——No.

Did you never ſay it was on May-day?—No.

Did you never ſay it was the 9th?—No.

What coloured clothes are you to have out of the reward of forty pounds?—I am to have no clothes.

Did not your father promiſe you a ſuit of new clothes if you would ſtick to him?—I never heard any ſuch word.

Who told you it would be better to have two indictments againſt this man, in caſe one ſhould fail?—Nobody.

Mr. Garrow. Go and ſit down by your father, and do not either of you go out of Court.

PRISONER's DEFENCE.

I never ſaw them at all till they came up to me, when the people had knocked me off my horſe; and theſe people came up to me, and this man ſtamped on my head, and ſaid he would butcher me, and ſaid damn his eyes, kill him.

FRANCIS NASMITH *ſworn.*

I am a watch-maker at Staines; I was preſent when theſe people went to be examined, and I heard a man come up to the proſecutor and aſk him what he was robbed of; and he ſaid it might be a guinea, or a ſhilling, or it might be two halfpence, he was not ſure; and he ſaid he did not know that that was the man: he ſaid he was robbed, but he was not poſitive that that was the man that robbed him.

JAMES CLARKE *ſworn.*

I am a printer by trade, I live in Oxford-ſtreet; laſt Sunday was a fortnight Richard Wingrove came to me, and in conſequence of his information I ſaw Groves, and we entered into converſation reſpecting the robbery, and during that converſation he informed me that this was not the firſt time that he had been robbed; that he had been robbed by two men whom he knew, he ſaid theſe two men were great maſter carpenters, and lived at Brentford, and he could go to them at any time, be well entertained, and have two or three guineas: if I was dying, them are the words. I never knew any thing amiſs of the priſoner; I always underſtood him as an honeſt man.

FREDERICK DISMERRITT, Eſq; *ſworn.*

I am ſon of Colonel Diſmerritt, the priſoner was a ſervant of our's at the time this robbery was ſaid to be committed; about a week before he ſaid he was going to Windſor to ſee his wife and family; he has two children at Windſor, and one with his mother; he was a true, faithful, honeſt ſervant with us; he was entruſted with every thing, even the keys to go to my father's bureau.

Mr. Garrow. After this, my Lord, I ſhall not go further; I only did it to ſet the character of this man right; I do not do it to meet this indictment.

SUSAN FLETCHER *ſworn.*

I live at Uxbridge, I chare at Colonel Diſmerrit's, I heard old Groves ſay laſt Friday, that he had taken a highwayman, and there was forty pounds depending, and that he would proſecute him.

NOT GUILTY.

Mr. Garrow. I have two applications to make to the Court; one, that the conſtable may reſtore the priſoner's watch, and the other, that theſe two witneſſes, the father and ſon, may be both committed to Newgate; I think it my duty to aſk this, as it is a very foul perjury, and I will undertake to proſecute them at my own expence.

Court. Let Groves the elder and younger be both committed to Newgate till they find ſureties.

Groves the Elder. This is very hard, my Lord, to loſe my money and go to priſon too.

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638. The ſaid **JAMES WINGROVE** was again indicted for feloniouſly aſſaulting William Grove the younger, on the King's highway, on the 9th day of May laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will one canvas bag, value 1d. his property.

There being no further evidence, the priſoner was

ACQUITTED.

Mr. Garrow. My Lord, we decline for the preſent proſecuting theſe men for perjury, and I am humbly to pray for a copy of the indictment.

Court to William Grove the elder and younger. The conduct of each of you in this cauſe has been extremely reprehenſible, the beſt light in which your conduct can ſtand is, that of raſhly charging a man in a caſe where there is a reward; and you may think yourſelves very fortunate that the priſoner and his friends decline an immediate proſecution for perjury; therefore, I ſhall not order you to be detained, but leave the priſoner to take ſuch remedy as his Council ſhall adviſe; and if it is applied for, I ſhall order a copy of the indictment.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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639. **JOHN MESSENGER** and **EDWARD SECKERY** were indicted for that they, with one James Barron, and divers other perſons, to the number of three hundred, and more on the 30th day of April laſt with force and arms, unlawfully, riotouſly, and tumultuouſly, did aſſemble together, to the diſturbance of the public peace, and with force and arms feloniouſly, unlawfully, and with force, did begin to demoliſh and pull down a certain dwelling houſe of one Dominick Adlum againſt the ſtatute.

A Second Count for again aſſembling together, and beginning to demoliſh and pull down a certain other dwelling houſe of and belonging to the ſaid Dominick.

—— YOUNG *ſworn.*

On the 30th of April about ten at night, I was going up Bridge's-ſtreet, and I ſaw a great mob, and heard a noiſe in White Hart-yard, I went there, and I ſaw the priſoner Seckery with a great ſtick in his hand, whether it was wooden or iron I cannot tell; with it he was beating away againſt the door of the houſe which is called the Jeruſalem, which Mr. Adlum keeps, ſome ladies came up to him and aſked him to come away, and at the end of White Hart-yard, I and Roberts laid hold of him, he was then coming out of the mob, he had thrown down the ſtick, he hallooed out here, here, here, they are taking me; we took him to the watch-houſe, I ſaw him ſtriking with a bar againſt the door which was broke in, and againſt the fanlight over the door.

Mr. Peat Counſel for the Priſoners. At what hour did you ſee the priſoner?—It was then about ten.

Was you there before you ſaw him?—No.

—— ROBERTS *ſworn.*

I ſaw Seckery with ſeveral others, knocking with a bar, be it iron or wood, againſt the door and windows, the one pair of ſtairs windows were totally demoliſhed, the furniture was broke.

Court. You were with the laſt witneſs?—Yes.

How came you to ſee ſo much more than he did?—The mob aſſembled, and they were crying out Fox for ever, and we drew our cutlaſſes and took him to Covent Garden watch-houſe, and they would not let us in; I ſaw the furniture broke, the parlour windows, frames and glaſs totally demoliſhed.

Was that done before you brought the priſoner away or after?—It appeared to be done before.

All your companion ſaw, was beating againſt the door and the fanlight; relate particularly what you ſaw?—I ſaw the windows totally broke, and boys picking up the glaſs to throw againſt the one pair of ſtairs.

Did you ſee that before you took the priſoner into cuſtody?——Yes, and the windows were totally out, and the ſtreet door open.

Upon your oath Sir, are you ſure that at that time you ſaw any part of the window totally out?—Upon my oath, it was all entirely out.

What when you took that priſoner?—Yes, and the ſtreet door was broke to pieces, and the fanlight was broke to pieces, I rather ſuſpected it was an iron bar.

Do you know any thing of the cauſe of this?——I heard a gentleman met with a young girl, and went to have ſomething to drink.

Was that told you as the cauſe of this, the common courſe of a gentleman taking a girl there?——Yes, as I underſtood, and that ſhe was either a relation of the gentleman, or of ſome friend of his; I went into the houſe, there were ſome Covent Garden conſtables there, and I enquired the cauſe.

I once more aſk you upon your oath, whether you ſaw any part of the window frame broke to pieces?——I ſaw the window entirely broke to pieces, and the door likewiſe.

Mr. Peat. You belong to the office too?—Yes.

How long have you known the owner of the houſe, this Mr. Adlum?——I have ſeen him before.

Have you and he had frequent converſations ſince upon this buſineſs?——I do not know whether I have ſeen the man once or twice before the bill was preferred.

Do you ſay it was the priſoner Seckery that beat out the window?—He was aſſiſting with ſeveral others, he was breaking the window, he was one that aſſiſted in breaking the window and the door; I did not ſee Seckery in the houſe.

Upon your oath, how often have you ſeen the proſecutor ſince this accident happened?—I believe about two or three times before we found the bill.

Has any promiſe been made you relative to this buſineſs?——I never received a farthing, nor no propoſal, nor any promiſe made to me; I never ſpoke to the priſoner to the beſt of my knowledge in my life.

Court to Young. You gave an account of all you ſaw?—I gave an account of all I ſaw Seckery do.

You know you are upon your oath; did you ſee any part of the window frame beat out?—I ſaw a deal of wood that was laying on the ground at the time.

Did you obſerve where that wood could have come from?—The window at the front of the parlour I did obſerve at the time.

Why did not you tell us that?—I only related what I ſaw the priſoner do.

Do you know any thing of the cauſe of this?—Only what I heard.

Mr. Peat to Proſecutor. You are the maſter of this convenient houſe in White Hart-yard?—I was then.

What money have you received at any time as a compenſation for the damage that was ſuppoſed to be done by that young man, or ſome other perſon, to your houſe?——None, not a farthing.

Recollect yourſelf; I have a croud of witneſſes that can prove the fact.——I received money for my conſent to admit them to bail, I did not receive it on any other account.

The priſoner Seckery called five witneſſes, who gave him a very good character.

Court to Jury. In point of law, the mere breaking open a door, or breaking a glaſs window, is certainly not within the meaning of this ſtatute; God forbid that that which is puniſhable in another way, by civil action for breach of the peace, ſhould be conſtrued into a felony; in order to come within the meaning of this act of Parliament, it is neceſſary there ſhould be ſomething

thing which manifeſts a ſerious intention to demoliſh and pull down the houſe; the words of the act are, "demoliſh and pull "down, or begin to demoliſh and pull "down, any dwelling houſe," and as to the meaning of the latter words, if the houſe was half pulled down, it would be a doubt if theſe words had reference to the other half; and it muſt be ſuch an act as clearly manifeſts, that this is a damage to the houſe itſelf, to the freehold of the houſe, and not the breaking of the door or window; but it has been held, that the breaking of the window frames is that kind of beginning of the demolition of the houſe within the ſtatute, and of that there was not a ſingle ſyllable ſaid at firſt. If you are clearly ſatisfied, that before this boy was taken away the houſe was began to be pulled down, you will find him guilty; if you think it went no farther than Young firſt deſcribed, you will acquit him.

JOHN MESENGER,
EDWARD SECKERY, } NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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640. **EDWARD TURNER** was indicted for feloniouſly aſſaulting Richard Croxton on the King's highway, on the 27th of May, and putting him in fear, and taking from his perſon and againſt his will, one ſilver watch, value 3l. and 5s. in monies numbered, his property.

Richard Croxton depoſed, that going along Kingſland-road, about half paſt nine at night of the 27th of May, he ſuſpected two men that were before him, and he ran and fell down, and they came over him and robbed him; they had a weapon, but could not ſay what weapon, and did not know either of the men; as ſoon as they were gone, he got up, and cried ſtop thief! and preſently after the priſoner was taken in a field; he was ſearched, but nothing of the proſecutor's found upon him.

John Beſlatt and his brother apprehended the priſoner, who was running with another man, and before they took him, he ſaid to the other man, damn my eyes, if we do not cut acroſs thoſe fields, we ſhall be *bobbled*, one of them fell down twice and dropped a bayonet, and he was taken; he denied the affair, till ſome gentlemen ſaid he had better confeſs, and then he ſaid———

Court. I muſt not hear what he ſaid after that.

The priſoner called ſix witneſſes, who gave him a very good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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641. **ISAAC CASH** was indicted (with John Stanley and John Mears) for feloniouſly aſſaulting William Heartley on the King's highway, on the 18th of May, and putting him in fear, and feloniouſly taking from his perſon and againſt his will, one iron key, value 2d. three guineas, value 3l. 3s. three half crowns, value 7s. 6d. and 6s. in monies numbered, his property.

The priſoner was ſick when Stanley and Mears were tried, and they being acquitted, there was no evidence againſt this priſoner, and he was

ACQUITTED.

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642. The ſaid **ISAAC CASH** was again indicted (with the ſaid John Stanley and John Mears) for feloniouſly aſſaulting William Prior, on the King's highway, on the 18th of May, and putting him in fear, and taking from him, one linen handkerchief, value 1s. and one guinea, value 1l. 1s. his property.

On this indictment alſo the priſoner was

ACQUITTED.

648. **WILLIAM THOMPSON**, otherwiſe **PETER SMITH** was indicted for that he on the 5th of May, feloniouſly did falſly make, forge, and counterfeit, and cauſe and procure to be falſly made, forged, and counterfeited, a certain bill of exchange, purporting to be drawn by one William Smith, directed to Benjamin Bodington and Co. payable at five days ſight to Peter Smith, or his order, for 18l. 10s. 6d. and accepted by Benjamin Bodington and Co. with intent to defraud Robert Hughes.

A ſecond Count for publiſhing ſame with the like intention.

A Third Count for forging an acceptance to the ſaid bill of exchange, purporting to be the acceptance of the ſaid Benjamin Bodington and Co. with the like intention.

A fourth Count for publiſhing the ſame with the like intention.

A fifth Count for forging an indorſement on the ſaid bill of exchange in the name of the ſaid Peter Smith, with the like intention.

A ſixth Count for publiſhing the ſame with the like intention.

ROBERT HUGHES *ſworn.*

I am a ſlop-ſeller in Broad-ſtreet Radcliffe-croſs, the priſoner at the bar came to my ſhop on the 5th of May about two in the afternoon, he aſked me what was become of the next door neighbour, finding the houſe empty, and he enquired after ſome other neighbours; being in a ſailor's dreſs, I aſked him where he came from, he ſaid from Plymouth; I aſked him what he wanted; he ſaid have you got any broad cloth; I ſaid do you want to buy clothes; he ſaid yes; he pitched on a colour, I ſent for a taylor to meaſure him, he ſhewed me the bill at that time, and ſaid he was juſt come from Plymouth, and that he had been at Boddington's that morning, and had it accepted; he told me likewiſe, that he ſerved his time with one Captain Payne, whom I knew very well; he ſaid he had been on board his ſhip, and he knew a perſon of the name of Fox; he ſaid he lodged the corner of Dean-ſtreet, at one Mr. Turner's; after the taylor had meaſured him for the clothes, I ſaid, young man, you are a ſtranger to me, you muſt leave me ſome money; he ſays, I will leave you the bill; I looked at it, and ſays I, it is not accepted, you ſaid, you had had it accepted; yes, ſays he it is, and he turned the back of the bill, where it is written, London, May the 5th, 1784, accepted Benjamin Bodington and Co. ſays he give me a pen and ink, and I will indorſe it, he had a pen and ink given him, and he wrote his name Peter Smith; I then left him in the ſhop, and thought I would go and make enquiry where he ſaid he was acquainted; I went to ſee for Captain Payne, I came from thence, and I went to Hanke's, the Waterman's, to enquire after him; I went to the public houſe, the people told me he did not lodge there, but he had been there and dined, and they looked for him to come back again, when I came back, the things were all tied up in a handkerchief, and my ſervant gave me the bill of parcels, and the things; I then ſaid to him, I rather doubt this bill; he ſaid he would go with me to Mr. Bodington's, I took the handkerchief and the bill of parcels packed up as it is now, I did not look into it, but went away with it, he went with me to his lodgings, as he went with me to Mr. Bodington's he wanted to ſtop by the way, and to drink; when we came there, he ſays, by God I will not go in with you, now I ſee you miſtruſt me, yes, ſays I, you ſhall go, I ſaid, I ſhall have you to look for when I come out again; a man who ſaid he was a ticket porter, ſaid he would go for me, I ſent him into Mr. Bodington's, the priſoner was preſent, and the man came back, and ſaid, you muſt go to No. 15; he then went with me to the compting houſe, and I ſhewed the bill to a gentleman there that was one of the clerks, he looked at it, and ſaid it was a bad bill: the priſoner was preſent; the priſoner made ſome frivolous ſaying, but the words I cannot particularly ſay, the clerk deſired I would ſtop, and he would call one of the gentlemen out, and he called Mr. Betſworth, one of the partners,

ners, he was rather angry, and he ſaid, he was a rogue and a villain, and inſiſted on my charging him with an officer; when he was at our houſe, he had put on a ſilk ſhag waiſtcoat, and I told him in Mr. Bodington's yard, you know you have not paid me for the things, give me it again; he did ſo, except a pair of white cotton ſtockings and a pair of ſilver ſleeve buttons; we came out into Mark-lane, an officer was at hand, and we took him to the counter that night: the priſoner ſent me two letters from the Compter, ſoliciting me to ſee him.

Court. Do you know his hand writing? —Not for certain.

(The bill of Exchange produced.)

Have you had it ever ſince?—Yes, except one or two days that it was in Mr. Johnſon's hands, I wrote my name on it firſt, I am ſure that is the bill of exchange I had from the priſoner.

(Read.)

“ No. 130, Exchange 18l. 10s. 6d.

Plymouth, April 15, 1784.

Gentlemen, at five days ſight pleaſe to pay Peter Smith, or his order, wages due, as per advice, for, Gentlemen, your moſt obedient humble ſervant, William Smith, Captain.”

Directed “ To Meſſ. Bodington and Co. Merchants, in Mark-lane, London: Accepted, Benjamin Boddington and Co.” under it wrote “ Peter Smith.”

Priſoner. Whether I preſented that bill to him on any demand, or whether the goods that were packed up, were on account of that bill?—They certainly were packed up on the credit of the bill.

Court to Hughes. Are you ſure that he told you that he had been at Mr. Bodington's to get it accepted that morning?—I made a minute ſoon after.

Court. Look at your note to refreſh your memory upon that point.—*(Looks at his note book.)* It is ſo here.

Then you are clear both from your recollection and the minute you made at the time, that he ſaid he had been at Mr. Bodington's to get it accepted that morning? —Yes.

JOSEPH LEE GOODWIN *ſworn.*

I am clerk to Meſſ. Bodingtons, the firm of the houſe is Benjamin and Thomas Bodington and Betſworth; I was not preſent any part of the tranſaction, I only attend from the houſe to ſay that the acceptance on the bill is not the hand writing of any of the partners belonging to that houſe.

Have any of the clerks of the houſe ever uſed to accept bills for the houſe?—No, Sir, they do not.

Is that the hand writing of any clerk in the houſe?—It is not like the hand writing of any clerk in the houſe.

How many perſons are there in the houſe?——Henry Jackſon, myſelf, and a young man of the name of Crippen; it is certainly not like the hand writing of any of the three.

The remainder of this Trial in the next Part which will be publiſhed in a few Days.

THE WHOLE
PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*;
HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 26th of MAY, 1784, and the following Days;
Being the FIFTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

NUMBER V. PART IX.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of William Thompſon.

HENRY CLARK *ſworn.*

I am apprentice to Mr. Hughes; when the priſoner came into my maſter's ſhop, I was not in the way, but was called to fetch the man to meaſure him for a ſuit of clothes, the man came, and his meaſure was taken; after his meaſure was taken, my maſter aſked him to leave ſome earneſt towards his clothes, and he told him he would leave the note, which my maſter ſeemed agreeable to; he then called for a pen and ink, in order to indorſe it, and he ſigned Peter Smith, in my preſence, on the back of the note; after he had indorſed the note, my maſter went to enquire after him; before he indorſed the note, he put on a ſhag waiſtcoat, and after my maſter was gone, he looked out ſome other clothes, and told me to make a bill of theſe things which he looked out in the name of William Thompſon; after I wrote it, he took the pen out of my hand, and he ſigned William Thompſon at the bottom of it; ſays he, do you know what I do that for, that is as much as to ſay I will pay the bill; after my maſter came in, he told him it was a little odd that the bill ſhould be accepted on the back; the priſoner ſaid there was no room on the front; my maſter ſaid it required very little room to write a bill, accepted; and then aſked him who accepted it, and the priſoner at the bar ſaid Mr. Bodington himſelf accepted it.

Court. Are you ſure of that?—Yes, Sir; my maſter told him he ſhould be glad if he would go with him to Mr. Bodington's, and they both went directly, they did not ſtop three minutes.

Court. Then this converſation about the acceptance was after your maſter came back?——Yes.

Priſoner. I have no queſtions to aſk him.

Court to Priſoner. The charge now againſt you is, forging an acceptance in the name of Benjamin Bodington, and for uttering and publiſhing that acceptance as true, knowing it to be forged; what have you to ſay in your own defence.

PRISONER's DEFENCE.

I am innocent; on the 5th of May very early, between ſeven and eight, going over London bridge, I promiſcuouſly found this piece of paper, and I thought it was of conſequence; then the indorſement, or the acceptance was on the back; I read the bill, and found it in the name of Bodington, in whoſe employ I formerly ſailed in my infant years, with Captain Shepherd; I was then in diſtreſs, I went down to Ratcliffe-croſs, to enquire for one Mr. Elme, on going to this houſe, I enquired for this gentleman, the gentleman told me he was not there; I ordered ſome things and told him he ſhould be paid, I ſaid I had a bill in my pocket, but did not know whether it was a true one or not, I told him I believed it was good for it had been accepted that morning ſeemingly, by the date; I did not acquaint him I had been at Mr. Bodington's; he went out, the young man was making out a bill of parcels, that gentleman came in; I went with him to Mr. Bodington's accordingly: had I drawn this bill, or forged it, or known it to be forged, I muſt have had a little regard for my life to have gone to this gentleman; I went in before this gentleman, I told them at Mr. Bodington's I found the bill; if the gentleman can ſay to the reverſe, I leave it to your Lordſhip.

Court to Hughes. Did he go into Mr. Bodington's before you?——I cannot ſay.

Did he ſay at Mr. Bodington's, at the compting-houſe, that he had found the bill?—No, he ſaid before the Lord Mayor that he found it in the cart-way.

Priſoner. I have no witneſſes at this preſent period; I am a poor perſon in London, I have ſerved from the commencement of this preſent war; I have a poor mother, and ſhe is ſick: Captain Paine and Captain Crook, or the Honourable William Walgrave, or my Lord Charles Fitzgerald, know me.

Court. Have you ſent to any of theſe gentlemen to let them know your ſituation?—I have, my Lord.

Court to Jury. This may be a genuine bill of a man called William Smith, drawn by a William Smith and Co. and there is no evidence what the real name of the priſoner is, and his real name may be Peter Smith; but the evidence applies to the third and fourth counts, for forging the acceptance, or for uttering that acceptance knowing it to be forged, and the evidence ſeems to apply to the laſt of theſe.

GUILTY, **Death.**

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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644. WILLIAM STEWART was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Edward Roberts, Eſq; on the 23d of January laſt, about the hour of one in the night, and ſtealing therein one garnet ſtock buckle, ſet in ſilver, value 40s. two gold rings, called intaglios, value 40s. one ſilver tea-pot, value 4l. three ſilver table ſpoons, value 20s. twelve ſilver tea ſpoons, value 18s. two ſilver ſalt ſpoons, value 2s. three table cloths, value 4l. ſix pair of ſilk ſtockings, value 40s. one linen ſtock, value 1s. his property; four pair of cotton ſtockings, value 6s five ſhifts, value 6s. four aprons, value 6s. three caps, value 3s. one muſlin handkerchief, value 3s. one flannel petticoat, value 2s. and 2l. 6s. in monies numbered, the property of Lucy Clarke, ſpinſter; and one cane, covered with leather, value 2s. the property of Richard Fowler, in the ſaid dwelling houſe.

And SARAH SKITTLE was indicted for feloniouſly receiving four pair of ſilk ſtockings, value 30s. and one linen table cloth, value 6s. parcel of the ſaid goods, knowing them to have been ſtolen.

Four pair of ſilk ſtockings were found by Macmanus in the pocket of the priſoner Sarah, at the apartment of the priſoner William, in St. Ann's-lane, Weſtminſter, three months after this burglary; and in the drawer in the bed room was found a piece of table cloth, and another pair of ſtockings, and a kitchen cloth was on the table in the room, and a book with a letter of thanks from Mr. Fox to the priſoner Stewart in it.

McDonald found on a woman of the name of Hammond, two pieces of table cloth; ſome pick-lock keys and piſtols were alſo found, and a ſtick loaded with lead.

Mrs. Hammond depoſed, that the pieces of table cloth were brought to her by the priſoner Sarah, on a quarrel with Stewart, to take care of, in April laſt, and the houſe was broke open the 23d of January.

(*The ſilk ſtockings were depoſed to by Mr. Roberts, and the pieces of table cloth and the cotton ſtockings were depoſed to by Lucy Clarke.*)

Mary Capon depoſed, that the priſoner Sarah bought and ſold old clothes at Rag-fair, and that ſhe was with her at Rag-fair about a fortnight before ſhe was apprehended; that ſhe bought a good many things, petticoats, gowns, ſhifts, and ſhirts, and ſix pair of white ſilk ſtockings, one pair of cotton, and five table cloths, for thirty ſhillings, ſhe kept the ſtockings to wear herſelf, and had not parted with the table cloths; that ſeveral pairs of the ſtockings were darned in the feet; and believed the ſtockings depoſed to by Mr. Roberts to be them.

Alice Audſley alſo depoſed, that ſhe ſaw her purchaſe theſe things for thirty ſhillings, and gave both the priſoners a good character.

Mary Hardy alſo depoſed ſhe ſaw the priſoner Sarah purchaſe theſe things for thirty ſhillings, and ſhe aſked her to be a partner in the adventure, which ſhe declined, thinking them too dear.

The Priſoner Stewart called five witneſſes, who gave him a good character.

WILLIAM STEWART,
SARAH SKITTLE, } NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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645. SARAH JONES, otherwiſe HART, ALICE WILKES, LUCY WILSON, and SARAH BROWN, were indicted for feloniouſly aſſaulting John Creed, in the dwelling houſe of Iſaac Jones, on the 13th of April laſt, and putting him in fear and feloniouſly taking from his perſon and againſt his will, one linen handkerchief, value 1s. eighty guineas, value 84l. two half crowns, value 5s. one ſhilling, and two ſixpences, his property.

The Proſecutor depoſed, that on the 13th of April, about half an hour after *nightfall*, he was walking along Shire-lane, and was called to by the priſoner Jones, to come in and drink a glaſs of wine, ſhe having ſomething to ſay to him of particular conſequence; that he went in firſt *inſide the door* of his own accord, peaceable and quiet, and then recollecting he had this money about him, in his right-hand coat pocket, he went out again, and ſaid he would not ſtay; ſhe deſired him to go up ſtairs, and ſaid he ſhould be ſafe, for it was as honeſt a houſe as any in the world; then when he got a little the outſide of the door, ſhe took him by the breaſt, and pulled him in again, and the door was ſhut. The proſecutor then went up ſtairs, and ſat down, and in two minutes ſix or ſeven women and one man ſeized his perſon, ſome of them took him by the legs, ſome by the hands, and took the money out of his pocket; they held him faſt, and he ſaw the money go; he had received it at the Bank *that day or the day before*; it was in four different papers, twenty guineas in each paper, and tied up in a handkerchief; the proſecutor was quite poſitive the priſoners were four of the people, he knew them before: when he ſaw his money taking out of the room, he called out, ſtop thief! and the man came up to him, and ſaid we ſhall have it amongſt us, but if you do not proſecute us, you ſhall have it in the morning; they put out the candle as ſoon as he ſaw the money go, and the man threatened to kill him, and theſe two circumſtances he forgot before the magiſtrate. The proſecutor run down ſtairs directly after, and went out of the houſe and went in again; two of the women ſtood outſide the door, and puſhed him in again, and he went into the parlour where the priſoner Wilſon was, and ſhe adviſed him to go with her that night to the Talbot-inn, and ſleep there, and ſhe would put him in a method to get his money again; he went with her, and ſtaid all night, but did not ſleep much, and in the morning ſhe told him he might go and hang himſelf, he would never get a penny of the money; he gave information before a magiſtrate *in a day or two after*; he did not give information before, becauſe he thought to get his money in another way; he ſaw the priſoners again the next day at the ſame houſe, to try to get his money again; he waited there till night, and there were three women there that told him they would bring him the money, one of them was the priſoner Wilſon, and the proſecutor gave theſe three women half a guinea a piece; he waited there all day, and then they told him there was no ſuch thing; every one was drunk, and then he ſwore he would give information againſt them directly, which he did as ſoon as he could, but did not know how to go about it; the next day he went to the manſion-houſe, and was directed to Bow-ſtreet: he ſaid he was *as ſober* as he was at this time of examination.

The Court deſired to ſee the information, which was handed up, and upon aſking the proſecutor when he gave that information, he repeatedly ſaid it was two or three days after, whereas it was not till the 20th; and he believed he did not then ſay a word of the door being ſhut, but ſaid they picked his pocket. The proſecutor depoſed on his croſs-examination, that he pawned his watch the morning after he ſlept with Lucy Wilſon at the Talbot, to give her half a guinea; and dined with ſome of the robbers the day after the robbery, by appointment, on freſh ſalmon.

The information given by the proſecutor before the magiſtrate was read. The proſecutor ſaid he was bred an attorney, but had been ſome time abroad; and after taking ſome time to recollect where he lodged, he ſaid it was at No. 185, in Fleet-ſtreet, at Mr. Smith's, a baker.

Thomas Mansfield, the conſtable, depoſed that he apprehended the priſoners, they ſaid they were not the perſons that committed the robbery, but Jones ſaid before the magiſtrate, ſhe knew who did; he had the warrants for apprehending them the 16th of April at night; Jones, the man, made his eſcape. The deponent never knew there was a reward for a highway robbery.

ALL FOUR NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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646. SAMUEL PEYTON was indicted for feloniouſly ſtealing, on the 3d of May, in the dwelling houſe of Jerome Knapp, Eſq; 47l. 5s. 6d. in monies numbered, his property, and one canvas bag, value 1d. one red leather caſe, value 1d. and 31l. 14s. 6d. in monies numbered, the property of James Hill; and a bill of exchange for 22l. dated the 3d of April, 1784, the property of the ſaid Jerome Knapp, and then due and unſatiſfied.

A Second Count, laying it to be the dwelling houſe of the Maſter and Four Wardens of the fraternity of the art or myſtery of Haberdaſhers in the City of London.

James Hill depoſed, that he is clerk to Mr. Knapp, and that whilſt he was in the Committee-room, his deſk in the office was broke open and robbed of the property mentioned in the indictment.

Thomas Berry (Mr. Pardoe's coachman) remembered ſeeing the priſoner on the ſpot, and obſerving his waiſtcoat, which was green, and a gold lace on it; a green coat, nankeen breeches, ſilk ſtockings, and a round hat, and his hair tied; the deponent ſaw the priſoner come in and go out; he was there about ten minutes, and the deponent heard the office door open almoſt directly; thinks nobody elſe went in but the priſoner; is ſure the priſoner is the perſon he ſaw, though he ſhould not have taken notice of him, but for the peculiarity of his waiſtcoat; ſaw him again in cuſtody that night in the ſame dreſs.

James Phillips (the footman) confirmed the above evidence.

Mrs. Knapp and *Miſs Knapp* ſaw the priſoner in the yard from the parlour window, he muſt have come by the office but they could not ſee the office door from that window.

Henry Gilbody, the under beadle of the Company, alſo ſaw the priſoner go out.

John Lebar and *Robert Gregory* apprehended the priſoner, in conſequence of this deſcription, the ſame evening, and there was found on him two gold watches and nineteen guineas; he was dreſſed as beforementioned.

The Priſoner ſaid he was at home at his father's houſe from eleven till four on that 3d of May, and offered to call his mother to prove it, but being reminded by the Court of the number of witneſſes that had already ſwore he was on that ſpot at the time, the priſoner's Council (Mr. Chetwood) declined calling any witneſſes.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

(See Trial 534 of this Seſſions, this priſoner tried for another robbery, and ſentenced to be tranſported for ſeven years.)

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647. WILLIAM GARDNER was indicted for ſtealing, on the 7th day of May, twenty pounds weight of moiſt ſugar, value 12s. and ſeven pounds weight of currants, value 3s. the property of Henry Pring.

Edward Field ſaw the priſoner take the things out of the waggon.

Priſoner. I was in great neceſſity, I am fifty-five miles from home, and have ſix children, I am ſixty-three years of age.

GUILTY.

Whipped, and paſſed to his pariſh.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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648. HANNAH ROBERTSON was indicted for ſtealing, on the 7th of May, one ſilver watch, value 3l. the property of John Brown.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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649. WILLIAM HOBBS was indicted, for that he, on the 5th day of May, unlawfully, willingly, knowingly, and feloniouſly, did procure one James M'Guire to perſonate and falſly aſſume the name and character of William Mullin, a perſon entitled to certain allowance money, called ſhort allowance money, amounting to the ſum of 1l. 18s. for the ſervice of the ſaid William Mullin, on board the ſhip called the Vigilant, in order to receive the ſame, againſt the form of the ſtatute.

A Second Count, for procuring a certain perſon, to the Jurors unknown, to receive the ſame.

The priſoner came in company with M'Guire, and witneſſed the receipt, but there was no proof of his *procuring* him to aſſume the name and character of Mullens, and when the priſoner was apprehended, he ſaid he *was perſuaded* to accompany M'Guire.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

650. **BENJAMIN WOLFE** was indicted for feloniouſly ſtealing, on the 28th of April laſt, three bags of cotton, containing three hundred pounds weight of cotton, value 10l. the property of Jacob Loram, then and there being in a certain lighter called the Mary, on the navigable River of Thames.

It appearing from the evidence of Lewis Bortman, that theſe goods were carried to the priſoner's houſe, who was at home at the time they were landed: he was acquitted of the charge of ſtealing.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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651. JOHN BARNES was indicted for ſtealing, on the 7th day of May, one gold watch, value 20l. one ſteel chain, value 10s. three ſtone ſeals ſet in gold, value 3l. one gold key, value 2s. one gold hook, value 2s. the property of James Harris.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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652. HANNAH JONES was indicted for ſtealing, on the 4th of May, one hundred yards of ſatin, value 15l. five yards of ſilk, value 10s. ſix ſilk damaſk window curtains, value 6l. two morine curtains, value 20s. twenty yards of green baize, value 40s. ſix yards of canvas, value 12d. twenty yards of tinſel fringe, value 4s. ten tinſel taſſels, value 3s. the property of William Taylor, Eſq.

A Second Count, laying them to be the property of George Grant, James Sutton, and others.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

653. **WILLIAM ELLOR** was indicted for feloniouſly forging, on the 8th day of May, a certain order for payment of money, with the name Elizabeth Wery ſigned thereto, purporting to be ſigned by her as the wife of Francis Wery, deceaſed, to Anthony Songer and Bartholomew Songer, by the name of Meſſrs. Songer, requeſting them to ſend her ten pounds; which ſaid order was in the words and figures following, that is to ſay:—"Pleaſe to ſend ten " pounds by bearer, as I am ſo ill I cannot " wait upon you. Elizabeth Wery." With intent to defraud the ſaid Anthony and Alexander.

A ſecond Count, for uttering the ſame, knowing it to be forged, with the like intention.

Court. How do you make this an order for the payment of money; it may be obtaining money by falſe pretences.

Mr. Sylveſter, Council for the Proſecution. The caſe of Mitchell in Foſter, which was, " I deſire you will let the bearer have ſuch " a ſum, and I will ſee all paid," that, my Lord, was held to be an order for the payment of money.

Court. That was an order from a perſon having a right to give the order, and was a poſitive order; I underſtood the Act of Parliament to mean ſuch an order for payment of money, as the party giving it, if genuine, has a right to make; but a letter requeſting the payment of money, is quite a different thing, it is not a compulſory order.

Mr. Sylveſter. I apprehend the queſtion is, whether this is not a ſufficient authority for them to pay the money to the perſon that goes to receive it.

Court. Then any letter whatever requeſting the payment of money, will be an order for the payment of money.

Mr. Sylveſter. Suppoſe I ſend to my banker, Sir, I ſhall be much obliged to you to pay Mr. Johnſon five pounds, and you will oblige your humble ſervant, John Sylveſter; I apprehend the queſtion will be, whether this gentlewoman had an authority to draw on this gentleman, for in law we know of no technical forms.

Court. This is a letter, in the form of a letter, directed as a letter, aſking it as a favour to ſend ten pounds by the bearer; if I write a letter to you as a friend, deſiring you to lend me fifty pounds, and you ſend it by the bearer, you will not hold that to be *an order* for the payment of money.

Mr. Sylveſter. If the Court will detain him for the fraud, we undertake to proſecute him for that, and I do not wiſh to preſs this.

NOT GUILTY.

Tried by the London Jury, before Mr. RECORDER.

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654. The ſaid WILLIAM ELLOR was again indicted for feloniouſly forging, on the 22d of April laſt, a certain other order for payment of money, with the name Elizabeth Wery thereto ſubſcribed, directed to Anthony and Bartholomew Songer, in the words and figures following:—"Sir, I ſhould eſteem it as a favour, if you would oblige me at this time, I have been ſo ill that I have kept my bed three weeks, or would have come myſelf; the ſum of money I ſhall deſire you to ſend is ten pounds," with intention to defraud the ſaid Anthony and Bartholomew.

A Second Count, for uttering the ſame knowing it to be forged, with the like intention.

This being a caſe of the ſame kind, the priſoner was

ACQUITTED.

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656. JOSEPH DUNBAR was indicted for that he, on the 4th day of December laſt, falſly and feloniouſly did forge, make and counterfeit, and cauſe and procure to be falſly made, forged and counterfeited, and willingly act and aſſiſt in the falſe making, forging and counterfeiting a certain note purporting to be a bank note, with the name John Boult thereto ſubſcribed, dated the 4th of December, 1783, ſigned John Boult for the Governor and Company of the Bank of England, for the payment of the ſum of 60l. which ſaid note ſo falſly made, forged and counterfeited, is as follows, to wit, "1783 No. 102, I promiſe to pay Mr. James Moore, or bearer, on demand, the ſum of ſixty pounds. London, 4th December, 1783, for the Governor and Company of the Bank of England, John Boult," with intention to defraud —— Bryan.

A ſecond Count for forging a note in form of a bank note, with the like intention.

A third Count the ſame as the firſt, with intention to defraud the Governor and Company of the Bank of England.

A fourth Count the ſame as the ſecond, with the like intention.

A fifth Count calling it a promiſory note, with intention to defraud —— Bryan.

A ſixth Count with intention to defraud the Bank.

The witneſſes on both ſides ordered to withdraw, except the Gentlemen belonging to the Bank.

Mr. Fielding opened the indictment; and Mr. Sylveſter opened the Caſe.

Mr. Fielding. My Lord, we now propoſe to call in Henry Davis, who ſtands in ſome degree connected in part of this crime, as he has ſurrendered and has not been taken up, I purpoſe to call him firſt: I am aware there is a common objection to calling an evidence firſt, and I dare ſay, it lives in your Lordſhip's memory, that I took it once, and you ſent up ſtairs to Mr. Baron Eyre, who ſaid there could be no objection to calling him firſt, for the order of calling him did not ſeem to make any queſtion, becauſe if he was not confirmed by other evidence it would go for nothing.

Court. I do not conceive there is any rule to put it out of the power of the Court in any caſe; in the firſt place, I do not conſider the witneſs in queſtion to be a witneſs merely againſt whom there are imputations on his credit and character, but he is ſtated as an accomplice, and the objection to them ſtands in a ſort of middle claſs, between an objection to the credit and to the competency; it is ſomething more to one, and ſomething leſs to the other; it does not go to excuſe the Jury from hearing that witneſs at all; on the other hand, it does not leave the Jury at liberty in point of law, if they were inclined to do it, to admit him unaccompanied; he is therefore not competent to give evidence, unleſs it be attended with other circumſtances: under that rule therefore it has always been conſidered as diſcretionary; different Judges hold different practices; but I am clearly convinced, that the better way is not to examine the accomplice firſt; for this reaſon, the Jury ought not to receive impreſſions from evidence, of which ultimately they may not be at liberty in point of law to believe; therefore, it being a queſtion that is to decide on his competency, you are not to call a witneſs firſt who may be incompetent; and if he is unconfirmed, he is incompetent; therefore, I ſhall not be diſpoſed, without ſtronger reaſons than I have yet heard, to examine the accomplice firſt.

Mr. Garrow, one of the Priſoner's Council. My Lord, I am not fond of the Jury hearing what they are afterwards told to forget.

——— BRYAN *ſworn.*

Examined by Mr. Fielding.

I believe I need not trouble you with repeated queſtions, you will be ſo good to inform the Court all you know relative to this tranſaction.—At Bruges in Flanders, in January laſt, two notes, purporting to be Bank of England promiſſory notes, the one for 30l. the other for 60l. were preſented to me for negociation; I diſcovered them to be falſe ones, and had three people taken into cuſtody at Bruges, one of which, who proved to be the principal, was called John Day, him I took, and in his pocket were one hundred and nine notes, they were of different ſums, from one hundred to ten pounds.

Mr. Garrow. I think it right to aſk your Lordſhip, whether the whole this gentleman ſhall be permitted to ſay againſt Dunbar the priſoner, ſhould not be relative to the note in queſtion?

Mr. Morgan, another of the Priſoner's Council. I was going to make the objection, and Mr. Garrow takes it out of my mouth.

Court. If you were to affect the priſoner with the evidence of other notes than that mentioned in the indictment, it would be proper.

Mr. Fielding. I ſhould be the laſt man in the world to blame the zeal of my young friend, particularly when he is concerned for the priſoner.

Mr. Bryan. The notes amounted together to 2975l. all of which were, as I firmly believe, forged.

(The note ſhewn him.)

Was not that taken from the pocket book of Day?—It was not one of the firſt tendered to me, it was one of thoſe taken from his pocket.

JOHN ACTON *ſworn.*

This note was delivered to me by Mr. Bryan, it has been in my poſſeſſion ever ſince.

Mr. Bryan. That note I deliverd to Mr. Acton myſelf.

Mr. Fielding to Mr. Bryan. Who were in company with Day?—There were two, one named Hall, the Captain of the veſſel, the other was called John Priſton.

Mr. Morgan. Who was it that offered the two bills to you?——One was by Hall, and the other by Day, he is called John Day there.

Mr. Morgan. Then this man that you have been talking of all along, is Day?—Yes.

JOHN WOODIN *ſworn.*

Mr. Morgan. This man appears to be an accomplice alſo.

Court. It ſtrikes me that Woodin, who is now called, is not ſtated to be an accomplice; there is no fact ſtated that makes it ſo; a ſuſpicion is thrown upon him by the evidence of Mr. Bryan, he is taken under ſuſpicious circumſtances, under theſe circumſtances let it turn as it will ultimately, we ſhould receive his evidence with caution: but there has not turned out any fact that proves him to be an accomplice; an accomplice muſt be either antecedently proved, or ſtated to be an accomplice, or it muſt come out of his mouth.

Mr. Garrow. We had better abandon our objection, than argue it in the hearing of the witneſs.

Court. What is your name?——John Woodin.

Examined by Mr. Sylveſter.

I went over to Bruges to buy lawns and muſlins, I went by the name of Day, we went as ſmugglers, to ſmuggle theſe things into England, and I went in another name for fear of being Exchequered.

What had you to pay for the goods that were to be purchaſed?——I had 3070l. in bank notes.

Were any notes taken from you at Bruges by Mr. Bryan?——Yes.

Where did you get theſe notes from?—I took them of William Newland at Yarmouth, there being nobody in company but him; there was one came down to Yarmouth, one Davis was down there with him, but then I did not know him, nor I did not know his name, I knew his perſon, that is the man I mean that goes by the name of Davis, he went by the name of Pitts; Newland went by the name I think of either Harris or Matthews, or ſome ſuch thing; it is cuſtomary to go by falſe names: I do not know they ever went in that way before. I was employed by that man, I know no other man; I was to have 250l. and half the profits of the goods; we computed the profits of that voyage at 500l. if it was more I was to have half the profits, it was to be made up to me 250l. I ſtopped at Newmarket till he came to me, he opened his pocket book and ſaid, *here is our beauties*; it was Newland that came to me.

Look at that note?——This is what Mr. Bryant had at Bruges.

Mr. Morgan. How do you know that?——Becauſe there is M. B. on it, I cannot tell any more, I do not know a number of any of them.

Did you know any thing about theſe notes before?——Never.

Mr. Garrow. So your working name is Woodin, and your travelling name is Day?——It was ſo then.

How old are you?——About thirty-two.

Who are you, and where do you live, what have you been?—I believe it is about ſeven years ſince I left off farming, I have been a farmer at Aſtley in Bedfordſhire, and Gaddeſden in Herts, and no where elſe.

Since that you have been a *ſky farmer*, I ſuppoſe?——I have been in the victualling ſince that, and I believe I can have a character from the officer.

What ſort of victualling now was it?—I have been in the Victualling-office, I belonged to the cooperage.

How belonged to it, you are not a cooper by trade?——I will tell you as nigh as I can gueſs.

Do not gueſs about it, what have you done with yourſelf for the laſt ſeven years? I cannot tell.

But you will tell before you leave that place?—I gained my living very honeſtly, I never robbed any body in my life.

I ſhall repeat the queſtion?——I have lived in the victualling about two years, about three years ago.

Now when you left Gaddeſden?—I lived at Mr. Whitebread's the brewer upwards of a year.

What became of you in the other time?——I have belonged to the tide in the Exciſe, in what they call the gluts; I had my order from Commiſſioner Scott, that was only in the ſummer.

How did you conſume your time in the winter?——Sometimes in one way, ſometimes in another.

Let us hear of ſome of your ways?——I cannot tell you.

If you have done that which you juſt now ſaid you have not done, I do not want you to tell me that, or any thing that will hang you; you ſaid now and then you was upon a glut, what did you do with yourſelf at other times?——I very likely had no employment in the winter.

What did you live upon an eſtate ſomewhere?——No.

How did you ſupport yourſelf?——With what I had.

Then you left the farming with ſome property in your hands?——What I got in the ſummer ſupported me a little in the winter.

What were your wages in the Exciſe?—A guinea in the week.

How did you leave your farm, was your leaſe expired; now I believe the landlord could not find enough to pay his rent?—Yes, there was enough.

Was there one ſhilling more?——Yes, there was.

Will you ſay there was five pounds more?—Yes, I will ſay there was a great deal more.

How long at times have you been a ſmuggler?

Mr. Silveſter. That is certainly an improper queſtion.

Mr. Garrow. He has told us already that he is a ſmuggler.

Court. If he was aſked as to any act of ſmuggling, the queſtion would be contrary to law.—I do not know.

Upon your oath, ſo ſhort a time as ten years?—I do not know.

Fifteen years out of the thirty-two?—No, Sir, I have not.

The laſt ten?——No.

Or the laſt ſeven?——No.

Fix ſome time?——I cannot fix a time.

Perhaps I may help you; you was employed for the Exciſe in the ſummer, and at ſmuggling in the winter?——Sometimes I was.

You ſaw a man at Yarmouth, who called himſelf Pitts, and another man that called himſelf Matthews?—Yes.

Was you acquainted with Matthews before?—Yes, I believe about three months.

When did you come acquainted with him?——He came to buy corn of me.

Where did you live at that time?——In Charles-ſtreet, Weſtminſter.

Why you did not tell us you was a dealer in corn then, what have you done with yourſelf the laſt three years?—Some part of the time I have been in priſon.

What unfortunate accident carried you there?—Debt, as many other people do.

Debt only?—Yes.

How long have you been out?—It may be a year and a half.

How was you diſcharged?—The plaintiff dropped the groats.

What have you done during that year and a half?——I have been out of buſineſs, while I went into the corn chandlery way, I have been a corn chandler three months; Newland was one of my firſt cuſtomers.

Did you keep a houſe in this ſtreet?——Yes.

And lived in great credit and repute no doubt?——I do not know, I paid my way there.

With the aſſiſtance of the ſmuggling trade that you carried on during that time?—I did not ſmuggle during that period, I went to Yarmouth to go over.

And you mean that the Jury ſhould underſtand you, that Newland, who ſaw you a pauper turned out of priſon, truſted you with theſe bank notes of 3070l. and that not in the preſence of any one man living but yourſelf?—Nobody was by.

You underſtood theſe bank notes to be genuine bank notes?——Yes.

Did you give him a receipt?—No.

Did you give him a promiſſory note?—No.

Any other ſecurity?—There was a piece of writing I believe that he had the number of thoſe notes that I had.

Did you ſign that? — Yes.

Where did you write that upon it?——I cannot ſwear particularly to it.

Had this liſt ever been in the poſſeſſion of Newland ſince the world began?—There was one liſt only in Newland's poſſeſſion; there is two liſts, one I had, and one Newland had.

On your oath, was the note that Newland

land had, ſigned by you?——I cannot tell.

That it is pretty ſingular?——I cannot ſay.

You knew this was a ſecret tranſaction between you and Newland, paſſing in a parlour, and nobody by, did you give him any acknowledgment that they were in your poſſeſſion?—Only that paper.

Was that paper ſigned?——I cannot ſay that it was.

Did not it ſtrike you as pretty ſingular?——I do not think it any great matter to be intruſted, he ſent Thruſten along with me.

Was he apprehended at Bruges?—Yes.

Did he know you had them?—He knew I was to have them.

Do you mean to ſay, that you believed at the time you tendered thoſe notes to Mr. Bryant, that they were genuine bank notes?——Yes.

You took Mr. Newland to be the moſt friendly and kind man in the world to be ſure, to put 250l. in your pocket, and truſt you with 3070l. of his notes?—Yes.

To what amount had he ever dealt with you for corn, for fifty pounds?—I believe it may be.

Will you ſwear he had ever paid you fifty pounds for corn?——No.

Twenty-five pounds?—No.

Twenty pounds?——I cannot tell.

Ten pounds?—Yes, and more, but he did not pay me, he paid ſome of the men that belonged to me.

Do you know of his having paid one ſhilling to any man for corn?—He has to me I believe about ten pounds.

Did you tell this hiſtory to any body until you yourſelf was in cuſtody?——I told Mr. Bryant, but not till I was in cuſtody.

How many of the notes did you offer in payment at the firſt time to Mr. Bryant?—But one, to the amount of 60l.

You intended to lay out the whole of 3070l. in goods, to be brought to England?——I did.

Why did not you tender more notes at firſt?—I was to have ſome goods for the remainder, and I was going the day I was taken up for the goods.

Was not the 60l. ſo tendered to him, tendered with a view to ſee whether you could paſs the others?—No, it was not, I went to the bankers to change them; I never took a bank note in my life, I wiſh I had never ſeen one.

Did you underſtand the aſſuming different names at Yarmouth to be for the purpoſe of concealing a felony, or merely for the purpoſe of concealing ſmuggling goods?

Court. I muſt ſtop you in that queſtion; a queſtion that can be anſwered only one way without accuſing himſelf, is not to be put.

(The paper ſhewn him.)

Woodin. Whether this is the one that Newland had, or that which the other had I cannot ſay.

Mr. Garrow. This is not ſigned?—No, it is not, it is my own writing.

JOHN BOULT *ſworn.*

Mr. Morgan objected to this gentleman as a witneſs.

Mr. Garrow. The objection is to calling any one to the proving the note that has been traced to another man and not to Dunbar, to be a forgery.

Court. There can be no objections to that.

Mr. Sylveſter. You are one of the caſhiers of the Bank?—Yes.

Is that a bank note?—No, it cannot be a bank note, it is not bank paper.

What is it then?——A forgery.

Court. You have no doubt of that?——No, none at all, it is not like the paper.

Court. I ſee the number of that note is number 102, without any letter, is that ever the caſe with a bank note?—Yes, with many thouſands.

——— PENN *ſworn.*

I am one of the entering clerks belonging to the Bank; this is not my handwriting, it is in the form of a bank note, but differs widely from it in many reſpects, the paper being of a thinner conſiſtence, and the words in many places being altered, likewiſe the £ in the ſixty.

Mr. Morgan. What do you ſay to the ſize of the paper?——Pretty like.

In other reſpects it is as like a bank note as it is like a cow, I ſuppoſe?——No, Sir, there is more ſimilarity than that.

WILLIAM BULLOCK *ſworn.*

Examined by Mr. Fielding.

Where do you live?—At Colnbrook; I am a paper-maker.

Look at the priſoner at the bar?—I cannot ſwear to him; he came down to our mill.

Is that the man that came to your mill?——I am not ſure.

Have you a memory at all of the perſons that came to your mill?—No, I have not.

Two people came down to the paper-mill?——Yes, they wanted to ſee the art of our buſineſs, we had juſt done work, and they wanted to try to make a ſheet, and one of them made a ſheet, and carried it to Mrs. Vaughan's, and there it was dried.

The two people went from the paper-mill to Mrs. Vaughan's?—Yes, ſhe keeps the Punch-bowl, in the mill yard; I ſaw them go, and drank with them; no perſon elſe was in company.

Mr. Morgan. How long did they ſtay there?——I believe they were there pretty nigh half an hour.

How long are you in the making a ſheet of paper completely, ſo as to render it fit for ſale?—We can make it in a moment, but it muſt be hung up and dried, and ſeaſoned, and glazed, and dreſſed, and hung up again, and told out.

That will take a week?—Yes, or a fortnight; we have a great many gentle people come to ſee the buſineſs; if my maſter is there, he will not let them give us any thing.

Court. You encourage gentlemen to make a ſheet of paper every now and then?—If they do not offer we aſk them.

Mr. Morgan. This is only dipping the mould into the fluid, and in a moment throwing it over the frame; ſuppoſe I was to come, muſt not a man have a good deal of ſkill and experience before he could do that buſineſs?——Yes, yes, a great many goes to try, and it looks as rough as if it was run over with a hurdle; not ten gentlemen out of a hundred ever make a good ſheet of paper.

Court. Is there a difference in making different paper of different qualities?—Yes.

What ſort would this have been if it was well made?—What we call demy.

Mr. Morgan. What paper is that?——I believe it is what is made the ſame ſize as our bank bills; I cannot tell you without the ſheet was whole, this has been cut off a larger piece, demy is ſtouter than this.

ELIZABETH VAUGHAN *ſworn.*

I keep a public houſe at a place called Pyle, near the paper-mill.

Mr. Fielding. Old fellow, what time did theſe two people come to the paper-mill?—It was almoſt a twelvemonth ago.

Mr. Fielding to Mrs. Vaughan. Do you remember the priſoner? (*ſhews him*)—I have no knowledge of either of thoſe gentlemen.

Have you ſeen either of the men to day who came to your houſe at that time?——I think to the beſt of my knowledge I have ſeen one, but I have not a memory of the other, I have no recollection of the other.

Mr. Garrow. You have looked round the Court, and you ſay you cannot diſcover now either of the perſons that were at your alehouſe?—I cannot.

Where was it that you ſaw this man that told you he had been ſome time ago at your public houſe?——I think I ſaw him at the Roſe Tavern, he told me he came in a one horſe chaiſe, and with another man whom he deſcribed.

What deſcription did he give of him?—A ſhortiſh luſty man.

Do you recollect when that man you ſaw at the Roſe was at your houſe?—I cannot be particular to that, but it muſt be within a twelvemonth.

ROBERT RATCLIFFE *ſworn.*

I am a bird-cage maker and wire-worker.

Where do you live?—At Whitechapel; I was applied to by one Henry Davis, to make a mould and frame, nobody was in company with him, nobody came with him at all particular; he came and deſired me to come to his houſe, and in his dining room there was a gentleman gave me orders for that frame.

Should you know him if you ſaw him again?——I cannot ſay that I ſhould, I do not know, it was by candle-light, and with the taking notice of the dimenſions, I did not take any notice of him at all.

What was the order you received?—A bit of braſs wire work, of about eight inches long, and between that there was a great A and two figures in the middle, made very fine, I delivered it to Mr. Davis when I had made it, he paid me for it; he ſeemed to be a ſhortiſh, luſtyiſh gentleman, in a curled wig, done up all in powder.

THOMAS HAYCOCK *ſworn.*

Examined by Mr. Fielding.

I live at the White Raven, Mile-end.

Did you ever ſee the priſoner before?—Yes.

Tell me where and when?——I can tell you where, but when I cannot ſay, I ſaw him at the White Raven, Davis and the priſoner have been in company ſeveral times; I know the garden of Davis, it was in the White Raven gardens.

Was there any building in it?—No, no building, only a ſummer houſe which Davis kept as a ſummer houſe; it was between Michaelmas and Chriſtmas they have frequently come.

ELIZABETH BILBY *ſworn.*

I keep the White Raven; I know the priſoner and Davis, I have ſeen them together at our houſe, Davis has a little houſe near that, and a garden, I have ſeen them there together twice, I ſaw nobody in the houſe beſides themſelves, I have ſeen them ſeveral times at the White Raven, I ſerved them as I would another cuſtomer, I knew nothing of their purpoſe.

THOMAS GROVES *ſworn.*

Do you know Dunbar?——Yes.

Do you know Davis?—No; I have ſeen the priſoner and Gibbert together, but what they did I do not know.

Mr. Sylveſter. My Lord, now we call Henry Davis.

Court. State firſt what circumſtance you have proved againſt the priſoner.

Mr. Sylveſter. We have proved that two men came together to the paper-maker's.

Court. Of which the priſoner is not proved to be one; if you had proved that frame to have been beſpoke by the priſoner, and by clear and unequivocal proof that he was one of the perſons who came to the mill, I ſhould then have conſidered whether I ſhould have let you into the evidence of Davis, but I doubt whether I ſhould then.

Mr. Sylveſter. It is my duty to ſubmit it to the Court, and to take the opinion of the Court upon it; the gentlemen of the Bank have no wiſh themſelves in the buſineſs, but for the attainment of juſtice.

Court. I am perfectly clear that the gentlemen of the Bank have no wiſh but for public juſtice; it has been proved clearly, that a forgery to a large amount has been committed by ſomebody, and detected; it became then not only proper, but the duty of the gentlemen who manage the affairs of the Bank to bring theſe circumſtances before a Court of Juſtice; and it is not their faults if Davis has either made a falſe diſcovery, if he has either deceived them in leading them to ſuppoſe that he would make a diſcovery, which he either could not, or did not make; nor if the circumſtances have not come out from the recollection of the witneſſes as was expected. The proſecution was very proper to be brought here, and it has been conducted as all theſe proſecutions that I have ſeen have been, with great fairneſs and candour; there can be no wiſh in any body, but that juſtice ſhould take its uſual courſe; and I have not the ſmalleſt doubt or heſitation to declare, no circumſtance has been brought home to the priſoner, ſo as to let Davis in at all. Gentlemen of the Jury, whether from the real circumſtances of the caſe, or the deficiency of the evidence, or their want of recollection, we have at preſent no evidence at all before the Court againſt the priſoner at the bar.

Not Guilty.

Tried by the firſt Middleſex Jury before Mr. Recorder.

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655. STEPHEN TISSINGTON was indicted for that he on the 1ſt day of May laſt, falſly and feloniouſly did forge and counterfeit a certain receipt for money dated the 22d of March, 1784, purporting to be a receipt of one Joſeph Acton for one Samuel Acton, whereby he acknowledged to have received from the priſoner, by the name of Stephen Tiſſington, fifty pounds on account, and which ſaid receipt is in the words and figures following, that is to ſay, "Received, March 22, 1784, of Mr. Tiſſington, fifty pounds on account, for Samuel Acton, Joſeph Acton," with intention to defraud the ſaid Joſeph Acton and Nathaniel Linch, againſt the ſtatute.

A ſecond count for uttering the ſame, knowing it to be forged, with the like intention.

A third count for forging the ſame, with intention to defraud Samuel Acton.

A fourth count for uttering the ſame, with the like intention.

A fifth count for that he having in his cuſtody and poſſeſſion a certain paper writing in the words and figures following, (as above) afterwards, to wit on the ſame day, the ſame receipt feloniouſly did alter, and the letters *fty* did put and add to the word *five*, whereby the word *five* ſo written became *fifty*, and alſo the *cypher* o falſly and feloniouſly did make, forge and counterfeit, and add to the *figure* 5, whereby it did ſignify 50, with intention to defraud Samuel Acton and Nathaniel Lynch.

A ſixth count for uttering ſame with the like intention.

A ſeventh count for altering ſame with intention to defraud the ſaid Samuel Acton.

An eighth count for uttering ſame with the like intention.

JOSEPH ACTON *ſworn.*

Mr. Morgan, Priſoner's Counſel. My Lord, I ſubmit if this witneſs is the leaſt intereſted, in a capital caſe you will not ſuffer him to be examined; he is the perſon ſuppoſed to have ſigned a receipt, and he is ſuppoſed to act under the authority of his brother.

Court. I ſuppoſe they have given a releaſe.

Mr. Morgan. It is not the proſecutor ſimply that can releaſe him; he ſays, I have received only five pounds, very likely you my brother may have received fifty pounds, and there may be a fraud in this, you may have inſerted the *fty* after you have written the word *five:* my client cannot prove that the brother of the proſecutor had an authority to receive the money, but giving credit to the aſſertion of the ſaid Joſeph, becauſe he was the brother, he pays into his hands, as the brother of the proſecutor: my client ſays, my payment to you is not a payment to your brother without an authority: the money is the priſoner's, and he is accountable to him for forty-five pounds; I therefore ſay, none but the priſoner can releaſe Joſeph Acton.

Mr. Sylveſter, Counſel for Proſecution. He pays him as and for his brother, that is an accountable receipt.

Court. The objection ſhortly is this, I may make the payment to a ſtranger for your uſe, that does not bar your action againſt me; it is evidence againſt Joſeph that he has had the money, and an action for money had and received would lay againſt him.

Mr. Sylveſter. Then Mr. Morgan's objection comes too ſoon, the queſtion will be whether this money was not paid to the brother knowing that Joſeph was a clerk in the houſe; though they act as clerks, they do not act for their own benefit.

Court. Can you prove by Samuel that he gave him authority: or if they will give you that proof now by the evidence of Samuel, and bar the act of Samuel: however any thing that will bar the act of Samuel will do as well as a releaſe.

Mr. Morgan. I ſuppoſe 50l. was paid to Joſeph, and that he paid but five pounds to his brother, and I ſay the priſoner has a right againſt Joſeph for 45l.

Court. Samuel's evidence will operate as a bar to any claim from Samuel upon you; I am of opinion, if Samuel will ſwear that he gave an authority to Joſeph, it will be ſufficient: but there is another difficulty that occurs, and I will hear you upon it; Samuel at preſent ſtands diſintereſted, becauſe he is entitled to receive the money, if he has not already received it, either from Joſeph or the priſoner, but he has releaſed Joſeph, therefore, unleſs the priſoner is convicted, he loſes his money, and therefore he certainly is not competent, for if the man is acquitted, he loſes the whole of his money.

SAMUEL ACTON *ſworn.*

I live in Drury-lane, I am a diſtiller, the priſoner is a victualler, he kept the ſign of the Plow, at Mile-end, we had dealings together.

Did you empower your brother to wait on the priſoner to receive any money?——Yes, Sir, I did, I ſent a letter, dated the 22d of March, preſſing the priſoner to ſend what money he could ſpare, he was then indebted 56l. 15s. and that the receipt of my brother would be acknowledged as a diſcharge for what he could ſpare; on the firſt of May I called on the priſoner, I did not ſee him immediately on my coming in, I firſt ſaw his wife, and aſked if he was not in the way, ſhe ſaid he was, and would come into the parlour preſently; after ſome converſation with her, he came in, I ſoon ſaid to him, Mr. Tiſſington, you have not had things as uſual from me, and not given me orders a long while; he ſaid, it is very true, I buy cheaper elſew here; I ſaid that he ſhould have paid me ſomething more of ſo large a balance, or that he ſhould have cleared his account; he replied, I fancy you have received a pretty load of caſh by your brother; I aſked him what he meant by a pretty load, he ſaid fifty pounds; I told him it was impoſſible, he had only paid five pounds; after ſome altercation I aſked him for the receipt, which on looking at, I found it was altered. He declared he had paid the money, and if my brother had ſpent the money, he muſt account for it; I had not, I told him, that from my brother, and if he had received it, he ſhould account for it.

The receipt read (as in the indictment) and ſhewn to the Court and Jury, having the word fifty altered, and a cypher added to the figure of five.

Acton. I endeavoured to perſuade him to confeſs the alteration, as it was to me clear that he had done it; he perſiſted that it was the receipt; I told him if argument was in vain, I ſhould take the receipt, but he was at liberty to call in any body, but he did not, I took away the receipt; that is the receipt, it has been in my cuſtody ever ſince.

Croſs examined by Mr. Morgan.

You and I once had ſome converſation on this buſineſs before?—I had no converſation with you.

You and I have?——That converſation was not directed to me.

Then we will have a little now; when the receipt was put into your hands, what did you ſay?—He ſaid it was a pretty load, it was fifty pounds.

He lent you that voluntarily?—He did.

He gave it into your hands voluntarily?—He did.

Upon your oath was not you in the firſt place very angry with him, becauſe he had left you, and did not deal with you any longer?—I was not angry.

Recollect did you or did you not object to the receipt being a valid one becauſe it was not upon ſtamp?—I did not object to that.

You did not make that objection?—I did not.

I again aſk you upon your oath if you did not make that objection?——I did not.

No ſuch objection?——No ſuch objection.

What elſe paſſed between you?—I will give it over again.

If you pleaſe.——When he produced the receipt, it was very evident to me that it was an altered one, and as ſuch it ſurpriſed me, when I had received but five pounds; I told him that he had altered it, I put it into my pocket, he ſaid I had no right, I told him I had a right, as it appeared to me to be an altered receipt, and unleſs he would confeſs it, I ſhould keep it in my pocket.

Did not he aſk you if you wanted to rob him as you had robbed the orphan?——He did not.

No ſuch words?——I do not know who you mean by the orphan.

I judge that he alluded to Mr. Warburton's ſon; there were two executors appointed by the old man's will, and you got yourſelf in afterwards.

Mr. Sylveſter. Are you going into this hiſtory.

Court. He has a right to diſcredit the witneſs by any queſtion, the anſwer to which does not tend to criminate himſelf.

Mr. Warburton had made a will, and appointed two executors, and executed that will ſometime before you was executor?—He had.

Was not Warburton ill, and at the point of death, when you was made executor?—He was.

You attended there on the occaſion, did not you?——Yes.

Did not you take an attorney that had never done buſineſs for Warburton? was not Mr. Gabell the conſtant attorney for Mr. Warburton?——He was not.

Did not he prepare the will?——He did not make it in it's firſt original.

Who did prepare the will?——A Mr. Eames.

And Mr. Pritchard and Mr. Taylor were appointed executors?——They were.

You had a Mr. Stanway with you?—Yes.

Had he before done buſineſs for Warburton?—Yes.

How long did Warburton live after you was made executor?——I believe a week.

Why, did he live twenty-four hours after?—Yes, he attempted to write his name to the codicil, as he uſed to do, he did not write it on account of his illneſs, but he ſaid that would do; I took his buſineſs.

For which buſineſs you was to have given 800l.?——No ſuch thing, I was to give him whatever it might amount to by fair appraiſement, it amounted to between 8 and 900l.

Did you or not give a bond for that money?—No, not for the whole money that that amounted to.

Did you give a bond for any money to Mr. Warburton?——Not at the time of this being executed; there was a bond given, but Mr. Warburton did not accept it as was intended at the time; Mr. Warburton had no bond from me after I entered into the buſineſs.

Then he never had any bond?—He had not but what he returned me as ſoon as he ſaw it; he did not accept it; I took the ſtock at a fair appraiſement.

And he returned you the bond before you took it?——He had the money paid him.

Who went firſt into the room of the deceaſed after his death, you or the two other executors?——I did not go into the room with the executors at all, I went there as ſoon as I received intelligence of his death, not into his room where his cheſt and papers were kept, I went into a common ſitting parlour.

Did not you go into a room where the old gentleman had been?—I did not, none but a public room.

Did not you go with two executors;—Not till he was buried, I met the executors there at the time I went, I was not there before the executors.

Is not there a bill in equity now depending againſt you, calling upon you about this bond I have been enquiring of, by the two executors; is there not a bill filed in Chancery by the other two executors, upon ſuppoſition of this buſineſs?——I believe there is a bill, but I have not heard any thing of it.

Do not you know you are under an order to put in an anſwer?——Mr. Gabell ſent to inform me of the buſineſs.

Did not the priſoner tell you he followed you up to a room and looked through the door?——Not till after I took the receipt.

Very well then, did not he tell you that he had through the door ſeen you take the bond?—— I do not know that he told me any ſuch thing.

Do not you know that he is the only witneſs that the executors have to that fact?—I do not know it, I do not know that he could be any witneſs on the occaſion at all; he never told me ſo, he told me of robbing the orphan, that was nearly all; I aſked him what he meant by that; he named Mr. Warburton's ſon; I told him that I then ſaw what a bad man he was, that of courſe I ſhould leave his houſe, it was in vain to argue with him.

Did not he tell you that he had ſeen you take the bond?——I do not recollect that he did tell me ſo, he told me that when I came down with the liquor he had peeped through the key hole, that was all; he told me ſo at the time I obtained the receipt.

Mr. Stanway came with you, did not he, at the time that the man ſaid he peeped through the door?——Mr. Stanway went as an attorney, I am not poſitive that he told me ſo.

I aſk you when you took his receipt, if he did not tell you that he ſaw you through the key hole take the bond?——I am not perfect that he did tell me ſo, I do not recollect that he did tell me ſo, it has been rumoured ſince that he did, which I have heard, but I do not think it was mentioned at the time.

Did not Pritchard talk to you about this bond?—He did, I told Mr. Pritchard the particulars, but not ſince.

I aſk you when Pritchard firſt ſpoke to you about this bond, having had intelligence from the priſoner what had been done, whether you did not deny it?——I told Mr. Pritchard there was no ſuch bond in exiſtence.

But did not you deny to him, that there ever had been ſuch a bond?——I do not know that I did.

Did not you tell him that you had not given a bond, but had paid ready money?—I told him that when I came into the buſineſs, I paid ready money for it, I ſaid there was no ſuch bond in exiſtence, nor any thing elſe.

What was you before you went into this buſineſs?—I was with a Mr. Kennett, the upholſterer in Bond-ſtreet.

In what capacity?—I was clerk to him.

I ſuppoſe you ſaved that 800l.?—No, I had not.

Did not the priſoner to your certain knowledge the very day that you had got the receipt ſue out a warrant for felony againſt you for ſtealing the receipt, and ſend the conſtables after you, and could not find you?—He certainly did, I took it away on the Saturday between twelve and one.

You had heard that the conſtables were after you?—When.

That you can beſt tell?—I did not hear on that day; I heard when I went to Sir Sampſon Wright's, I never heard before I went to Sir Sampſon, which was about eleven on the Monday morning.

How came he to know that there was a warrant for felony out againſt you?——It was not taken out before him, I believe it was taken out before Mr. Green.

The priſoner had totally done dealing with you?—He ſaid on account of buying cheaper, he did not ſay totally done.

No other reaſon?—No.

Mr. Fielding. When you had got this receipt from him, he having delivered it to you, you ſaid you would keep it, then it was that he mentioned ſomething about the orphan?—It was.

Had he ever mentioned any thing of that ſort to you before?—Never.

Mr. Morgan. After you had got the receipt,

ceipt, you ſay that a warrant was iſſued to take you up for a felony?—Yes, for ſtealing and taking away the receipt.

Did not you know that Tiſſington had before this time of your taking away the receipt told the executors that he knew of your taking the bond?—I did not know it, he never mentioned it himſelf, nor did I ever hear it from any body.

JOSEPH ACTON *ſworn*.

You are brother to Samuel Acton?—Yes.

Mr. Fielding. We have a releaſe here.

——— PALMER *ſworn*.

I am a ſubſcribing witneſs to that releaſe, I ſaw it executed, that is my name.

Mr. Morgan to Joſeph Acton. Have you ever ſeen that before?—Yes.

Are not you to give that up to your brother as ſoon as the trial is over?—Yes, Sir.

You are?—I do not know that I need anſwer that.

Court. You muſt anſwer upon oath?—I cannot anſwer that.

Have you made any agreement with your brother to give it up to him?—Yes.

Explain what you mean?——There was no agreement made to give that up.

Why did you anſwer yes to the queſtion?—I did not know what he meant by giving up, by making the agreement.

What did you think you anſwered yes to; what did you underſtand the queſtion to be?——I did not know what I anſwered yes to.

Do you anſwer upon oath to a queſtion you do not underſtand, ſo that you may ſwear either true or falſe?—I never had it in my poſſeſſion.

What was it you was to give up to him?—I never had it in my poſſeſſion.

You ſhall anſwer the queſtion; you ſwore that you were to give ſomething up to your brother after the trial, what was it?—I did not underſtand him properly.

What was the queſtion you anſwered to, you did anſwer?—I underſtood that I was to have that given to me, and I was to give it him back.

Well, and you ſaid you were to give it back, did not you?——I could not give it him back.

Court to Mr. Sylveſter. Do you think it will be of any conſequence to examine this man?—Yes.

Court. I ſhall certainly direct the Jury not to pay the ſmalleſt attention to what he ſays.

Mr. Sylveſter. Do you think you are liable to pay your brother any money on it?—No, Sir.

Have you ever had that releaſe in your poſſeſſion?—No.

Do you ſuppoſe you are liable to your brother for this 45l.?——No.

Mr. Morgan. Then I beg leave to go on again with my croſs examination.

Court. I will not ſuffer this man to be examined; if he will tell me what queſtion he meant to anſwer *yes* to, I will admit his evidence; ſuppoſe it was not that, what was it? what was the queſtion you ſuppoſed Mr. Morgan to put?——I ſuppoſed I was to deliver this firſt of all to my brother.

What was it you was to deliver up firſt of all?——I do not know.

Court. A receipt is produced which the witneſs ſwears he had from the priſoner, which appears upon the face of it to be altered from five to fifty, but it does not appear but it might have been altered ſince the time that the money was paid; this witneſs has deſtroyed his competency, and the priſoner muſt be acquitted.

NOT GUILTY.

The receipt ordered to be delivered to the priſoner.

N. B. *After the priſoner was diſcharged, the Right Honourable the Lord Mayor addreſſed the Jury as follows:*

Gentlemen of the Jury, although the priſoner is acquitted, I wiſh to declare to you, that this poor man the priſoner lived ſervant with me, I believe between nine and ten years, and I do believe him to be as honeſt a man as ever exiſted: and I declare, if I had my hat full of gold, I would give it to the man untold this moment.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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657. CORNELIUS ROSE was indicted, for that he on the 9th day of October laſt, at the pariſh of Langſton in the County of Southampton, feloniouſly did make an aſſault and affray on Richard Morze, then and there being an officer of the Cuſtoms within the limits of the port of Portſmouth, then being one of the ports of this kingdom, on board a ſhip called the Eagle, in due execution of his duty, and with a certain axe which he in both his hands had and held, feloniouſly did cut off the middle finger of the ſaid Richard Morze, and thereby unlawfully and feloniouſly did maim him againſt the form of the ſtatute.

A Second Count for feloniouſly aſſaulting the ſaid Richard Morze an officer of the ſaid Cuſtoms, on board the ſaid veſſel, within the limits of the ſaid port, in the due execution of his duty, and unlawfully and feloniouſly maiming the ſaid Richard Morze.

A Third Count for feloniouſly cutting off his middle finger, and thereby maiming him the ſaid Richard Morze being ſuch officer in execution of his duty.

A Fourth Count for aſſaulting him then being ſuch officer of the Cuſtoms, on board the Eagle, within the limits of Portſmouth, and then and there dangerouſly wounding him in the execution of his duty.

The witneſſes examined apart at the requeſt of Mr. Chetwood one of the Priſoner's Counſel.

Mr. Ruſſel opened the indictment, and Mr. Solicitor General opened the caſe.

RICHARD MORZE *ſworn.*

Examined by Mr. Wilſon.

I am an officer of the Cuſtoms, I was at Hayling Iſland on the 9th of October laſt, with Ward, Coward, and Perry, we were looking out for ſmugling veſſels, and we ſaw a veſſel coming into harbour about eleven at night, we manned our boat and went off immediately as we uſually do, we came up to her, ſhe was under way, ſhe was not come to anchor when we came along ſide.

Did ſhe come to anchor?—She did, we boarded her.

What was the veſſel?—We had a ſuſpicion ſhe was a ſmuggler.

Who was the Maſter of her?—The priſoner Cornelius Roſe, when we went on board we ſoon after aſked for a candle and went to rummage the veſſel but not perfectly; we ſaw ſeveral marks of ſmall caſks under the ballaſt which gave us ſuſpicion that the major part of the goods were put into the boat, we went in purſuit of that boat about a quarter of an hour and then our minds altered, and we thought there were goods on board, we went to our watch-houſe and got ſome ſhovels and an iron-ſtick to make the rummage perfect, when we came to the veſſel the priſoner ſtood at the ſide of the veſſel with a ſmall ax or hatchet in his hand, and vowed the firſt man that came on board was a dead man; one Hyde that was on board perſuaded him to deliver up the veſſel, there were three perſons on board which were the priſoner, Hyde, and one paſſenger whom I do not know, I heard Hyde ſpeak to Captain Roſe to deliver the goods, if we would engage not to take the cutter; he withdrew from the ſide of the ſhip, and we agreed not to take the cutter; Ward immediately got on board, I followed him as quick as I could, but in my entrance of the veſſel I heard Roſe ſay that the goods ſhould not be taken out till the cutter was out of the harbour, which Ward refuſed; then a ſcuffle enſued between Ward and the priſoner on board the cutter, I ſaw the priſoner ſtrike Ward ſeveral blows with this ax or hatchet, Hyde was at the helm, and Ward went to take poſſeſſion of the helm, I made the beſt of my way to Mr. Ward's aſſiſtance; I had a piſtol in my hand, on my going up he caught faſt hold of my piſtol and threw me on my back, I had my piſtol in my right hand before me, the priſoner leaned on my ſtomach as I laid on my back.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days,

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 26th of MAY, 1784, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Cornelius Roſe.

Court. Where was this ?—It was at Langſton harbour.

Was it in the harbour or at ſea, when you came the ſecond time ?—She was under way, going out of the harbour.

Was ſhe within port ?—Yes in the real run of the harbour, in the middle of the tide.

Mr. Juſtice Willes. Was it within the land mark, within the ebbing and flowing ?—Yes, the priſoner ſtruck me with the axe and cut my piſtol in two, and my finger almoſt off, I laying on my back ſaw the axe extended over my head which I expected into my ſkull every minute, I immediately begged for mercy and I would immediately leave the cutter ; he then let me out ; we then all took to our boat again, it was hardly high water at that time, and the veſſel being under ſail, I ſaid pull up near aſtern now, ſhe ſhall not go out if I can prevent it, we did ſo about fifteen yards, and I ſays to the gentlemen on board, gentlemen I wiſh not to uſe you ill, but I wiſh you would quit the helm for we or us (I cannot tell which) are going to fire ? and I believe it was Roſe the priſoner, that I heard ſay, *Damn your eyes your buggerer fire away for the helm ſhall not be quitted* ; upon that we fired ſeveral times, I myſelf and ſome of our people I cannot juſtly ſay who : at length I ſaw him fall upon deck, I thought he had been killed, he jumped up again and ſtood on his legs and ſaid, *Damn your eyes you buggerer fire away, I am ſhot proof, you cannot kill me* : with that our ammunition was expended, and we have a Fort by the name of Cumberland Fort, ſo I ſaid, put me on ſhore at Eaſton-beach I will go and get ſome help, and I went and called out for help, and got three ſoldiers into the boat and went off and went on board her again, when we came along ſide, pretty near I took my hanger and gave it to one of the ſoldiers with me, and told him to carry it out with a long arm, and if he offers to ſtrike you I ſaid, ſtrike and I will indemnify you, upon which when he ſaw that, he drew from the ſide of the veſſel, and the ſoldier took him.

Did he ſtrike you at all with the axe when he had you down ?—I do not recollect but one blow, he ſtruck me with the hatchet the ſecond time I was on board, he got hold of my piſtol which I did not chuſe to quit, and he cut me right athwart here, and cut my piſtol in two parts.

Had you fired that piſtol before ?—No, *(The finger produced in ſpirits in a bottle)* my finger bled very much, we went away directly with the veſſel out of the harbour for Portſmouth.

Was any thing found on board this veſſel ?—I was not there, but we took out two caſks of brandy of four gallons each.

Mr. Chetwood Priſoner's Counſel. Was this veſſel under way when you firſt ſaw her ?—Yes.

Did ſhe caſt anchor before you went on board of her ?—No.

Was ſhe coming right into harbour ?—Yes.

Have you a watch-houſe there ?—Yes.

That was the direct way to that watch-houſe ?—Yes.

Did you meet with any, the leaſt reſiſtance the firſt time ?—Not any.

Did not they bring you a candle ?—I called for a candle, but I cannot ſay who got the light.

Did not the priſoner accommodate you with a candle ?—I cannot tell.

You will not ſay it was not him ?——I cannot ſay it was or was not.

You did rummage without any interruption ?—Yes.

Did you ſtop the ſhip ?—They did of their own accord, we ſtaid as long as we pleaſed without moleſtation, after that we got into our boat to go on ſhore thinking to find her not far off, we was of opinion the boat was behind.

You ſaw no boat ?—No, Sir, we found no boat.

When you got into you own boat, did not you fire immediately ?—No, Sir, not immediately, we went on ſhore firſt, and got ſome ſhovels in order to ſearch.

Was you perfectly ſober when you came back the ſecond time, or the firſt ?——Yes, Sir.

Had not you taſted any brandy whatever ?—No brandy whatever.

Had you drank nothing that day ?——I cannot tell that, I was as ſober as I am now.

Upon you oath had there not been a piſtol fired on the people on board ?—Not to my knowledge, I know nothing of any being fired, *if*——

What did you mean by the word *if* ?—I really know nothing of it.

How many piſtols were fired ?——I cannot ſay.

Were there twenty do you think ?——I cannot ſay.

Then there might be twenty piſtols fired at the man ?—I cannot ſay.

Was not he full in view when you fired at him ?——The major part of the time; I know nothing of ever a one being fired before we boarded the ſecond time.

You boarded the ſecond time ?—Yes.

You ſaw a ſcuffle between the priſoner and Ward ?——Yes.

Upon your oath can you recollect who it was that began the ſcuffle ?—I cannot ſay, there was a man ſtood between me and him when I got into the veſſel, ſo that I cannot ſay, I went to his aſſiſtance as ſoon as I ſaw the blows ſtruck, I cannot tell how many blows paſſed, I was coming up with the piſtol I was pointing it.

Then you was in the act of pointing it at the man's head, not knowing who began the ſcuffle ?—I ſaw the priſoner ſtrike him, I pointed the piſtol againſt the priſoner.

The priſoner had done nothing againſt you at that inſtant ?——I went in defence of my brother officer.

How far might the piſtol be from his head ?—Not a great way.

Within half a foot ?—I cannot ſay.

A foot ?——I cannot ſay.

He meant to diſarm you by the blow ?—I cannot tell that.

The blow was levelled at the piſtol, was not it ?—Yes and my hand too.

He did not attempt to cut at your head ?——No.

After you got into your boat, whether it was out of reſentment or no, I believe you fired a great many piſtols at him ?—Yes, ſeveral.

He did not attempt to fire at you ?——I never ſaw him.

You ſaw the man fall ?—Yes.

You knew he was wounded after?——Yes, or at leaſt he ſhewed us that his breaſt was wounded, whether it was before that or no I cannot ſay.

Do not you know that he intended to proſecute you for firing at him?—I do not know any thing of it.

Did not he tell you ſo?—I do not remember it.

If you had not been aware of ſomething of that kind, upon your oath would you have thought of proſecuting this man?—Upon my word I know nothing of a proſecution being mentioned, I never heard it.

Court. Government would not have known any thing at all of the buſineſs.

Had you given information and attempted to ſet on foot ſuch a proſecution as this, prior to the time that you heard that the man meant to proſecute you for firing at him?——I never heard of any proſecution being mentioned againſt us.

Court. That is not an anſwer.

At the very time that he ſhewed you his wounds, did not he ſay he would bring an action againſt you?--I never heard him ſay ſo.

Court. Why was not the proſecution againſt the priſoner inſtituted earlier?—I cannot ſay.

Mr. Solicitor General. The man eſcaped a long while.

Mr. Garrow. That did not prevent his being indicted, it is not neceſſary he ſhould be in cuſtody to be indicted, and your Lordſhip knows there has been an Admiralty ſeſſions ſince.

Court. This was a ſcuffle between two perſons, and they had no fire arms, they do not ſeem to me to come within the deſcription of armed perſons that this act of Parliament meant to provide againſt; and in a capital caſe as this is, where he meant to give up that property without oppoſition, and had twenty piſtols fired at him, it ſeems to me to be a hard proſecution. This is not that ſort of caſe that you ſhould proſecute againſt this man with rigour; I only put it to your own candour, I have nothing to do but to try the cauſe.

Mr. Solicitor General. My Lord, I beg leave to go through the caſe.

Court. To bring ſuch a caſe as this before an Engliſh Jury, I think it is a hard proſecution; for you hear all this while he never thought of his finger, but renews the attack: my brother Willes is of the ſame opinion.

Mr. Juſtice Willes. I have often heard it ſaid, by a very great man who is now alive, that the Crown ſhould never proſecute but where every thing is very clear.

Mr. Garrow. My Lord, we are charged with cutting his finger off, and the ſurgeon cut it off after: I ſubmit it is too ſoon for us to offer to diſcuſs the law till the facts are proved.

Mr. Wilſon. Was the blow given while you was ſtanding with the piſtol in your hand at the head of the priſoner, or after you was down?——After I was down.

When was you examined?—The night following.

You begged for mercy and he granted it you on condition of your quitting the veſſel?——I take it ſo.

Court. Are you an officer of the cuſtoms?—I am boatman.

Was you then in the execution of your office?——Yes, they were all officers.

How many had you on board?—There were myſelf, Ward, Elbin, Coward, and one Perry, he is not here.

On board the cutter there were only three perſons?——Only three, the maſter, the priſoner, and a paſſenger, as he informed us, he did not meddle or make.

Had they any fire arms?——I did not ſee them have any.

WILLIAM WARD *ſworn.*

I am a boatman in the Cuſtom-houſe ſervice; I was in October laſt with Morze at Haylin iſland, four miles from Portſmouth; about eleven at night me and Morze, Elbin, Coward, and Perry, took our boat to board this veſſel, we came up with her before ſhe dropped anchor, we went on board, there was no oppoſition to that; we ſearched the ballaſt for goods but ſaw none, but we ſaw the marks of ſmall caſks in the ballaſt; we next went in ſearch after the boat, which we expected was gone from the cutter, we could not ſee any thing of the boat, and we returned again to the veſſel a ſecond time; we attempted to board her, and the priſoner ſtood with a hatchet in his hand, he was the maſter of this veſſel, in order to cut any body down that ſhould attempt to board her.

Did he make uſe of any expreſſions?—I did not hear him; as I got on board he up with the hatchet and knocked me on the head very much: Morze came on board after he had ſtruck me, he came before the maſt to come to my aſſiſtance.

What paſſed between you and Morze, and the priſoner?—I cannot ſay, I was ſo ſtunned with the blows I received with the hatchet, I did not ſee what paſſed afterwards.

How long was it before you recovered your ſenſes?—Sometime, I do not know rightly how I got into the boat, I found myſelf in the boat on recovering my ſenſes; we went on ſhore, and got ſome ſoldiers, and purſued the ſhip and came up with her; and we jumped on board; they ſwore we ſhould not, but we did, and I took the hatchet out of his hand.

Had you made any attack on them, previous to your going on board; did you fire on them?—I did not fire on them, I do not know who did; I took charge of the cutter and carried her into Portſmouth; there were two caſks of brandy found; I was not in the hold at the taking of them.

(*The hatchet produced.*)

In what ſtation was the veſſel when you was knocked down?—In the harbour, juſt going out, it was ſome time after ſhe was under way; that was the third time of my boarding her.

Court. The limits of all ports are aſcertained by ſurvey, have you that here?——Yes.

Mr. Peat, another of Priſoner's Council. What are the uſual limits of that port as they are generally underſtood by ſeamen? I do not know.

You met with no obſtruction in going on board the firſt time?—No, we ſaw the priſoner the firſt time.

Was it the priſoner that furniſhed you with a candle to examine the veſſel?——I cannot ſay who did.

You went off very peaceably then into your boat again?——Yes.

When did you go after the boat of the veſſel?—After the firſt time.

Did you ſee any thing that paſſed between the laſt witneſs and the priſoner?—No.

How many times was the veſſel fired at?—I cannot ſay.

Were there many piſtols fired?—There might be a dozen.

Did you ſee any thing that paſſed between the laſt witneſs and the priſoner?—No.

Is an hatchet an inſtrument uſually carried in veſſels at ſea?——Yes.

Are they carried for the purpoſe of cutting wood, ropes, and other things, or are they carried as weapons of defence?——I cannot ſay.

Can you do without thoſe hatchets?—Not cleverly.

Did you underſtand them as defenſive weapons?—Never before that.

Did you hear any thing that paſſed between Morze and the priſoner?—I cannot ſay that I did.

Court. What brandy was on board?——An hundred and five caſks of brandy.

What ſize were they?—All four gallons.

What was her name?—The Eagle cutter.

Mr. Solicitor. My Lord, every ſhip is bound to admit the Cuſtom-houſe officers on board her when ſhe comes within the limits of a harbour.

Court. And ſo they did.

WILLIAM COWARD *ſworn.*

Examined by Mr. Solicitor General.

On the 9th of October laſt I was on board a Cuſtom-houſe boat with others, at eleven o'clock I was on the look out, and I ſaw a veſſel coming along, I called the people, and took the boat and went on board of her; ſhe brought to and came to an anchor; when we came on board Mr. Morze and Mr. Ward went to examine, to ſee what ſhe had got, ſuſpecting ſhe had got ſmuggled goods; I was not below; we did not ſtay any great while; we left one perſon on board; we imagined the boat had gone off with goods, and we went in ſearch of her, we went no great diſtance, we ſaw ſhe was getting under way again and we changed our minds; we went on ſhore and got two ſhovels and a ſpade to examine the ballaſt, ſuſpecting that there were goods by the marks of caſks which we ſaw on the top of the ballaſt; we had not ſeen any goods then: we came back a ſecond time, in order to board her, but the priſoner refuſed our coming on board, he had an axe or hatchet in his hand, and he ſwore we ſhould not come on board, but that the firſt man that did ſo would be a dead man; then this man and he conſented we ſhould come on board and take the goods and not the cutter, which we agreed to; upon this agreement Mr. Ward jumped on board firſt, and as ſoon as he jumped on board Mr. Roſe altered his mind again, and ſwore we ſhould not have the goods till the veſſel was out of the harbour; he knocked Ward down, and Morze jumped on board to Ward's aſſiſtance, and he came round the maſt and met Morze juſt before the maſt, and took hold of him and threw him down, and gave him a cut with the hatchet, which cut his finger and the nob of his piſtol off.

Had Morze or any body fired any piſtols at this time?——No, Sir, nobody; Mr. Morze called for aſſiſtance and help, and Roſe told him if he did not quit the veſſel he would murder him, and by that means he got away, and got into the boat, and ordered the boat to be put off.

Who went into the boat?—We all five went in, Morze, Ward, Elbin, myſelf, and another, we then dropped aſtern, and Morze told Roſe he would fire, upon which Roſe ſaid we might fire and be damned, we fired ſeveral ſhot, and wanting more aſſiſtance, we went on ſhore on the weſt ſide, there we took the three ſoldiers, we went and boarded her a third time, and Roſe came forwards, and was going to get out an oar, but he could not manage it, being too long; then we proceeded to Portſmouth with this veſſel; I went below by Mr. Morze's order with the ſhovel, and dug out two caſks that held four gallons each; I bored one of them in order to taſte what it was, and it turned out to be brandy; we let theſe two caſks abide on the ballaſt till we got to Portſmouth, then we brought her up, and Perry and I were going out with the anchor, and Roſe jumped overboard, and a wherry juſt by took him in, we rowed after him, but he out rowed us; I ſaw no more of him; I was not on board the cutter afterwards; the name of the veſſel was the Eagle, I have ſeen her twice before.

What had Ward done when he came on board the ſecond time?—He went in order to take poſſeſſion of the veſſel, to bring her to an anchor, in order to take the goods out.

Had he done any thing to the perſon of the priſoner himſelf?——No, Sir, the priſoner catched hold of him firſt, and knocked him down; Morze jumped over-board to his aſſiſtance.

Mr. Chetwood. You went with him the firſt time yourſelf?——Yes.

Did you meet with any reſiſtance the firſt time?—No.

Did not you rather receive a contrary treatment?—We aſked for a candle, and they brought us one.

Did not they ſay you were welcome to ſearch any part of the ſhip?—Yes.

After you were ſufficiently ſatisfied, you went away?——Yes.

When you came back again, you ſay there was a kind of fight between Morze and the priſoner Roſe?——Yes.

Do you know how that ſtruggle began?——The priſoner took hold of Morze firſt.

Was not it a ſtruggle who ſhould lay hold of the helm?——I imagine it muſt.

He did not go to throw the anchor, but the quarrel was at the ſtern of the veſſel?—Yes.

When this ſtroke was given the priſoner had had no words at all with Morze on board the ſhip?—No, none.

Did you ſee Morze run to Ward's aſſiſtance?—He was not running for aſſiſtance, the priſoner came round towards him.

Did not he go towards him; were not Ward and Roſe engaged in a ſtruggle at the time that Morze pointed the piſtol at his head?——I cannot ſay.

Did you ſee him point that piſtol?——I did not.

Upon your oath now?—I did not ſee the poſition of the hand, I did not ſee the hand at the time the injury was done, but I ſaw the blow made.

You had full poſſeſſion of the veſſel?—Yes.

Did you find any piſtols or guns on board?——There was a muſquet.

But you never ſaw it brought into uſe; cannot you ſwear poſitively that he did not bring the gun to him?——No, I cannot.

Did you ſee the gun in his hand?——No.

Then cannot you ſwear he had none: how many ſhot were fired at this poor man?——I cannot ſay.

Twenty times?——Not as I know of.

How many do you think?——I cannot ſay.

Was it ſixteen or eighteen?——I cannot recollect.

Did he call any body to his aſſiſtance?——I did not hear him.

There are hatchets are board every veſſel?——I know nothing about that.

It was agreed that you ſhould have the liquor and he the veſſel, was not it known on board the veſſel that he had received a ball in his breaſt?——I did not ſee it.

Did you try whether the muſquet was loaded afterwards?——I did not try it.

Court. You left a perſon on board the cutter?——Yes.

And you meant to return?——Yes.

HENRY TUTTY *ſworn*.

I am a ſurgeon, I know Richard Morze, he applied to me on the 10th of October about five in the morning, the man had loſt a vaſt deal of blood, I adviſed him to ſit and compoſe himſelf for about an hour, in the mean while I got things neceſſary for the amputation of his finger, which I found to be neceſſary.

When he had compoſed himſelf, did you amputate it?——I did.

Did you, as a ſurgeon and a man of buſineſs, conceive it to be neceſſary; I thought it very neceſſary myſelf, and I likewiſe made the man ſenſible of it, before I performed it.

What was the appearance of his hand?—His finger was very much cut, and the bone quite divided, it was abſolutely neceſſary to amputate it.

Mr. Peatt. Amputations are frequently neceſſary from the moſt trivial cauſes in their origin, are not they?—Yes.

Such as a whitlow for inſtance?—Yes; the finger was ſlit long ways, the bone was divided in the middle longitudine as we call it.

That might ariſe from the rebounding of fire arms?—I ſhould think not, it appeared to be done with a ſharp pointed inſtrument, I cannot ſay what inſtrument.

DENNIS FELL *ſworn*.

Here is an office copy of the limits of the port of Portſmouth, examined by the original, *(read)* dated 28th September 1682.

Mr. Wilſon. Now I will call a witneſs to prove that Langſton is within the limits mentioned herein.

EDWARD EARLE *ſworn*.

Court. By this ſurvey it appears that Portſmouth is not a port of itſelf, it is only a member of that port; if the Gentlemen that are Council for the priſoner, think there is any thing in that objection, I ſhall reſerve it for them.

Mr. Peatt. I ſubmit to your Lordſhip with great deference, that in deſcriptions of this kind, entirely relating to marine affairs, as a Jury are not ſo well inſtructed to judge of them, they ought to have produced a plan of the harbour to be ſubmitted to the Jury for their inſpection, in order that they might aſcertain the locality of this veſſel when ſhe was attacked, and particularly in a caſe ſo highly penal as this is.

Mr. Solicitor General. In anſwer to that, any plan we can produce is no evidence at all.

Court. You charge in this indictment this to have been done in the port of Portſmouth, whereas Portſmouth is not a port, it is the port of Southampton, of which Portſmouth is only a member; upon that foundation alone I think you ought not to go on.

Mr. Solicitor General. If your Lordſhip will pleaſe to reſerve that.

Mr. Baron Perryn. Excluſive of that objection in this caſe, whether a hatchet is an offenſive weapon or not, the act of parliament recites at the outſet of it, “ whereas divers diſſolute perſons have aſſociated themſelves, and entered into confederacies, and have appeared in great gangs in carrying fire arms and other offenſive weapons, and have run divers goods, &c. or in obſtructing the officers of the revenue in the execution of their office, &c.” then the act of Parliament provides this, “ that if any perſons, to the number of three or four, armed with offenſive weapons;” now here are three perſons, but one of them is merely a paſſenger, he is not aſſiſting them, ſo that in fact there are but two. Then it goes on, “ that with offenſive weapons,” why this is not an offenſive weapon; they give him free acceſs, and one of their own men is left actually in poſſeſſion, whilſt they went in purſuit of the cutter boat; then they return again, when this affray happened; then the act of Parliament goes on, “ or ſhall be aiding and aſſiſting in the illegal exportation of goods,” &c. that is not the caſe; “ or in “ reſcuing or taking away the ſame.” that is not this caſe; “ or in reſcuing any perſon who ſhall be apprehended, &c.” or in caſe any perſons to the number of three or four ſo armed as aforeſaid, ſhall be aiding or aſſiſting;” and then comes the clauſe which I ſuppoſe you rely on, “ or if any perſon ſhall have his face blacked or in diſguiſe;” this all applies to ſmugglers who go in gangs; “ or ſhall obſtruct or hinder any of the officers of the Exciſe in the ſeizing or carrying off any ſuch goods; or ſhall maim or dangerouſly wound any officer of the Cuſtoms, or any officer of his Majeſty's revenue, in his attempting to go on board any veſſel; every perſon ſo offending ſhall be adjudged guilty of felony, and ſuffer death,” this appears to me a clauſe ſubſequent to the ſeizing prohibited goods on board a ſhip or veſſel; but then the proviſions are relative to three perſons, the weapons muſt be of a dangerous nature, and according to my apprehenſion it applies to this clauſe as much as the other.

Mr. Wilſon. My Lord, it is in the ſingular number the laſt clauſe.

Court. It is any perſon that is part of theſe gangs.

Mr. Juſtice Willes. It ſays, in caſe any perſon ſhall do ſo and ſo, and be ſo aiding and aſſiſting, there I think the firſt part of the act concludes, what comes after? The words are “ If any perſon ſhall from and after the ſaid 24th day of July have his face blacked, or wear a wizard maſk when paſſing with ſuch goods,” that is one ſubſtantive clauſe, then comes another, “ or ſhall obſtruct, &c. any of his Majeſty's officers of Exciſe, &c.” the word *perſon* goes to that clauſe; then it comes “ if any perſon or perſons ſhall maim or dangerouſly wound any officer of his Majeſty's Cuſtoms,” I look upon all this to be ſubſtantive, and if this offence is fully proved, my opinion is on the laſt clauſe if clearly within the laſt clauſe, but I wiſh to have the other objection reſerved about the Port.

Mr. Chetwood. Your Lordſhip obſerves

that with reſpect to that " attempting to board," they had *actually boarded*.

Court. That is a conſideration for the Jury.

Mr. Garrow. My Lord, as to the law of the caſe which has been ſuggeſted from the bench with reſpect to the deſcription of the port it ſeems to me to be unanſwerable; I hope therefore your Lordſhip will not ſuffer it to go to a Jury, and let this man remain in gaol if you are clear there is a fatal objection: the Crown have deſcribed where this offence was committed, they have ſtated it to be within the limits of the port of Portſmouth, averring that the port of Portſmouth was one of the ports of the kingdom; that they prove by proving the direct reverſe; and with reſpect to the maiming, I take it the act of maiming has been committed by the Surgeon, I believe the finger might have been ſplintered and it would have united at the expence of a ſtiff joint: now as to the inſtrument, it is an inſtrument caught up in a hurry, to beat down that piſtol which was levelled at his head; for Morze ſays, it cut the piſtol quite through and cut his finger, it has appeared in evidence that this is a neceſſary inſtrument in the priſoner's trade, in his buſineſs, in his calling on board of ſhip, for protecting his own life, and that in cutting down that piſtol which was cocked at the head of the men they found on board the veſſel, he has injured this man's hand: can your Lordſhip believe, that this man thought to protect himſelf againſt the whole gang of Cuſtom-houſe Officers.

Mr. Chetwood. I ſhall humbly move your Lordſhip, that Elby may be called to ſhew how he was treated whilſt they left the veſſel.

Mr. Juſtice Willes. Very proper certainly.

Mr. Solicitor General. My Lord that it ſhould neceſſarily be a weapon offenſive in its own nature, is to me perfectly new; the clauſe in the act of Parliament deſcribes no weapons, none; it is ſufficient that a Cuſtom-houſe officer goes on board a veſſel and is maimed in ſo doing, not one of theſe clauſes have any thing whatever to do with this ſubſtantive clauſe which ſays, if any perſon or perſons, &c.

Mr. Baron Perryn. You need not trouble yourſelf, for I am of opinion now with my brother Willes, that this is a ſubſtantive clauſe.

Mr. Solicitor. With reſpect to the point of the Port, at leaſt it is ſo new a point, I hope you will not form a Judgment upon it, the Exchequer Records themſelves treat the Port of Portſmouth as a Port.

Court. If a thing paſſes ſub-ſilentio that is no valid authority, but my objections is that the evidence you have now adduced to prove the allegations in the indictment, proves directly the reverſe, for inſtead of ſhewing this is the Port of Portſmouth it proves directly the contrary: what may have been done in former caſes I do not know, or what was produced, or whether the objection was taken; the part you have read directly negatives your charge in the indictment, which ſays it is within the limits of the port of Portſmouth, that being one of the ports of this kingdom: the evidence you have brought to ſhew this, ſays the direct contrary!

Mr. Fell called again. This is a true copy of the condemnation of the 105 gallons in the Exchequer.

Mr. Garrow. We admit it.

EDWARD HERLE *ſworn.*

Examined by Mr. Ruſſel.

Do you know the port of Portſmouth?——Yes.

Is a veſſel in Langſtown harbour, that has paſſed Haylin Iſland in the limits of the port of Portſmouth?—I underſtand ſo.

You are an officer of the port of Portſmouth?—Yes.

And you have officiated and done duty in this place as in the limits of the port of Portſmouth?—Yes.

Mr. Chetwood. Do you know the port of Southampton?—No.

Is not the port of Portſmouth a part and member of the port of Southampton?——I know nothing to the contrary, Can you ſay that the place called Haylin Iſland is not within the limits of the port of Southampton ?—I cannot ſay.

Can you ſay where the port of Southampton or the port of Portſmouth begins or ends ?—I am not competent.

FOR THE PRISONER.

——— ELGIN *ſworn.*

Examined by Mr. Peat.

I am a Cuſtom-houſe Officer, I went on board this ſhip with Morze and the reſt as has been mentioned, I was not obſtructed the firſt time, a candle was provided.

They went away and left you in poſſeſſion of the veſſel ?—Yes.

Did you receive any ill treatment from the men while you was in poſſeſſion of the veſſel ?—No, Sir.

He did not attempt to force you out of the veſſel ?—No.

But continued his courſe towards the Cuſtom-houſe ?—Yes.

You continued in peaceable quiet till the boat came along ſide the ſecond time ? —I never received any ill treatment at all.

Do you remember Ward and Morze coming back with the ſhovels ?—Yes, I was then in the cabbin, when I came upon the deck, I looked forward and ſaw William Ward and Captain Roſe cloſely engaged.

What did you ſee the priſoner do to William Ward ?—The Captain had a hatchet in his hand, which he held up over Ward's head and I ſlipped down on the deck, and hurt myſelf all acroſs my back, when I got up I was obliged to get out of the veſſel, and Mr. Morze ſtepped on board the cutter, and I ſaw him on his back, and I hardly knew what to do, and I took up the muſket, and laid it down again for fear I ſhould do a wrong thing.

Did you ſee at that time the priſoner ſtrike Ward ?—No, Sir, I cannot ſay I did.

When he had Morze down on the deck, what did he do to him ?—I cannot ſay, I never ſaw him ſtrike a blow.

Court to Jury. Gentlemen of the Jury, This man ſeems to me to have ſtruck at the piſtol, and by knocking off the noſſel of the piſtol the finger has been wounded; and by unſkilfulneſs in treatment, or his delay in applying to the Surgeon, the man has loſt his finger; you obſerve the ſcuffle did not begin between Roſe and the priſoner, but between the priſoner and Ward; and with reſpect to the wound whatever it might have been originally, I ſuppoſe with proper treatment the finger might have been ſaved, but you ſee this man after he has received this violent wound from which he afterwards loſes his finger, his piſtol not ſucceeding, and all his ammunition expended, he goes on ſhore, gets aſſiſtance, takes the veſſel, goes into harbour and then firſt applies for a ſurgeon, and you ſee in this further ſtruggle great part of the injury might be occaſioned. A queſtion ariſes on the limits of the ports of Portſmouth, which will be referred to the conſideration of the Judges if you ſhould be of opinion that the priſoner is guilty, and which is not neceſſary for me to ſtate to you: but if you are of opinion that in pointing the piſtol at the man's head he acted only in his own defence, and not with any deſign on the revenue officers; and that all that this man wiſhed was to have the benefit of that agreement mentioned by one of the witneſſes; and that this man was not obſtructed in the due execution of his office; then in my apprehenſion you may very fairly conclude that the priſoner is not guilty of the offence in this indictment.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

MISDEMEANORS.

658. STEPHEN BACCI was indicted for wilful and corrupt perjury, in Trinity term laſt, in a certain action depending in the Court of King's Bench, wherein Chevalier Aſſereto was plaintiff, and Leopar Viſcount de Patin, defendant.

Mr. Garrow opened the indictment, ſtating, That an iſſue having been joined, came to be tried before William Earl of Mansfield, and a ſpecial Jury, on the 12th of December 1783, when a verdict for 1000l. was given, ſubject to the arbitrement of the gentleman to whom it was referred; and that on the 8th of January, the ſaid Stephen Bacci appeared as a witneſs for the plaintiff before Sir William Henry Aſhhurſt, one of the Judges of the ſaid Court, and was there ſworn to give due evidence before the arbitrators as a witneſs in that cauſe; and he was afterwards examined, and depoſed to the following purport, viz. that the laces, meaning a certain quantity of laces alledged by the Chevalier to have been on board a certain ſhip called the Counte Clerfait, were in a bank or ſeat of a window, called a locker, on the ſide of the ſaid ſhip; that he ſaw the laces, and they were ſhewn to him by the Captain, that he heard ſomething break, and he ſaw the ſaid defendant Patin with a chiſſel forcing the locker, and that upon entering the room the ſaid defendant aſked with haughtineſs what he had to do here; whereas in truth and in fact the plaintiff had not any laces in the window eat, and the ſaid defendant Patin did not t any time whatever force open the ſaid ocker.

Mr. Sylveſter opened the caſe as follows: ay it pleaſe your Lordſhip, and you gen-emen of the Jury; this is an indictment, as it has been opened to you, againſt the priſoner, for wilful and corrupt perjury. In all the catalogue of offences, there is not one of a deeper die than that of perjury; it involves in it almoſt every other kind of offence; in this caſe it involves in it, not only a charge of robbery by certain perſons, but a deſtroying of the character of the perſons ſo accuſed, for it is no leſs than a charge made by the priſoner againſt a gentleman of the name of De Patin, that he had taken out of a veſſel a large quantity of laced ruffles, to the value of between 300l. and 400l. The priſoner now before you, Gentlemen, to be tried for this crime of perjury, was a ſeaman on board a ſhip, called Counte Clerfait; the ſhip belonged to a lady in Flanders, the Counteſs Proli. In that country the ladies are ſomewhat more induſtrious than our's are here in England, for many of them carry on the buſineſs of merchants and banking houſes, and the moſt conſiderable banking houſe now at Paris is carried on by a lady, Lady Allen. A ſhip was procured, and the command given to the Chevalier Aſſereto, ſhe engaged him for the voyage, and it was not long before ſhe had reaſon to repent of having given him the command; for inſtead of proceeding to the Eaſt Indies, as he ſhould have done, he by unſkilfulneſs got to the coaſt of England, the ſhip run aground on the Goodwin Sands, and being greatly injured, application was made here to Anthony Songu, Eſq; the Imperial Conſul, on this buſineſs, and a letter was wrote to Madame Proli, to inform her of the arrival of the ſhip, and the danger ſhe had been in; ſhe applied to the Viſcount Patin, Lieutenant-Colonel Commandant of Bruges in

Flanders, to come on her behalf to England; he came, and the Conſul accompanied him to Ramſgate, and got poſſeſſion of the ſhip and cargo, and another Captain was appointed to ſucceed Captain Aſſereto, of the name of Laurens. Captain Aſſereto being extremely hurt at having the command taken from him, he conſulted my worthy friend here Mr. Morgan; he firſt told him a ſtory, and my friend told him that will not do, the action will not lay upon that; then he, Captain Aſſereto, mended the ſtory, and my learned friend ſaid now the action will lay——

(*Court.* How came you, Mr. Morgan, to let your friend, Mr. Sylveſter, into the ſecrets of your conſultation?)

The cauſe, my Lord, was referred to Mr. Lowton, a man of known abilities; and amongſt the reſt of the articles there was one for lace, and the priſoner now before you was produced as a witneſs, and he then by way of inducing the arbitrator to allow this article, ſwore that the laces were in a bank or ſeat window on the left-hand ſide of the cabin, that he ſaw the laces, that they were ſhewn to him the laſt hour before the Captain went to Flanders, and that three or four days after, De Patin went into the cabbin, and the defendant ſaw De Patin with a chiſſel breaking the locker, and in three or four minutes after the ſaid De Patin aſked the priſoner now before you, with haughtineſs, what he did there, and ordered him to go away; and ſwore that Mr. Laurens the mate was then preſent; this witneſs being produced, and ſwearing poſitively to this fact, the fact was as poſitively denied on the other ſide; the conſequence of that was, that Mr. Lowton determined in favour of Viſcount De Patin, and did not allow the account. Mr. Lowton by his award ſtates thus, "I do find, and adjudge, and determine, that there is not any ſum of money whatever due and owing from the ſaid defendant, Viſcount Patin, to the plaintiff Aſſereto." Now if this man had been believed, there certainly would have been a loſs of 335l. and upwards, the value of theſe laces: you ſee therefore, Gentlemen, how material this point was before the arbitrator, becauſe, if true, there muſt have been an award againſt the defendant in that action; it is therefore not only a foul perjury in this man the priſoner now before you, but a wicked imputation on Viſcount Patin, a Gentleman of the firſt character, in order to deprive him of his honour, charging him with the taking theſe laces in a clandeſtine way. Viſcount De Patin finds himſelf bound therefore in point of honour to bring this before the Court, in order that his character may be cleared, and that it may not go forth to the world, that he had gone on bord the ſhip and ſtole theſe laces. Gentlemen, you will hear the facts, and if they are true, there cannot be a doubt but the priſoner Stephen Bacci has been tampered with by Chevalier Aſſereto, to commit this bold and wilful perjury. The Chevalier himſelf has been alſo indicted, but he has withdrawn himſelf. The cauſe cannot be a long one; I ſhall call two witneſſes to contradict thoſe facts; if the facts are contradicted, and you credit that contradiction, you muſt find the defendant Bacci, now before you, guilty of wilful and corrupt perjury, imputed to him by the indictment.

Court. What award did Mr. Lowton make?——That there was not any thing due from Viſcount Patin to the Chevalier Aſſereto.

EDWARD RICHARDS *ſworn.*

I am clerk to Mr. Lewis, this is an office copy of the judgment, which I examined with the record of the Court of King's Bench.

(The Record read.)

Aſſereto againſt Leopard Viſcount De Patin. Afterwards on Friday next, after eight days of St. Hilary, &c. ſhall firſt come on Monday the firſt day of December, at which day afterwards, that is to ſay, on the day and place within contained, came as well the within named plaintiff and defendant, &c.

Mr. Morgan, one of defendant's Council. My Lord, at the very laſt ſeſſions but one a cauſe of this kind came on; the proceedings ſhould have been continued down to the 18th, the day the cauſe was tried, I thought it was a fatal objection, and the Council on the other ſide gave it up, and the defendant was acquitted. I ſubmit that the record may relate to another trial not contained in this indictment, and that they cannot call any parol evidence to ſupport the record: this is ſtated to have been on Monday the firſt of December, and they cannot give any evidence to ſupport this indictment, which ſtates it to be on Friday.

Mr. Sylveſter. We now go to prove that this was tried on the 12th.

Mr. Roſe, another of the defendant's Council. My Lord, I do not know that I can ſtate it more fully than Mr. Morgan has done, but I take it, whatever they ſtate on the indictment they are bound to prove; if the record produced before this Court ſtates one tranſaction or iſſue to be tried at a different time to the firſt ſtated in the indictment, they cannot be permitted to go into ſeparate evidence, and they have ſtated a different day on the indictment: could they or not have ſtated it agreeable to the record? if they could, I beg leave to contend they are bound by law to ſtate it ſo; therefore, I truſt they cannot give any parol evidence on this matter whatever, and that the Court will be of opinion, that this is a fatal objection, and that there muſt be an end to it.

Mr. Garrow. My Lord, the learned gentleman ſays, you have produced a certain piece of evidence to prove this fact; I ſay no, it is not with a view to that, it is not a fact aſſumed in our indictment that the continuance was down to the 12th of December, if we had ſtated it we ſhould have committed an error; the fact ſtated in our indictment is this, that at a ſitting at Niſi Prius this cauſe came on to be tried, not that it was continued till that day, and then came on to be tried; I ſhould contend that the ſitting at Niſi Prius is a continuation, that it is all one day, but I am not at all driven to that by the evidence that I ſhall by and by produce, in affirmance of the fact ſtated in our indictment.

Court. If it is one continued day then it is not the firſt day.

Mr. Sylveſter. We ſtate thus, and which is according to the rule or order of Niſi Prius, made by the Judges before whom the cauſe was tried, viz. "that afterwards, to wit, on Friday the 12th day of December, at the ſitting at Niſi Prius, then holden &c. on the 12th of December, this cauſe came on to be tried;" if we had ſtated any other day it would have been a fatal objection: in the former caſe mentioned by Mr. Morgan, we ſtated it to be on the day ſtated in the record; ſays Mr. Morgan you muſt ſtate the fact truly, you ſay on the 12th of December, you ought to ſtate the 14th of December.

Court. That is reaſoning on a caſe which was not an adjudged caſe, in which no peremptory opinion was given, even by the learned judge who tried it.

Mr. Garrow. I underſtand the objection to be this or nothing; that what we have produced not only does not make out our fact, but that it proves ſomething contrary to the fact alledged in the indictment; now is there in the copy of the judgment one ſingle tittle of the trial of the cauſe?

Court. I will read it to you, "unleſs the King's right truſty and well beloved William Earl of Manſfield ſhall firſt come on Monday the 1ſt day of December, at which day before our ſaid Lord the King at Weſtminſter, the ſaid parties came, &c. and afterwards, on the day and at the place, &c. came as well the within named, &c." then it recites the whole trial of the iſſue.

Mr. Garrow. It is not eaſy for me at all to recover the ſcattered ideas that have ſuggeſted themſelves on the moment, before the learned gentleman objects, I ſhall be permitted perhaps to ſtate for what purpoſe I call for the judgment; having ſtated that there was a cauſe upon the ground of which alone the arbitrator had the authority to examine the witneſs, I call for this inſtrument to prove this fact, that there was a plaintiff and defendant, and that there was a cauſe which was at iſſue; I ſhould not then have entitled myſelf to produce any thing which the arbitrator has done in conſequence of the iſſue ſo joined, becauſe I muſt go one ſtep further, and I muſt ſhew, that in point of fact this cauſe came on to be tried on the 12th of December; was there ever a record made up in this way, unleſs he ſhall come the firſt day of December, and then ſtating that the cauſe was tried on the 12th? they preſume that which in point of practice uſed to be the caſe; namely, that the cauſe comes on to be heard on that day when the Chief Juſtice is expected to hold his ſitting of Niſi Prius. I aſk the Gentleman whether he will contend this, that if we had aſſerted in our indictment that the cauſe came on to be tried on the firſt day of December, which was the firſt day of the ſitting of Niſi Prius, and I had called Mr. Richards, who would have told you the cauſe was not tried till the 12th, would they not have ſaid this contradicts your indictment?

Court. Why could not you ſtate it thus, "and afterwards at a ſitting of Niſi Prius, held on Monday the firſt of December, and afterwards continued till the 12th of December, came on to be tried, &c." it would ſurely have been conformable both to the fact and the record.

Mr. Morgan. I ſay in an indictment of this kind you are to prove every thing, and the record ſays the cauſe was tried on Monday the 1ſt, whereas in the indictment it is ſtated that it was not tried till Friday the 12th.

Court. The queſtion, as it ſeems to me at preſent, is this, whether the day of the trial is or is not material to be ſtated: it is a general rule that that which comes in any proceſs of law under a *videlicet*, is not conſidered as a direct allegation; the queſtion will be, whether the indictment would have been good if it had ſtated, "that afterwards, at a ſitting of Niſi Prius held, the cauſe came on to be tried," I never ſaw an indictment in that form. If the indictment had ſtated it thus, "on Friday the 12th of December, came on to be tried, &c." it would have been an averment: I have not a doubt but if the allegation is material the objection is fatal; you might have ſtated in the indictment, that that came on at a ſitting of Niſi Prius, held on that day and continued by adjournments; but the objection for which you produce your record, is totally immaterial; you produce it to prove one fact, upon the face of that there is another fact clear; and ſhall I permit you to contradict it by parol evidence?

Mr. Garrow. My Lord, we beg leave to ſave the point.

Court. I do not ſee how you could poſſibly have ſtated this ſo as to be good, without ſtating the day, I have been trying to leave out the day, and make the averment compleat without it: how could you ſtate this at all without ſtating the day? that is the only way in which you can make it good. I have not a doubt in my own mind.

Mr. Sylveſter. I truſt the Court will reſerve the point.

Mr. Morgan. This is not a new point.

Mr. Sylveſter. They do not ſhew us a caſe.

Court. There can be no caſe produced but by analogy, becauſe the ſame variance may or may not occur: all the object that is of conſequence to the proſecutor Viſcount De Patin is obtained, by the defendant being acquitted on a point of variance; but we muſt not break through the rules of law, and I think it right publickly to ſay, that the proſecutor's character is as compleatly vindicated, as by the moſt ſolemn trial; for the evidence of the man at the bar has been fully inveſtigated by a gentleman of character and great experience, who is unconnected with every party, and who has thought his evidence undeſerving the ſmalleſt credit. If you ſtate a caſe of conſequence in a Court of law, the meaning is, that it is of conſequence in point of precedent; now this certainly is not, becauſe the objection, if a good one, which I think it is, is ſo eaſily guarded againſt, nothing to do but to ſtate the adjournment; and as to the honour of the proſecutor Viſcount De Patin, which was attacked by the defendant's evidence, it is as fully vindicated as it could be by any trial. I, as a Judge, ſhould decide according to my own opinion; ſuppoſing it to be a point of conſequence, it does not therefore follow, that a Judge ſhould reſerve a caſe where he has no doubt, for that implies a doubt in the mind of the Judge. If my opinion is wrong, you may bring a writ of error upon that judgment, that will be given in the verdict of acquittal, and aſſign error in fact. The opinion of no Judge in this country can conclude in point of law; there muſt be always a way of reſorting from the erroneous opinion of a Judge in any Court of law, except in thoſe caſes which are taken care of by act of Parliament. I am of opinion that the defendant ought to be acquitted.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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659. **JOHN KING** was called, in order to plead to an indictment for wilful and corrupt perjury, but not appearing, he was called on his recognizance, which was ordered to be eſtreated.

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660. **ANN BURGESS** was indicted for feloniouſly receiving, on the 16th of May, two quart pots, value 2s. the property of John Tiſdale, well knowing them to be ſtolen; and alſo for receiving three pint pewter pots, value 2s. ſtolen by a perſon unknown; and for receiving one other pint pot, value 10d. the property of John Janeway.

NOT GUILTY.

The Trials being ended, the Court proceeded to give Judgment as follows:

Received ſentence of death, 11.

Sarah Slater, Iſaac Simms, Nathaniel Collier, John Richards, George Dane, John Branton, John Hunter, John Harris, Thomas White, Mary Garrett, William Thompſon, otherwiſe Peter Smith.

Tranſported for ſeven years, 40.

William Smith, John Ayners, John Adams, John Anderſon, James Bagley, Francis Blake, Edward Hudſon, Samuel Peyton, William Parker, Joſeph Murrell, William Cady, Thomas Darkiſs, Joſeph Wright, John Hill, Henry Davis, Joſeph Levy, James Bradley, Ann Wright, Thomas Tyler, Samuel Matthiſon, Mary Lawrence, John Archer, Thomas Bradley, William Thompſon, Samuel Bennere, James Dealey, John Key, Robert Jones, David Lankey, Benjamin Wright, Robert Morgan, Daniel Daniels, John Chipchaſe, John Welch, David Richards, John Neale, John Tate, Richard Sanders, Andrew Hackman, Moſes Pike, (he has ſince been pardoned.)

To be impriſoned two years in Newgate, 2.

George Matthews, John Matthews.

To be impriſoned one month in Newgate, 3.

Edward Reubens, William Perry, James Bellamy.

To be confined to hard labour twelve months in the Houſe of Correction, 4.

Elizabeth Day, Mary Carter, Elizabeth Miller, Alexander Elder, (whipped.)

Conſined to hard labour ſix months in the Houſe of Correction, 6.

Chriſtiana, alias Catherine Wigmore, Ann Roberts, alias Hall, Sarah Northey, Frances Fielder, otherwiſe Jones, Sarah Scott, Ann Hannaway.

Whipped, 12.

William Harriſon, William Gardner, John Dean, John Paul, George Spittle, William Mountain, Alexander Elder, Edward M‘Quid, George Hyatt, Edward Nunn, Patrick Kennock, William Lane.

Fined ſixpence, 1.

John Taylor.

Sentence reſpited on Joſeph Hickman and James Dyers till next Seſſions.

The next Seſſions will begin on Wedneſday the 7th of July, at the Old Bailey.

THE WHOLE

PROCEEDINGS

ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*;
HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 7th of JULY, 1784, and the following Days;
Being the SIXTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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M DCC LXXXIV.
[PRICE SIX-PENCE.]

THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable ROBERT PECKHAM, Eſq; LORD MAYOR of the City of London; the Honourable Sir WILLIAM HENRY ASHURST, Knt. one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable JOHN HEATH, Eſq. one of the Juſtices of his Majeſty's Court of Common Pleas; The Honourable JAMES ADAIR, Eſq; Serjeant at Law, Recorder of the ſaid City; John William Roſe, Eſq; and Others his Majeſty's Juſtices of Oyer and Terminer of the City of London and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
* William Preſton	Solomon Hudſon	Joſeph Smith
John Oak	Nathaniel Darvin	Thomas Settree
Nicholas Browning	Thomas Gifford	Benjamin Fox
William Saville	‡ William Greenhill	John Hoſkins
John Patrick	‡ John Hobcraft	George Gray
Edward Croſhall	James Elliott	John Williams
Richard Hall	George Manville	John Dight
Montague Lind	William Inwood	Peter Baker
† James Benwell	Henry Harris	Philip Corman
William Stephens	William Lowe	James Price
Sampſon Dickinſon	John Bodall	William Leſiter
John Bayley	William Lawrance	William Woodward.

* James Pointer *ſerved ſome time in the room of* William Preſton.

† James Wallis *ſerved ſome time in the room of* James Benwell.

‡ Thomas Downing *and* William Yelverton *ſerved on the 5th day in the room of* William Greenhill *and* John Hobcraft.

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661. JOHN CODD was indicted for feloniouſly aſſaulting Samuel Ellis on the King's highway, on the 19th of May laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will one watch with the inſide caſe and outſide caſe made of gold, value £10. one baſe metal watch

chain gilt with gold, value 5s. one baſe metal watch key, value 6d. one ſtone ſeal ſet in gold, value 40s. one ſilver ſeal gilt with gold, value 5s. and nine ſhillings in monies numbered, his property.

The priſoner pleaded Guilty.

Court to Priſoner. It will be better for you to take the chance of your trial, becauſe if you expect to derive any favour from the Court in conſequence of pleading guilty, you will be diſappointed in that expectation, for it cannot be left to priſoners to eſcape puniſhment by acknowledging their tranſgreſſions.

Priſoner. I do not wiſh to give the Court any trouble, I am guilty.

Court. Call the proſecutor.

SAMUEL ELLIS *ſworn.*

I was coming from Crouch end to Hornſey, and I was attacked by four foot-pads, I was with five more in a coach, they aſked us for our money as quick as poſſible; three of them had cutlaſſes, we gave them our money, I gave them nine ſhillings, a gold watch, a key, two ſeals, and a chain.

How did they behave to you Sir?—Very civil during the whole time, it was half paſt nine. I do not know the priſoner.

Court. Let his plea of guilty be recorded.

GUILTY **Death.**

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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662. ROBERT otherwiſe JOHN MOORE was indicted for feloniouſly aſſaulting Arabella Jeffries, widow, on the King's highway on the 5th of June laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon and againſt her will one diamond pin ſet in ſilver, value £10. her property.

The Caſe was opened by Mr. Willes of Counſel for the Proſecution.

A witneſs named John Tuſkington ordered to withdraw by deſire of Mr. Garrow Priſoner's Counſel.

ARABELLA JEFFRIES *ſworn.*

Examined by Mr. Willes.

We were coming down the back ſtairs to our carriage, and while we were going from the back ſtair caſe the corner of Pall-mall towards the arch, the priſoner looked at me and ſaid ſomething, which to repeat is of no conſequence, I cannot repeat the exact words, he looked up at my face very ſtedfaſtly, I had ſeveral of theſe ornaments in my head, four or five, I did not ſuppoſe he looked at me then with intent to rob me, but afterwards I did, becauſe he took the moſt valuable from me, he took the pin from my head, which Sir Sampſon Wright ſince ſhewed me, Sir Sampſon is not here.

Jury. The pin ought to be produced.

Court. As the pin was not taken upon him, it can anſwer no purpoſe, it was not traced home to the priſoner, they do not make uſe of that medium of proof, but the Lady ſwears to the poſitive fact.

Mr. Willes to Mrs. Jeffries. Did the priſoner take it from you with violence?—The pin was very heavy, there were ſeven buttons ſet on it, and the ſtalk was made of ſilver, and was very heavy; I twiſted it very much in my hair, which was very cloſe frized and craped very much; it had a ſcrew ſtalk, I felt him at the ſame time he took the pin out of my head tear a part of my hair.

Mr. Garrow Priſoner's Counſel. I muſt trouble you Madam with a queſtion or two on the part of the priſoner?——You had better not aſk me any thing, for I do aſſure you Sir, there is no anſwer I can give, will be of uſe to your client.

I muſt exerciſe my very poor judgment on that occaſion, I hope you will not think I do it all to trouble you, but becauſe I think it neceſſary: I take it for granted the Court had been very much crowded?—Yes.

There were many more perſons coming there at the time you did?——Our coach did not come early as I ordered.

Upon theſe occaſions the curioſity of the publick is attracted to ſee the dreſſes and equipages, and every thing elſe which are then diſplayed, and many of the mob, as they are called, attend on theſe occaſions, it was ſo then I ſuppoſe?——I ſuppoſe ſo, I cannot ſwear that there was or there was not.

I take it for granted, you do not know that you ever ſaw the priſoner before?——Not to my knowledge.

This muſt have been rather inſtantaneous?——I believe he ſtood two minutes taking the aim as I ſuppoſe.

I mean the tranſaction ſuppoſed to have been done by the priſoner, muſt have been inſtantaneous?——His ſnatching and going off was quick, but he ſtood as I told you two minutes taking his aim; I aſſure you every queſtion you aſk will hurt the priſoner.

Mr. Garrow. It will be very unfortunate for me and my client if it ſhould turn out ſo, I beg you will not diſtreſs yourſelf Madam, I do not mean to diſtreſs you, I do not aſk you one queſtion for the ſake of troubling or giving you uneaſineſs; perhaps you can tell me the place where this happened?——Count Dillon can tell you.

Then I will not trouble Mrs. Jeffries any further.

COUNT DILLON *ſworn.*

I was with Mrs. Jeffries, I was conducting her to her carriage coming out of the back ſtairs I think they are called from the Princeſs's apartments, and the coach was ordered to be at the angle, the coach was not come and the ſervant did not anſwer, I told Mrs. Jeffries ſhe had better let us go back to St. James's and wait till the coach came, we went towards the great gates, when we came to St. James's there was a row of chairs ſtood, there was a coach pretty near the gates, I had Mrs. Jeffries in my right hand, I heard her rather make a ſort of ſcreech; oh! ſays ſhe, my diamonds, juſt ſo, rather making a ſcream as if ſhe had been hurt, upon which I turned about as quick as I could, and I ſaw the priſoner at the bar his hand coming down and running off.

You were convinced as to his perſon?—I am convinced thoroughly as to his perſon, becauſe I never quitted ſight of him till I had hold of him, as ſoon as I turned about I ſaw him run off, Mrs. Jeffries immediately ſaid that is he, follow him.

Did you ſee the priſoner take it from Mrs. Jeffries's head?——I think I ſaw his hand coming down as he turned about, but I ſaw him turn about, and I ſaw nobody elſe near except Mrs. Jeffries's daughter, and I immediately followed him, and I ſaw about five or ſix perſons ſtanding together near a coach about five or ſix yards from this place, and I ſaw the priſoner run towards one particular perſon who held a white handkerchief in his hand, and I ſaw the priſoner deliver ſomething to this man which he put into the handkerchief, and the perſon that had the handkerchief gathered it up immediately and put it in his pocket, and he run under the coach, I ſaw no more of him; but I inſtantly ſeized the priſoner by the coat and he turned about, I called out as loud as I could, you villain I have you, I made a great noiſe, upon which to the beſt of my knowledge the reſt went away, one of Sir John's men came up and two of the King's footmen, and he was taken and confined.

Mr. Garrow. Was the priſoner ſearched when he was taken?——Yes.

You found nothing upon him?——Nothing.

Where did this happen particularly, you had got out of the palace in ſearch of the coach and were returning again?——We were coming away from the ball room, Mrs. Jeffries's coach was ordered at the angle but the ſervant did not anſwer, then I propoſed to go through the great gate, and it was in that place.

Can you be quite certain, Sir, that you had not got into the great gate before this man was taken?——Quite certain.

JOHN TUSKINGTON *ſworn.*

Mr. Willes. Was you upon guard on the 4th of June at St. James's?——Yes.

Did you ſee Mrs. Jeffries?——I ſaw the carriage drive up, and Baron Dillon and ſhe and Lord Townſhend came out together.

Did you know Baron Dillon before?—

No, about a quarter before one the Lady's carriage was called, my Lord Townſhend and Baron Dillon and the Lady came up to the gateway together, and had ſome converſation together, and juſt as ſhe was going to get into the carriage, the priſoner made a ſnatch at her brow.

You are clear as to the identity of the priſoner?—Yes, Sir, *I was as ſolid as a Judge.*

What followed after that?——I ſaw Baron Dillon catch hold of the priſoner, I took hold of him and brought to the gateway, and gave him to the marſhal-men, they ſearched him but found nothing at all upon him.

Mr. Garrow. Did you know him before?——I ſaw him walking about there ſome years ago.

He is a hair dreſſer, is not he?——I know him by ſight.

Mr. Garrow. I have ſeveral witneſſes to the priſoner's character.

Jury. As the pin has not been produced in Court I wiſh to trouble the Lady in her diſtreſſed ſituation to look at the priſoner.

That is the perſon Madam whoſe hand was up to your neck?——It is.

The priſoner called four witneſſes who gave him a good character.

Court. Gentlemen of the Jury, the pin itſelf is not produced, but though that is one medium of proof, certainly a perſon may be convicted of a crime without the production of the thing itſelf, for the thing itſelf if produced, would not have tended at all to fix the fact on the priſoner any further than by the preſent evidence, for it was not found on the priſoner.

GUILTY, **Death.**

(*The priſoner was humbly recommended to mercy by the Proſecutrix and the Jury.*)

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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663. STEPHEN GOLD and HENRY HEMMINGS were indicted for feloniouſly ſtealing, on the 5th day of July, one white linen handkerchief, value 2s. the property of Thomas Yates, privately from his perſon.

THOMAS YATES *ſworn.*

I ſaw two perſons whom I believe to be the priſoners, ſtanding about two yards from me, at the time I ſaw them they turned ſuddenly from me, I ſuſpected I had ſuffered ſome loſs, and putting my hand in my pocket wherein I always have two handkerchiefs, I miſſed a cambrick handkerchief which I have now.

(*Produces the handkerchief.*)

Court. Was it on the right or left hand ſide that you ſaw them?—On the right hand, I am ſure of that, my handkerchief was in the left hand pocket, it was a very warm morning, I did not know by what means I loſt my handkerchief, but I heard a voice pretty nearly over me from a window ſaying, Sir! the fellow in the black coat has picked your pocket, purſue him Sir, and cry ſtop thief; I did ſo, and the priſoners were ſtopped, but before that they dropped the handkerchief.

Did you ſee them drop the handkerchief?—No, my Lord, in the courſe of the riot ſoldier had the handkerchief in his hand and he ſaid the priſoner dropt it.

Is that ſoldier here?——No.

When this perſon gave you that alarm from the window, were theſe priſoners near enough to hear that alarm?——Certainly my Lord, they run away immediately.

How ſoon before this, had you your handkerchief in your left hand pocket?—Oh! immediately, about five minutes before.

Were there any people paſſing by?——No, not a creature.

Were there any people paſſing by between the time that you had your handkerchief and the time you loſt it?——There were.

Was that handkerchief yours that you picked up?—I do not know, the ſoldier gave it me.

Thomas Hart and James Hanford called, but did not appear.

Court. Here is no evidence, Gentlemen, to affect the priſoners.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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664. MARY GARDNER was indicted for feloniouſly receiving on the 19th day of December laſt, ſixty-four ells of ſilk mode, value 9l. the property of Joſeph Whitridge and George Pritt, which goods had been feloniouſly ſtolen by Ann Moore and Sarah Partridge knowing them to have been ſtolen.

A Second Count for feloniouſly receiving, comforting and harbouring the ſaid Ann Moore and Sarah Partridge after they had committed the ſame felony, knowing them to have committed the ſaid felony.

GEORGE PRITT *ſworn.*

I know the priſoner, I found the things mentioned in the indictment in her houſe, they were my property, ſome of Sir Sampſon's men were with us; Mary Moore and Sarah Patridge were in her houſe; the things are in the poſſeſſion of Morant.

Court to Pritt. What paſſed at the time between you and the priſoner Gardner?—Atkins belonging to the office ruſhed in, and found the mode on the table, with Mrs. Gardner, and Moore, Stokes, and Partridge ſtanding all round the table opening it; ſhe was alſo treating them with ſome liquor of ſome ſort, this was about twenty minutes or half an hour after I loſt it.

What was the conduct of the priſoner on your coming into the houſe?—Very bad.

What did ſhe ſay or do?——She inſiſted on knowing our authority for ſearching her houſe, and rather hindered us from ſending for any other aſſiſtance, by ſtopping the door; we got more aſſiſtance from Bow-ſtreet, and I let one of them in at the window to aſſiſt us to ſearch, there were four of them.

Court. What, ſhe would not let you open the door?——She was not willing.

In what way did ſhe hinder you?—She went to the door herſelf and inſiſted nobody ſhould go out.

Do you recollect what ſhe ſaid about the goods?——She could have no other cauſe but to ſuppoſe they were ſtolen, they could not have come honeſtly by them.

Did you know from any thing that paſſed whether the other three women lodged in the houſe or not?—I believe they did not lodge there, they went there directly, my young man traced them.

Mr. Garrow. Do not tell us what your young man did?—Sir, I came here to tell the truth.

Mr. Garrow. My Lord will tell you, that you are not come here to tell us what any body elſe ſaid or did, but only what you did yourſelf?——I ſaw the goods in her poſſeſſion.

The record of the conviction of Ann Moore and Sarah Partridge read.

Mr. Garrow to Proſecutor. You went about twenty minutes or half an hour after?——Yes.

Then you found this congregation of women and the things laying on the table?——Yes.

Did you go in with Atkins or did he ruſh in firſt?——Yes; *he ſaw it with the ſame eyes I did.*

Did he ſee it with your eyes Mr. Pritt; how many of them were there?—I believe there were four belonging to the office.

Four men belonging to Bow-ſtreet office againſt four women! and I believe the priſoner and Mrs. Stokes were within a few hours of their delivery?—I believe you are miſtaken.

Was not Mrs. Stokes brought to bed that night?—I do not know, it is not my buſineſs to enquire when women are brought to bed.

There were four men belonging to Bow-ſtreet office, and you thought it neceſſary to let in ſome more at the window; which of you was it that knocked the priſoner down?—Not a ſoul, no more than I knock you down juſt now.

What account did this woman give of her acquaintance with the people in the room?—She pretended ſhe knew nothing of them, ſhe ſaid they came there, and ſhe gave them ſome refreſhment, and ſhe knew ſomething of the huſband.

So ſeeing Mrs. Stokes was very much like herſelf, very big with child, and very much wearied, ſhe ventured to give her a little refreſhment?—She ſaid ſo.

Did you break open all the drawers?—All that were locked then.

Why I believe Mr. Pritt they attempted to break ſome drawers open, but ſhe opened them herſelf?—Yes, the officers ſearched the other women.

What was the value of this piece of mode?—About 9*l*.

How much money did you find on all the women that were there except Mrs. Gardner?—I cannot be poſitive, I did not ſearch them, I do not know what the officers found, this woman behaved very bad, ſhe inſiſted on knowing our authority.

The mode was laying on the table publickly and openly, was not it?—Yes, as if they were in treaty.

Why Mr. Pritt is there any thing more particular in mode when people are in treaty for it than at another time?——It was open and the folds taken out.

That could not have happened, I ſuppoſe by their ſaying we have been purchaſing ſome mode, what do you think of it, is it good?——Mighty unlikely.

Could it not Sir?——It was impoſſible it ſhould.

You ſay it was quite impoſſible, very well Sir, after that I will not aſk you a queſtion more.

JOHN ATKINS *ſworn.*

I belong to Bow-ſtreet, I was preſent at the priſoner's houſe when ſhe was taken up, on Friday the 19th of December, Mr. Pritt came down to Bow-ſtreet, I went to the priſoner's houſe and opened the ſtreet door, and when I came in there was a round table and there were Moore, Partridge, Stokes, and the Priſoner, all round it upon my going in, I knew Stokes, and ſeeing her ſituation I catched hold of her arm and told her not to be frightened, and took her and put her by the fire in a great arm chair, I ſearched her and left her, and went to ſearch Ann Moore, we kept them there till we had more aſſiſtance, we brought them down to the office, the mode was laying open, my attention was paid entirely to Stokes becauſe of her ſituation, I took her to New Priſon that night, and ſhe was brought to bed that night or in the courſe of the morning.

Mr. Garrow. I believe you know that the priſoner was bailed on account of the advanced ſtate of her pregnancy and that ſhe ſurrendered theſe two ſeſſions to take her trial?——Yes.

What did you find on the other women?——About four and ſixpence.

MOSES MORANT *ſworn.*

I was preſent and ſaw theſe four women, they faced a round table, with one leaf up only, and on that table lay this piece of mode open, pulled out of its folds, as if they had been looking at it.

What did the priſoner do or ſay to you?——She inſulted me very much, and called and abuſed me; I ſhoved the boy out at the door, ſhe ſaid I ſhould let nobody out; after the boy was out, ſhe flew into a bigger paſſion ſtill, and ſaid I ſhould let nobody in.

What did you let the boy out for?—To fetch more aſſiſtance, for there were ſo many women I did not know whether we ſhould keep the mode ſafe or not; when the officers came from Bow-ſtreet, ſhe kept me from opening the door, and one of the men threw up the ſaſh and jumped in at the window; the officer got in, and then we took them away and ſearched the houſe; then ſhe conſented at laſt to have her houſe ſearched.

Court. She refuſed at firſt?——She did, either to open her door and let us out, or to let any more in.

Mr. Garrow. You are a good deal in the habit of apprehending thieves?—Yes, but I would rather face ſo many men than ſo many women, becauſe I could handle them in a different manner; I ſearched one woman,

man, and found half a crown; I do not remember what was found on the other.

Do you recollect Mrs. Gardner giving any account of theſe people coming there?—She ſaid they came to refreſh themſelves, they were drinking brandy.

Did not Mrs. Stokes ſay ſhe knew nothing of Gardner?——Yes ſhe did ſay ſo.

Did not ſhe ſay ſo when ſhe was tried here for her life?—She did.

(The mode depoſed to.)

Mr. Garrow. What mark is there upon it?—Here is the number and length which correſpond with our invoice.

SILVESTER FREEMAN *ſworn.*

I am an auctioneer in Weſtminſter-market; I have known the priſoner about fourteen or fifteen years, ſhe has a very good character, or elſe I ſhould not have bailed her; I have attended here two ſeſſions before this, ſhe has about ſeven or eight children, I have the ſame; I went as one of the bail to Mr. Pritt, and told him I was one of the bail, and I had a very great family, and aſked him why do not you bring on this trial; ſays he I am very glad to hear you are one of the bail, I ſhall fix you and the reſt, and I ſhall get the thouſand pounds.

Pritt. I never ſaid ſuch a word in my life.

Freeman. You are the man, I ſwear to it.

Pritt. You ſwear a great falſity.

The priſoner called ſix other witneſſes, who all gave her a very good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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665. RICHARD EDWARDS was indicted for feloniouſly aſſaulting George Keith Elphinſtone, Eſq; on the King's highway, on the 8th day of June laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one gold watch, value 20l. one gold watch chain, value 3l. two gold watch keys, value 20s. four ſtone ſeals ſet in gold, value 6l. and one walking cane, mounted with gold, value 10s. his property.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Council.

GEORGE KEITH ELPHINSTONE, Eſq; *ſworn.*

Do you know the priſoner?——I beg to go nearer him, being near ſighted; *(after going cloſe up to the priſoner)* Yes, perfectly; I was robbed on the 8th of June, about five yards above Coleman's theatre, by the priſoner and many others.

What time was it?—Between nine and ten, I came out of the theatre, and was turning up the Haymarket to go to a carriage; after I had paſſed the crowd that was at the door, I was ſurrounded by a ſecond crowd near the corner of James-ſtreet, and at an apothecary's door two fellows attempted to pick my coat pocket; I ſecured my pockets, and told them to keep their diſtance or I ſhould ſtrike them; they made a ſecond attempt on my pockets, and whilſt I ſtood protecting my pockets, the priſoner and another man run againſt me with great violence; the one on the right-hand ſide of the pavement thruſt his head into my ſtomach, and the priſoner his right arm at the ſame time on my breaſt, and with his left hand at the ſame moment ſeized my watch by the chain; the watch was very large, and came out of my pocket with difficulty; I felt the hand at the fob, and ſeized the left-hand of the priſoner with my right-hand, and his collar with my left-hand; he forced the left-hand down under his coat while I was holding him by the wriſt; the watch was then in his left-hand, and I am of opinion at this moment the watch was taken out of his hand by another, a man ſtooped behind him, and reached his hand under his coat; I called out, this fellow has robbed me, or picked my pocket, in hopes of aſſiſtance, I was not five yards from the centries; the priſoner endeavoured to eſcape between me and the rails of the apothecary's houſe, but I prevented him; he then attempted to eſcape by the outſide, and we came againſt the fore wheel of a coach; the coachman ſtruck from his box but without effect, ſeveral ſervants would have come to my aſſiſtance, but the quantity of thieves that were round I believe prevented them; the mob ran with ſo much violence, and two men in particular ran againſt me with ſo much violence, that I quitted my hold of the priſoner; ſome of thoſe that were round called out, he has them, meaning, I apprehend, that I had him faſt: then they diſengaged him from my hand, and it ſplit the nail of my finger I held him ſo faſt; and there was a kind of huzza, and an oath, by God he is off! I attended at the office in Bow-ſtreet the next morning, and gave information in hopes of recovering my property, and deſcribed the priſoner ſo exactly that Sir Sampſon Wright's men went and apprehended him in about a quarter of an hour after, I waited in Sir Sampſon's Office, the priſoner was brought in and many others.

Are you poſitively ſure that that is the man?—Moſt poſitive my Lord, if nature forms one man ſo much like another, I am ſure my ſituation would be more diſagreeable than his. I never got my watch again.

Mr. Garrow. What was the value of your watch?——It was a very remarkable watch, a time keeper, it was a very improved watch, made by Mr. Comyns.

You never ſaw the perſon before?—Not to my knowledge.

This was a pretty ſevere land engagement, Captain?——A great ſcuffle; there were five of them had their hands upon me at one time, but there were more there than a dozen.

Might not it have happened that the hand that was applied to your fob was the hand of ſome other perſon and not the priſoner's?——It is poſſible it might have happened, but by no means probable.

If the man was forced upon you in the manner you have deſcribed, it ſhould ſeem as if that would have incapacitated him from taking your watch, and that ſomebody elſe took it?——If the force had not been intentional.

Can you aſcertain exactly and with preciſion, ſo as to ſay that it was not involuntary force; might he not have been forced by the reſt of the mob?—No.

You was not at all apprehenſive as to perſonal danger, I believe I may ſay ſo, Captain, from your known character and courage?——I rather ſmiled at the oddity of being aſſaulted by ſuch a number of people at ſuch a time of night, I was not at all apprehenſive of my life.

Mr. Garrow. I think, my Lord, there is a caſe where the proſecutor expreſsly ſwore he was not put in fear.

Court. It is taking by force, which is the ſame thing as taking by fear. Suppoſe a man is knocked down and never ſees the hand.

CHARLES JEALOUS *called.*

Court. It is not neceſſary to examine him, the gentleman has ſworn poſitively to the priſoner.

The priſoner called four witneſſes, who gave him a good character.

Court. Gentlemen of the Jury, the Council for the priſoner endeavoured to get from the proſecutor, that he was not alarmed or put in fear, but in point of law it is ſufficient to conſtitute a robbery, either if your property is delivered by fear, threats, and menaces, or if a man comes and takes your property from you by violence on the road; and at this time of day it would be a very doubtful caſe, whether the objection would hold if a perſon delivered his money with his own hands, and ſaid he was not put in fear; but that is not the caſe here: whether he was put in fear or not, if a man parts with his property, either from the effect of terror or force, it is equally a robbery in either caſe.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

666. **CHARLES PEAT** was indicted for feloniouſly returning from tranſportation, and being found at large in this kingdom without any lawful cauſe before the expiration of the term of ſeven years, for which he was ſo tranſported.

The record examined by Edward Reynolds, Eſq; Clerk of the Arraigns.

GEORGE HOLT *ſworn.*

I was Steward of the ſhip Mercury; I know the priſoner was a convict, and came on board that ſhip in the Gallions, which is within the River Thames, below Woolwich; the Gallions is a piece of water that terminates from point to point, a little below Woolwich Reach.

When did he come on board?——I am not ſure whether he came from the Cenſor hulk, or whether he came from Newgate; it was either on the 30th or 31ſt of March laſt, I gave a receipt for him; if he came from Newgate he came on the 30th.

Look at his perſon?——I know his perſon well, it is an unhappy circumſtance to me, I do not wiſh to be a cruel man, and I have had all of them to reconnoitre, and it has hurt me much; we had one hundred and ſeventy-nine convicts in the hold, one hundred and fifty-ſeven of them were men; the man that ſtands at the bar came on board by the name of Charles Peat.

Did he anſwer by the name of Charles Peat?—He did, and under that name he was taken out of the irons that he came on board in, and was put into the irons belonging to the owners of the ſhip, which was the ſhip's irons.

Did you ſee that?—I did.

How long afterwards might you ſee the priſoner on board that ſhip?——I ſaw him every day from the time I have related, which was the 30th or 31ſt of March, until the 8th day of April, which was the day they aroſe upon us, it was Thurſday morning, eight o'clock, I had then the pleaſure of wearing what the *gentlemen* here call *darbies*; we were about twenty-five leagues to weſtward of St. Mary's, on the Weſt India Rocks, I ſaw him ſeveral days after that, but not every day during the ſix days they held the poſſeſſion of the ſhip as commanders; I might ſee him three or four days I believe out of thoſe ſix, before they went on ſhore.

What was his conduct on board that ſhip?——His conduct with reſpect to the riſing do you mean?

His conduct in general?—I do not recollect that he was any ways worſe than the reſt of them, he never did me any harm or injury, not particularly, no more than aiding and aſſiſting the reſt, I ſaw him go from the ſhip's ſide in one of the ſhip's boats, and he never returned, therefore I had no doubt but he went on ſhore in Devonſhire.

Did thoſe boats row towards the ſhore?—Yes.

Where was the veſſel ſailing?—We were ſailing in the Weſtern Ocean, ſteering weſt-north-weſt.

Priſoner. Bound to Virginia.

Court. Where was the ſhip deſtined?—We were firſt deſtined for Baltimore in Maryland, from thence to Honduras, and from thence to Virginia, (for we had ſixteen or ſeventeen thouſand pounds cargo on board) and from thence to Nova Scotia, to deliver the ſervants, as they are entitled indented ſervants.

Had you any inſtructions with reſpect to this particular man?—No, my Lord, they were all to go to Nova Scotia.

Mr. Sylveſter. Was not you to part with the convicts at Honduras?—No.

Court. If you had been going directly to Nova Scotia, you would have had no occaſion to go to theſe different parts, would not you have made a different courſe provided you had no cargo but convicts?—We ſhould have made within a point the very ſame, but not the ſame courſe exactly, going out of the Channel's mouth, becauſe we always make it a point to get clear of the iſlands.

Priſoner. Can you upon your oath ſay, that our ſhip was bound to Nova Scotia, when you know we were to be indented for five years in Virginia?—The inſtructions I read, and upon my oath we were not.

Mr. Sylveſter. Were you to part with any convicts before you came to Nova Scotia?—No, Sir, we did not, they robbed the Captain of his papers, and carried them away.

ROBERT GREGORY *ſworn*.

I am ſervant to Mr. Smith of Tothill-fields Bridewell, I cannot ſay how long I had the priſoner in cuſtody, but it was very nigh a fortnight or three weeks, I apprehended him in Smithfield, on the 4th of June, I cannot be miſtaken about him, he behaved very well when I took him.

JOHN OWEN *ſworn*.

I know the priſoner, he was convicted here in December 1781, of a highway robbery, I was preſent; he remained in Newgate a great while; he afterwards received his Majeſty's mercy, and in July 1783, he accepted of the conditions, I was preſent then, and brought him to the bar, the conditions were, his being tranſported to Nova Scotia for the term of his natural life.

Court. Who was he convicted of robbing?—I do not know who it was he robbed, it was for robbing a gentleman in his carriage, he is the man, he was ſent down to Woolwich to the hulks, to remain there till the ſhip was ready, I went to the waterſide with him, I ſaw him on board the barge that was to convey him on board the hulks.

Priſoner. I beg permiſſion of the Court to read my defence.

My Lord, from the well known juſtice of this honourable Court, I have not the leaſt doubt of a patient hearing, eſpecially as the hardneſs of my caſe is unparalelled in the records of the Old Bailey. I ſtood here convicted of a robbery, and afterwards received his Majeſty's pardon; on the 4th of June I was apprehended in Smithfield, and brought to priſon; I pleaded Not Guilty to this indictment, not with intent to give the Court any unneceſſary trouble, but to explain the hardneſs of my caſe; the robbery I was caſt for was attended with ſuch circumſtances of behaviour on my part, that the Court thought me not unworthy of clemency, and I was accordingly recommended to his Majeſty's mercy, and I was afterwards pardoned on condition of ſerving in the royal army in the Eaſt Indies; but ſome difficulty ariſing in putting this pardon into execution, my proſecutor applied to Mr. Townſend, now Lord Sydney, for a free pardon; then I had a pardon on condition of ſerving on board any of his Majeſty's ſhips or veſſels of war; I went on board his Majeſty's ſhip the Prince Edward, two months after, having been ſix months at my liberty, and I was taken up for not complying with the terms of my pardon, and committed to Newgate, where I continued ſix months, and was had up every Seſſions, and was informed I ſhould be diſcharged: during the time I was in Newgate, I had a ſevere illneſs, which rendered me inſenſible, and whilſt I was in that ſtate I was brought before Counſellor Harriſon, who ſat as Deputy Recorder. When the ſentence of the Court was read to me to be tranſported to Nova Scotia for the term of my natural life, it may be ſaid I acquieſced, but I was then in a ſtate of inſenſibility: I apply to Mr. Akerman, that during my long confinement, I never was charged with any offence; I have ſerved his Majeſty in the royal navy, and had the honour of bearing a commiſſion. Whilſt I was on board the hulk, I had the mortification of ſeeing my fellow ſufferers die daily, to the amount of two hundred and fifty? ſeveral who have had pardons ſimilar to mine, ſuch as Charles Stone and others, have been committed on the ſame charge, but diſcharged: my behaviour on board the Duke of Tuſcany was ſuch as I have no reaſon to blame my feelings for, having endeavoured to preſerve the property of the Captain; we were to be diſpoſed of by ſale as indented ſervants for five years; I hope the Court will take my caſe into their conſideration,

ſideration, and view the whole matter, conſidering I only in one offence fell a victim to the laws, and received his Majeſty's pardon, and have never committed a freſh offence; I have his Majeſty's pardon dated in October 1782, to enter on board any of his Majeſty's veſſels or ſhips of war, and on that pardon I reſt my defence.

Court. Hand up that defence.

Priſoner. My Lord, I have a pardon dated the 12th of July which is two months before the other pardon.

Court. Gentlemen of the Jury, I need ſcarcely tell you that this is an indictment which if made out by evidence, materially affects the life of the priſoner, for the returning from tranſportation is a capital offence: Charles Peat is charged in this indictment for returning from tranſportation, and without any lawful cauſe, being found at large in this kingdom; this fact the priſoner at the bar has denied: It appears from the record that has been read, that a perſon of the name of Charles Peat was indicted for a highway robbery on Richard Downs, and that is ſufficient evidence to prove that ſame perſon was tried in this Court by the name of Charles Peat and convicted of a highway robbery; it likewiſe appears by theſe records, that the ſaid Charles Peat received his Majeſty's pardon, on the condition of going to Nova Scotia, for the term of his natural life, but it muſt be proved that that Charles Peat is the perſon that was tried, and that he had been actually in the way of tranſportation, George Holt is called, and he tells you— *(here the learned Judge ſummed up the evidence, and added:)* Gentlemen, in favour of the priſoner's life, it is very fair to preſume that priſoners take many names, and we may very fairly preſume that another man of the name of Charles Peat has been tried at the ſeſſions; therefore you are to conſider upon this evidence whether you are completely ſatisfied that that very Charles Peat who was found at large, and is now brought to the bar, is the ſame Charles Peat that was tried and convicted for this highway robbery, and Owen who ſpeaks to the identity of the priſoner, does not go all the length I have ſeen gone in theſe caſes, for he falls ſhort as to the identity of the man, that was tried in this Court for the robbery of Mr. Downes, now although the priſoner was on board this ſhip, yet unleſs he is the man that was convicted of that robbery, he is not the man deſcribed by this indictment, and Owen only ſays the priſoner was convicted for robbing a gentleman in his carriage, now upon reading the indictment, it does not appear how the gentleman was robbed, he cannot even tell you where it was, he ſays indeed that he was preſent when the priſoner was brought to the bar, and that he was to be tranſported afterwatds, and that he ſaw him in the lighter; but the queſtion is whether you are ſatisfied under all the circumſtances of the evidence, that this is the very man who was tried for a robbery on Mr. Downes; if you are ſatisfied that he was tried for that robbery on Mr. Downes, that this is the identical perſon, and that he was found at large here, in that caſe you muſt find him guilty.

Jury. My Lord, in his defence he ſays he was pardoned on condition of ſerving on board a man of war.

Court. With reſpect to his defence I did not ſtate it to you, becauſe the facts reſpecting theſe convicts will be examined by the Judges, and he has proved nothing, but the facts can very eaſily be known.

Jury to Owen. Can you poſitively ſwear to the identity of the man who was convicted for robbing Mr. Downs?

Court. He has not ſwore that.

Mr. Silveſter. Somebody ought to prove certainly that he was the man that was tried here for that identical robbery.

Court. The indictment charges it to be a robbery on Mr. Downs, and Owen cannot go that length, I believe, Gentlemen, I can ſave you ſome trouble, I for my own part giving my opinion, am not ſatisfied with this evidence, I do not think the caſe is made out; for it muſt be proved that the priſoner was the man that robbed Mr. Downes, now that he has not been able to prove; Owen certainly does not prove that that man committed the robbery as laid in the indictment.

Jury. Owen ſaid that he neither recollected the Gentleman's name that was robbed, nor the place where it was committed.

Court. He ſays he has ſeen the priſoner before, he was convicted in December 1781, of a highway robbery, he was preſent, it was for robbing a Gentleman in his carriage, he knew no more; certainly that does not prove that this was the man.

Court. If the priſoner makes out his caſe he then will be diſcharged, if he does not he will then be ſent to his former ſentence, and every proper enquiry will be made.

NOT GUILTY.

Tried by the London Jury, before Mr. ROSE.

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667. CHARLES WILLIAMS was indicted for feloniouſly ſtealing on the 3d of July two great coats, value 5s. two flannel waiſtcoats, value 1s. one ſilk ſkirt, value 10s. three ſilk gowns, value 20s. three white dimity waiſtcoats, value 15s. one ſtriped waiſtcoat, value 1s. one cloth coat and waiſtcoat, value 5s. one napkin, value 6d. one cloth, value 6d. the property of Joſeph Whalley.

The witneſſes examined apart at the requeſt of the priſoner.

JOSEPH WHALLEY *ſworn.*

I keep the three cups in Bread-ſtreet; all the things mentioned in the indictment were in a portmanteau, which came by the waggon to my inn, it arrived at the inn the 3d of July in the forenoon about nine, it was directed for the Hon. Miſs Boſcawen St. James's Palace, I ſaw the contents after the priſoner was committed, and all the things in the indictment were in it; it was put into a cart and firſt miſſed about ſeven in the evening, I did not ſee it in the cart at firſt; I examined the contents of it on Tueſday after it was brought to my houſe; I know nothing of the priſoner.

JOHN HAYES *ſworn.*

I was ſtanding at my ſhop door, and the priſoner came acroſs the market from the Weſt to the Eaſt ſide towards me, I never ſaw him before, but I took particular notice of him; he came within a yard of me, I am ſure of his perſon, I took more notice of him than I ſhould have done, for he had like to have run over a child of mine, it was about ſix in the evening, he had the portmanteau on his ſhoulders, I followed him down the arch, and ſaw him croſs the way and go into the Artichoke alehouſe; I ſuſpected him, and I returned back to look for the owner, and I ſaw a carman looking about as if he had loſt ſomething; I aſked him what he had loſt, he ſaid a cloak bag, and I went with the carman to the Artichoke, the priſoner was there and the bag; I ſaid to the carman this is the man I ſaw with the cloak bag, and there is the bag; the priſoner ſaid, can any body ſwear I ſtole it out of the cart. I know nothing further.

Priſoner. Did you ſee me take it out of the cart?——No.

WILLIAM DAWSON *ſworn.*

Laſt Saturday was a week, ſtanding at my miſtreſs's ſhop in Fleet-market, on the Eaſt ſide, I ſaw the people running acroſs the market, and I went to look, and the carman came up, and the priſoner was coming out of the door, and ſome perſon cried, that is the man, and the carman gave me the portmanteau to take to his cart, which I did.

Had that portmanteau any direction on it?—Yes, the Honourable Miſs Boſcawen, St. James's Palace.

Court to Hayes. Did you obſerve any direction on the portmanteau?—Yes, it was as has been mentioned.

ANN BAKER *ſworn.*

I live in Fleet-market, I ſaw the priſoner take up a portmanteau out of a cart, I was looking at him ſome time, he followed it at ſome diſtance, and he often caught at it; I am ſure it was the priſoner, he went up the market very faſt, he put it under his arm; I did not ſee which way he went; I did not ſee any direction, it was a large leather portmanteau.

Priſoner. Did not you ſay at the Alderman's that you could not ſwear to me?—I ſaid there was a man took it out, and I thought it to be him, I was not poſitive.

Court. Have you any room to doubt about it now?—Not in the leaſt.

JOHN WAYTE *ſworn.*

I am a carman, I was employed by Mr. Joſeph Whalley on Saturday the 3d of July, to drive his cart, and to take care to deliver the goods; there was a direction to the Honourable Miſs *Burgowen*, at St. James's Palace, it was delivered to me between two and three, at the Three Cups in Bread-ſtreet; I went to ſeveral places, and at laſt I came to Fleet-market, it was rather paſt ſix, I placed it forwards in the cart, and I miſſed it as I was going along forward with the horſes, I ran to enquire about it, and Mr. Hayes *ſubſcribed* the man, and carried me to the Artichoke, there I found the priſoner and the portmanteau; I am ſure of the man. The portmanteau was under a ſeat in the publick houſe; it was the ſame portmanteau, and the ſame direction; I delivered it to Dawſon, and conveyed it home: my maſter ſaw it opened, it contained all the things in the indictment.

Priſoner. Was it under the ſeat in the tap-room?—Yes.

Priſoner. I put it there, I do not deny, but I was ſtanding at the door.

JOHN BAYLEY *ſworn.*

I am a conſtable, this portmanteau has been in my cuſtody ever ſince, I ſaw the things put into the indictment.

Priſoner. A gentleman aſked me to carry this portmanteau for him into Smithfield, to the Ram, and he would give me ſixpence.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

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668. MICHAEL FITZPATRICK was indicted for feloniouſly ſtealing, on the 16th day of June, one plane, value 6d. one other plane, value 6d. one hammer, value 6d. and one pair of pincers, value 6d. the property of Stephen Pound.

STEPHEN POUND *ſworn.*

I live in Warner-ſtreet, Cold-bath-fields, I am a carpenter, I was at work in a new houſe, and I loſt the things mentioned in the indictment on the 16th of June, in the morning; at five o'clock the next morning the conſtable brought them to me. *(The things produced and depoſed to.)* I never ſaw the priſoner before.

JOSEPH PERRY *ſworn.*

I am a watchman in Fleet-lane, I heard a noiſe, and I ran, and juſt at the end of my beat the priſoner ſtood at a door, it wanted a quarter of twelve; he ſaid he lodged there, and was a carpenter; I took him to the watch-houſe with the tools, and I ſaw them all taken from him there, theſe are the ſame tools.

RICHARD CORKER *ſworn.*

I am an officer of the night, I took charge of the priſoner.

GUILTY.

Whipped, and impriſoned one month in Newgate.

Tried by the London Jury before Mr. ROSE.

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669. WILLIAM FOXALL and BENJAMIN INGRAM were indicted for ſtealing, on the 29th of June laſt, one ſnuff

box, value 6d, the property of James Gregg.

JAMES GREGG *ſworn.*

I live at Richmond; I was informed I had loſt my ſnuff box, and I followed the two priſoners down Snow-hill, I am ſure theſe are the two lads; after I overtook them, I laid hold of Ingram and charged him with picking my pocket, and one Mr. Scott brought up the priſoner Foxall, and ſearched his pocket, and produced my ſnuff box.

(The box depoſed to.)

Court. Were theſe lads walking or running?——Walking.

Were they walking together?——Yes, quite cloſe, but I heard no converſation between them.

Mr. Chetwood, Priſoner's Council. You had no particular mark on it?—No, but I can ſwear to the box, it was broke a little.

ALEXANDER SCOTT *ſworn.*

I am engine keeper of St. Andrew's, Holborn; on the 16th of July, I ſaw the priſoner Foxhall put his hand into the proſecutor's left-hand pocket, I cannot ſay which hand he put in, and took out a box; I ſaw ſomething red in his hand, I followed him on the other ſide of the way, and at St. Sepulchre's church gates I croſſed over the way and the proſecutor had hold of Ingram; Ingram was cloſe to Foxall, puſhing him. Foxall pulled out the ſnuff box from under his right arm, and gave it me; the proſecutor directly ſaid, that is my box.

PRISONER FOXALL's DEFENCE.

Coming under old Newgate, this lad was before me, I ſaw a box roll, and I picked it up, the proſecutor laid hold of this lad, and he bid me ſtop. I told him I found the box. Scott ſaid he ſhould get a guinea apiece for us, if he tranſported us.

PRISONER INGRAM's DEFENCE.

I know nothing of the lad or the box.

The priſoner Foxall's maſter gave him a good character, and offered to take him again.

WILLIAM FOXALL GUILTY.

Privately Whipped, and delivered to his maſter.

BENJAMIN INGRAM NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

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670. RICHARD CORBETT, aged ſeventeen, was indicted, for that he on the 3d day of June laſt, at the pariſh of St. Margaret Pattens, a certain houſe of one John Duffey there ſituate, unlawfully, maliciouſly, and feloniouſly, did ſet fire to, againſt the ſtatute.

A Second Count, laying the houſe to be the property of Walter Kirby.

The witneſſes examined apart at the requeſt of Mr. Sylveſter, Priſoner's Council.

JOHN DUFFEY *ſworn.*

I am in the ſtationary way, I am a vellum binder, I work chiefly for the ſtationers.

Court. Is your name John Duffey?—Yes.

Relate ſlowly and diſtinctly the manner in which this misfortune happened?—On Thurſday morning the 3d of June, between three and four, I was alarmed with a noiſe on the outſide of the houſe, my wife waked me, ſhe told me there was an alarm of fire, and I went immediately to the window which looks to St. Mary Hill, and when I looked out of the window, the firſt thing that ſtruck me was the flames coming out of my ſhop window at St. Mary Hill, I was then three ſtory high; I immediately went to the next room, where the boys all ſlept, there was my ſon-in-law about fourteen, a child of mine between five and ſix, who was burned, and the priſoner at the bar.

Was that room locked or open?——It was unlocked.

Is it uſually locked or open?——It was

uſually open; I found my wife's ſon and my child faſt aſleep in bed, and this boy was out of the room; I called for him, but he did not anſwer; then we found the fire coming up ſo fierce upon us, we could not go down.

In what manner then did you endeavour to make your eſcape?—My wife and children and myſelf went up in the garret, which was four ſtory high; I went immediately to the window, there was a row of windows, one of them I opened, and got out myſelf that way, and then I got out one child, the youngeſt, between three and four, who ſlept in a ſide bed by the ſide of my wife; the lad about fourteen, my wife's ſon, he got out alſo; I put the young child in the gutter, and then I immediately tried to aſſiſt my wife, I endeavoured to get her out, I laid hold of her to raiſe her, but ſhe being very heavy with child, I could not raiſe her from the ground, the window was as high as our heads where we ſtood withinſide; having done my endeavour to get her out, as I was withoutſide the houſe I found that impoſſible, and I jumped in again, but I could not raiſe her then, we had nothing to ſtand upon, and I was obliged to jump out again, I could not ſtay for the heat and ſmoke, I was almoſt ſuffocated.

Court. Was there nothing in the room that you could have brought to the window?——There were ſeveral things but we did not think of them, we had not preſence of mind, we were ſo frightened, there was a book-caſe and a large cupboard that we might have brought; in that ſituation I was obliged to leave her, and I jumped off my houſe on the next, I then deſired my wife's ſon to throw the young child down to me, and he did, and I ran into the garret of the next houſe, I ran down into the ſtreet and went into a baker's ſhop almoſt oppoſite; I ſtood there about five minutes, expecting to ſee my wife come out of the window, but I never ſaw her ſince: it has been very maliciouſly ſpread abroad that ſhe is now living, and lying-in at Hackney, but I wiſh they could find her for me.

Court. You have reaſon then, Sir, to fear that is not true?——I have, Sir, from the circumſtances I left her in; this is the moſt ſorrowful colour I ever wore to me.

When did you ſee this boy after?—I took him the next day at Mr. Berry's.

Had you any other perſons, ſervants or lodgers, that ſlept in your houſe?——No, Sir, only my own family.

You did not ſee this boy during the time of the fire?——No.

Was the progreſs of the fire very rapid?—Very rapid, we could hardly get up into the garret.

Did you view the houſe at all yourſelf; had you coolneſs and preſence of mind at all after this affair happened to view the houſe, to know where this fire began?—No further than from looking out of the window; I ſaw the flames come out of the ſhop window next Eaſtcheap; it was two houſes, and that end of the front on the hill next Eaſtcheap was the ſhop window where I ſaw the flames firſt break out.

At what time had you gone to bed the night before?—I ſaw every thing ſafe about eleven, my wife held the candle for me while I bolted the door.

Did you go to bed ſoon after?——We went to bed immediately.

Did you leave any part of the family up?—No, they were all in bed before me.

How was your ſhop lighted of a night?——We had that night only one candle, I had no occaſion for any more, I took that candle away with me, and took it into the kitchen when I faſtened up the ſhop.

Is there any fire-place in the ſhop, or in the back room by the ſhop?——There is a fire-place in the back room, but we had no fire any where but in the kitchen, which is up one pair of ſtairs.

Was there any fire in the kitchen that night?——There was fire in the kitchen that afternoon for dreſſing victuals.

Was it in when you went to bed?—I think it was out.

Were there any chips of paper, any ſhavings of paper laying looſe in the ſhop?—It was always my cuſtom to take up the chips of paper, thoſe ſhavings are valuable to us, we ſell them for twenty-two ſhillings a hundred weight; in the ſhaving tub there was between ſix and eight pounds, the tub was kept in that part of the houſe next Eaſt-cheap.

Did you go near that with the candle ?—Only to faſten the door.

Where was your work-board that you worked at uſually ?——Acroſs the ſhaving tub.

It lay over the ſhaving tub ?—Yes, there were two preſſes upon it.

What ſort of candles did you uſually work by in the ſhop ?——Candles called eighths.

What ſort of candleſtick ?——Flat ones, tin or braſs; the candleſtick I had that night was a metal candleſtick.

A flat candleſtick ?——No, a high candleſtick.

Did you go from the ſhop up to the kitchen, and ſo go to bed, that night ?——No Sir, I left work at nine, and I did not go to bed till eleven, there were two hours between, before I came to faſten the door, and then every thing was ſafe.

Was there any window where the ſhaving tub ſtood ?——It was by the window, that window was faſtened by the boy before.

Did you go to look at that window when you examined the houſe before you went to bed ?—No, I knew it was faſt before, the ſhop door was within a quarter of a yard; but then the bolts were not near that; from the faſtenings of the door to the ſhaving tub was near a yard; when I faſtened the door my wife held the candle, I called her down for that purpoſe.

Do you recollect on which ſide ſhe ſtood when you faſtened the door ?—She ſtood on the ſtairs.

Then ſhe did not come forward into the ſhop at all ?—No, ſhe did not, ſhe did not come cloſe to me.

Did you go to bed with the ſame candle ?——Yes, the candle that my wife had.

Did you blow out the other candle or ſnuff it out ?—I ſnuffed the working candle out in the ſhop with the ſnuffers, that was put out when we ſhut up the ſhop.

Where did you ſee this boy firſt after the fire ?——My neighbours the next morning adviſed me to go Guildhall, to take him up; I went to get a warrant, I went over to his mother in George-ſtreet, Black-fryars, expecting to find him there, his brother gave us information that he was at Mr. Berry's, an attorney in Carey-ſtreet.

Had he been in bed in your houſe that night ?——Certainly he had.

Did you go to Mr. Berry's houſe ?——I did.

Did you ſee him there ?——Mr. Berry denied him twice, I aſked him if Richard Corbett was there; Mr. Berry ſaid he is not; I ſaid, Sir, I am informed he is here; he ſaid he is not here; a young man that was there ſaid he is below in the kitchen, and he came up to me; Mr. Berry apologized for ſaying he was not there.

What did the boy ſay ?—He ſaid, I hope you will not hurt me, I have not robbed you, I did not ſet the houſe on fire, and he hoped I would let him ſee his father and mother and friends.

Mr. Silveſter, Priſoner's Counſel. I will ſend for Mr. Berry about his denying him.

Court. Have you been robbed of any thing that you know of ?——I did not ſuſpect him of any thing, I have never ſeen any thing that has been deſtroyed.

Did the boy at any other time in your hearing, ſay any thing remarkable ?—We put him in a coach to take him to Guildhall, and Mr. Jameſon aſked him before the conſtable, how he came to do ſuch a wicked action, and how he came to eſcape himſelf, he told Mr. Jameſon that they broke open the door and took him out, and after ſome more converſation Mr. Jameſon aſked him the ſame queſtion over again, how he eſcaped, he told him that when the man made a noiſe at the door he opened the door and run out.

You are ſure he ſaid firſt the one and then the other ?——He did Sir, in leſs than two minutes time in the coach going along, then he was brought to Guildhall and examined by Mr. Alderman Plomer, and Mr. Alderman Hart.

Mr. Silveſter Priſoner's Counſel. What o'clock was it that evening that you began to work by candle light?—At duſk.

What o'clock is that?——It muſt be between eight and nine, I ſuppoſe we had a candle lighted about half an hour, I was at work for Mr. Phillips binding books, the laſt thing we do is to clear the ſhop, the candle was on the board and the ſnuffers, there was no extinguiſher.

You made uſe of the ſnuffers occaſionally?——Yes, we put out the candle with the ſnuffers, we took them all up ſtairs with us, I took the candle up with me put out as it was.

When you came to faſten your ſhop and to examine the door, you called your wife down to hold the candle?——There were bolts out of my reach without I ſtood upon the ſhaving tub, and they bolted a flap that faſtened to the top.

Then the candle was in the work ſhop?——Yes, when we were faſtening the ſhutters.

Then your wife was with you then?—I did not faſten theſe bolts then.

You know at eleven you took your wife down with you?—Becauſe I could not faſten theſe bolts that were out of my reach without ſetting the candle down.

Did you ſtand upon the ſhavings or the tub?——Not upon that ſhaving tub at all; upon a little ſhaving tub that is covered intirely, when it is let down the boys could not do it, the ſhavings are looſe, they fell looſe in the tub ſome over the tub, and they are put in afterwards looſe one upon the other; there were about eight pounds weight, not exceeding eight pounds.

I ſhould think they were a pretty deal?——They are but a little in a tub of eight foot long, and that has three preſſes along it.

This young man's father writes at Mr. Berry's?—I have heard ſomething of his writing for Mr. Berry at times, I do not know that he was clerk with Mr. Berry.

You know him to be an Attorney?——I have heard he is an Attorney, I do not know him.

Why you lived in Carey-ſtreet yourſelf?—I was not obliged to know him, I did not know you till I was told your name was Silveſter.

You know my name upon the door, and you knew Mr. Berry lived next door to me; it is a little unfortunate that you ſhould ſay that now, when you told me the other day you knew me perfectly well?——I did not Sir, you ſaid that you knew me.

This man is a man of character, and the father worked there as his clerk?——I have heard that he worked there occaſionally.

You did not ſuppoſe that Mr. Berry was concerned with ſomebody againſt your houſe?—Why ſhould I, I ſay he ſlept there that night, and Mr. Berry denied him twice.

Was not his father there?——I did not ſee his father.

I think you ſay that Mr. Jameſon is not here?—No, he was before the Alderman.

He is not here to be examined now?—He lives the corner of St. Mary's Hill, he may be here in Court.

You never found the remains of the poor woman?—They never have been found, they have been ſearched for, I have the bill of charge to the pariſh for the ſearching for her, it was falſely reported that ſhe never was ſearched for.

Was that a part of the collection you made?—No, Sir.

You never tried for her yourſelf?——That is a very fooliſh queſtion; I have borne a great deal, and I ſhall be able to bear this.

Jury. What work was you about that night?—I was finiſhing the boarding of books, I was paſting, the board was over the cutting preſs.

You was not boarding the books upon the cutting preſs?—The board was upon the cutting preſs, the preſs was over the ſhaving tub, and over the preſs the board, there was ſuch a ſmall quantity of ſhavings in the tub and they were not preſſed down.

Mr. Silveſter. Had the boys acceſs to

the ſhop?—Yes, when we ſent them out for beer for ſupper they were obliged to go through the ſhop, I believe the priſoner went for it, did not you Dick.

Priſoner. No Sir.

Pray Mr. Duffey, you are the moſt eaſy witneſs in a Court of Juſtice I ever ſaw, let us aſk the queſtions?——We ſent the boy and my wife's ſon both up together.

What is your wife's ſon name; George Hales.

Court. Is he here?——No, he is not, but I can ſoon ſend for him, he will be here very ſhortly, he has a very bad leg now from the fire, I cannot ſend him about my buſineſs.

Jury. When the beer was fetched be it by whom it would, was there a candle taken?—No, there was not.

JOHN ALGIE *ſworn.*

Court. What do you know of this unfortunate affair?—I was going by being ordered upon duty that morning upon the Jubilee at Weſtminſter, and as I was coming paſt this part of the town, I ſaw a light over the top of the ſhop door, through the fan over the door.

What time of the morning?—As near as I can recollect about fifteen minutes before four.

Was it Eaſt Cheap or St. Mary Hill?——St. Mary Hill, I was not certain whether it was not a baker's ſhop, I put my ear to the ſhutters and I heard the wood cracking and burning, I came back again to St. Mary Hill, and ſaw two men and called to them, and told them there was a houſe on fire, they came to my aſſiſtance, one of them claped his eye to the key hole of the door and looked through, I began to knock at the door, a little after we had knocked, we heard a foot come to the door and ſpring the lock and come out.

Court. The ſhop door or the houſe door?——The ſhop door.

You ſaw that perſon come out?—Yes.

Who was that perſon?—The priſoner.

Are you ſure of that?—I am ſure of it.

Was he dreſſed or undreſſed?—He was full dreſſed, he was completely dreſſed, I did not ſee any hat on his head, but his clathes were all on.

Had he any bundle with him or any thing?——No, Sir, when he came out firſt he had nothing, he came out and aſked what was the matter, ſays I, what do you think is the matter, don't you ſee the ſhop is on fire about your ears.

What did he ſay to that?—He never made any reply, he went in again towards the ſtair caſe, I went with him about a yard into the ſhop.

In what ſtate was the ſhop then?——It was all on fire on the ſide of the ſhop that led down to little Eaſt Cheap, there ſeemed to be a bench there, and from under that bench the fire ſeemed to proceed.

What became of the boy?—He went off, I do not know what became of him, he went paſt me, he came back immediately and I ſaw ſomething lay over his arm, I did not examine what it was, I was looking at the fire and ſaw no more of him.

Had you leiſure to obſerve his ſhoes and buckles, whether they were on, and his ſtockings whether they were up or down?——I did not particularly obſerve that, I only looked at the upper part of his body, the fire drew my attention to the upper part of the ſhop.

Had the flames gained a deal when you looked into the ſhop?—The flames had reached the windows of the book caſe.

Had it reached the ſtair caſe then?—No,

Who came into the ſhop beſides you?—One John Bowland, there was only that one with me.

Mr. Alderman Hart. Did not you knock more than once before the boy came down?——We kept a perpetual knocking for about a minute before we heard a foot come to the ſhop door.

The flames not having reached the ſtairs did Bowland and you go up ſtairs and alarm the family?——No, I only went one pace into the ſhop and I went to call the watchman he came directly.

Did not it occur to you that there might be people up ſtairs, and that they might have eſcaped if alarmed then?—We made all the alarm poſſible in our power by calling out fire.

You did not go far enough in to ſee if there was any fire in the houſe?——No, we did not.

When you came back with the watchman what ſtate was it in then?——It had got to the ſtaircaſe I ſaw no more, when the boy came to the door he aſked me more than once what is the matter, what is the matter, I replied what do you think is the matter, do not you ſee the ſhop on fire about your ears.

Mr. Silveſter. Two men came up to you, who were theſe two men?—One I never ſaw ſince, and the other is John Bowland.

Was not he before Alderman Hart?—One of the men never was, that came to my aſſiſtance at that time.

I mean the man of the name of Jones?—That is not the man that came with Bowland, I never ſaw him there.

Then inſtead of alarming the people you went and called the watchman?—He was facing Croſs-lane talking to two men, I ſuppoſe about one hundred and twenty yards off, I went into the middle of the ſtreet and called them.

Did you ſee the boy go up ſtairs?—No, I did not, I ſaw him go towards the ſtaircaſe, he come paſt me again directly, my attention was fixed on the fire, whether he went up two or three ſtairs I cannot ſay, but he came by me immediately again.

JOHN BOWLAND *ſworn.*

I was coming to call my maſter juſt before four, and I ſaw the ſoldier looking at the houſe, ſays he, there looks like a fire, is it a baker's? no, ſays I, it is a bookſeller's; I knocked at the door, and looked through the key-hole, I heard a noiſe of crackling and jumbling about the place, what it was I cannot ſay.

Court. What ſort of a noiſe?—It was crackling and jumbling about the place.

There is a great difference between crackling and jumbling?—There was a crackling inſide the place, I was not withinſide.

What do you mean by a jumbling?—Why crackling.

Do you mean the ſame thing when you ſay crackling or jumbling?—I do not know how you take me, not I.

I take you juſt as you ſay, but I want you to explain what ſort of a noiſe was it?——It was the crackling of wood.

What do you mean by the word jumbling?——A noiſe I took it to be.

You mean the ſame kind of noiſe as crackling?—Yes.

You did not mean any different noiſe?—No, I did not mean any different.

Then you did not hear any other kind of noiſe except what might proceed from the crackling of the fire; when you knocked at the door, did you hear any body from within?——No, my head was turned the other way.

Did you ſee him open the door?—I could not ſee him undo the door, he was withinſide and I was without.

But you ſaw him open the door?—Yes.

How long was it?—About two or three minutes.

What did he ſay when he opened the door?—He rubbed his eyes, and ſaid, Maſter, what is the matter? I made anſwer and ſaid, you ſon of a bitch, cannot you ſee what is the matter, do not you ſee the place is on fire! then he ran into the ſtreet as far as the kennel, and looked up at the houſe, and then he ran in doors and fetched an old coat, and put it under his arm, and ran out of the houſe; he was fully dreſſed, but he put the old coat under his arm; I never ſaw the boy again till the next day.

Was he dreſſed when he opened the door?—Yes, he was dreſſed all but his hat on; I ſaw nothing more than what I have ſaid.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 7th of JULY, 1784, and the following Days;
Being the SIXTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;
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THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of Richard Corbett.

Did you obſerve any thing looſe or undreſſed about him?——His black waiſtcoat was buttoned, his coat was on, I ſaw his ſtockings were ſtrait on his legs, whether they were tied or not I do not know.

Mr. Sylveſter. I ſuppoſe you kept knocking?——Yes, I knocked two or three minutes at the windows, and two or three minutes at the door.

I ſuppoſe you knocked very violent?—Yes.

Jury to Proſecutor. Was it poſſible for the boy to open the bolts?——One of the doors was faſtened with a flap and two doors, and one was a door without the flap; the door next St. Mary Hill was a ſingle door, with two bolts, a chain bolt, and a ſpring lock, the boys could not reach it without ſtanding on ſomething.

Court to Algey. It was the door on St. Mary Hill that the boy opened?——Yes.

You ſaid you heard ſomething after knocking ſome time?——I heard a foot.

Then if you heard ſo plain as that, did you hear in what manner the door was opened?—I heard there was no bolt drawn, nor no chain, but the ſpring lock, for I ſhould have heard the chain; if the bolts had been drawn I muſt have heard it, and he would have been a longer time about it; I heard only the ſpring lock draw, and he opened it immediately.

Can you recollect now whether you heard the foot more than once before the door opened?——No, I cannot ſay, it might be more than one pace, but it was very little, it ſeemed to come acroſs the door as I could underſtand it, I only heard the foot juſt coming to the door, and immediately the ſpring lock opened, and he aſked what was the matter! what was the matter! one ſide of the ſhop was all in a light by the flames.

Jury to Proſecutor. Where did his old coat lay?——He uſed to work in the ſhop, and the clothes he did not wear in common were in the garret.

Court to Algey. Was that the coat he had on when he came out?—Yes.

Court to Proſecutor. What had he on when he went to bed that night?—He had theſe clothes on, for I deſired him to put on theſe clothes, and to mend a hole in his ſtocking.

Jury. Did the ſtair-caſe come down fronting your door?—It was fronting the door in St. Mary Hill.

GEORGE BUSH *ſworn.*

The morning the fire happened, as I was going over the water to my miſtreſs, to let her know of the fire, ſhe lives at Newington, her name is Jones; it was in the morning about a quarter after four, it was while the fire was; as I was going along Eaſtcheap, juſt by the corner of Fiſh-ſtreet Hill, I met the priſoner.

Did you know him before?——Only by working at the houſe a day or two before the fire happened; I aſked him where he was going to, he told me he did not know rightly where he was going to, or ſome ſuch word; I told him to go back and ſee if he could not ſee his maſter, and he went back, but before I got half way down the Borough, he was after me again.

Whereabouts in the Borough?——Juſt by the corner of Snow's Fields in the Borough.

That is a good way down?—Yes, and I aſked him if he had ſeen his maſter, he told me no, I told him to go back and ſee if he could not ſee him; he made me no anſwer to that, I aſked him how he got out of the houſe.

Court. Now tell us as exactly as you can remember, what anſwer he made to that?—He told me he got out at the ſtreet door, and that he went up one pair of ſtairs to call his maſter, and he heard the bed creak, and he came down ſtairs again directly; then I aſked him how he got his things out, he told me that he got his breeches and his ſhoes to bring away with him, and he dropped them coming out of the door.

Had he all his things on?—Yes.

Then what did he mean by dropping his breeches and ſhoes at the door?—I cannot ſay.

Repeat again, ſlowly and as exactly as you can, what anſwer he made to that?—He told me firſt that he was bringing them out at the door, and in his fright he dropped them, he ſaid it was his breeches and a pair of ſhoes.

Had he a hat on?—I cannot ſay whether he had or no rightly; I ſaid to him again, go back again and ſee if you cannot ſee your maſter; he told me his maſter was ſuch an ill natured man, that if he ſaw him there he would throw him into the fire; that was all that paſſed: he went up to the houſe where I was going to, juſt by Newington, and he ſtaid there till I came out and talked to a gentleman at the door, he came away with me then, and he never ſaid a word to me all the way we came down the lane till we came to the corner, and I aſked him where he was going, and he ſaid to his father at Newington; but inſtead of his going to Newington, he croſſed over St. George's Fields, and went up the road towards Black-friars Bridge, and I ſaw no more of him.

Had he any bundle or any thing over his arm when you ſaw him?—No, Sir, nothing but the clothes on his back.

Mr. Sylveſter. Do you know where his mother or father lived?—No, only he told me he was going to Newington to his father, he did not ſay his mother.

Court to Algey. When the boy went in towards the ſtairs, can you ſay whether he went up the ſtairs at all or not?——I cannot be poſitive, I do not think he had time.

Did he call to any body?—No, Sir, he never ſpoke, I am poſitive of that, he did not call to any body.

Court to Bowland. Do you know whether he went up ſtairs or not?——He went towards the ſtairs, but I am ſure he could not go up, it was impoſſible for him to go up ſtairs, the ſulphur was ſo ſtrong.

ROBERT BALL *ſworn.*

What do you know of this affair?—I ſaw the priſoner come to Mr. Draper's, on St. Mary Hill, the day the fire happened, about one in the day, as near as I can recollect; Mrs. Duffey's ſon was there, he came to ſee him, I aſked him how he eſcaped, he told me he was taken out of a two pair of ſtairs window; I aſked him the reaſon he had not called his maſter, he told me he called him, but he could not make him hear, that was all he ſaid to me.

Did you ſee the fire?——Yes.

Did you ſee the priſoner there at that time?——No, it was burning with great fury when I ſaw it.

Did you ſee at the windows any of Mr. Duffey's family?—No.

Did he ſee Mrs. Duffey's ſon when he came there?——Yes.

Did you hear any converſation between them?——No, only he aſked him how he did.

Court. I wonder it has not been material to bring that boy here who ſlept with the priſoner; you muſt not go for him yourſelf Mr. Duffey.

(The Court ſent a meſſenger for the boy, with orders not to tell him what he was ſent for, only that he might not be frightened and ſuppoſe he was ſent for on account of any harm to himſelf, nor to let him converſe with any body as he came along.

Court. In the mean time we will go on.

——— ROSIER *ſworn.*

On the 4th of laſt month, I was going along the Poultry that was the day after the fire, I met the priſoner and a conſtable which had hold of him.

Did you know him before?—No, I never ſaw him before, I heard the conſtable aſk him to confeſs, he ſaid to him if you are guilty you had better confeſs at once.

Court. Then you muſt not tell us what anſwer the boy made to that, we cannot legally hear the anſwer.

Do you know any thing more?——The converſation between him and the conſtable.

You know nothing except that converſation?—No.

Then you muſt not tell us that.

Court to Proſecutor. How many rooms are there on a floor in your houſe?——On the firſt floor there are three, on the third floor, there is the middle room where the priſoner and my wife's ſon and the child of ſix years old ſlept, we ſlept in the back room.

Where did the window of the middle room look into?—Into St. Mary Hill.

Is that room nearer the ſtairs or the room where you ſlept?——The middle room is directly oppoſite the ſtairs, the lads did not uſe to lock their room door, that uſed to be open, when I got up on the alarm it was on the jar, and I immediately waked my ſon in law and the child; they were both aſleep I am poſitive, I called Dick by his name ſeveral times and he never anſwered.

Court to Jury. There cannot be a caſe where one would more anxiouſly wiſh to get at the whole truth which ever way it may ſay, and I dare ſay you have no objection to waiting for this boy's coming.

Jury. We think it highly neceſſary my Lord to have him here.

(The boy came after ſome ſhort time, and Mr. Duffey was order to go into the Lord Mayor's parlour whilſt the boy was examined.)

GEORGE HALES *ſworn.*

Court. You are Mrs. Duffey's ſon by a former huſband?—Yes.

Now when this dreadful accident of the fire happened, what was the firſt alarm you heard?——The firſt that I heard of it, my father awaked me and then I got up.

Was you aſleep when your father came into your room?—Yes, I was faſt aſleep.

Did you hear no alarm of any kind till you father came into the room?—No, Sir,

Are you ſure of that?——Yes.

What time did you go to bed the night before?——About ten.

Did you faſten up ſhop the door or windows or any thing that night?—Yes, I helped to ſhut up the ſhop and faſten all the windows, then I went to bed.

What time was that?——It was about ten o'clock or it might be rather after.

Who were with you when you faſtened up the ſhop?—Nobody but me and the other boy, my father was in the ſhop but he did not help to ſhut up the ſhop.

Which of you held the candle?—Neither of us held the candle.

Where did the candle ſtand?——The candle was ſtanding on the little ſhaving tub that we had, and the other by the window.

Was the little ſhaving tub covered or open?——It was covered with a board that we always had over it.

Did that board cover it intirely?—Yes Sir, intirely, it was but a little one.

Who bolted the croſs bolt at the top of the flap of the door?--My father did that, becauſe it was out of my reach, I could not do it.

Where does the other ſhaving tub ſtand?——It was in the window next to little Eaſt-Cheap.

Where does your father generally work?—At the ſhaving tub in little Eaſt-cheap, that is the large ſhaving tub.

That was not covered was it?——No, that is never covered, but the candle was in the window becauſe we could not work if it was upon the preſſes, the board that we work upon is over the big ſhaving tub, but does not cover it.

Who went for the beer that night?——The other boy, the priſoner.

Did he and you go up ſtairs to bed together?—Yes Sir, both together.

Was it long before you fell aſleep?——No, Sir, it was not long.

Do you recollect whether the other boy fell aſleep before you or not?—I do not know, we had no converſation together in bed that night, but moſtly he would talk, but that night he did not.

Which way did you get out of the houſe?—I could not get down ſtairs, but my father and I went up to the fourth ſtory and I got out of the window, and I jumped down to the next houſe.

Which way did your father get out?—The ſame way.

Did you ſee what became at all of your mother?——I heard her cry terribly, and I ſtaid about five minutes after my father.

Did your father try to get your mother out?—Yes, Sir, he tried, and his hands and his noſe were all ſcorched, and he had ſomething to rub them with.

Did he come into the houſe a ſecond time?—He jumped out and tried to get my mother out, and he could not, and he came in again and he tried to lift her up and could not, and he was obliged to leave her in that diſtreſs; I firſt ſaw the priſoner at Mr. Draper's, he came and aſked me how I did, ſays he, George how do you do, I came to ſee how you do, ſays I, I am hurt terribly, and my mother is burnt, ſays I, how did you eſcape without hurting yourſelf, and he told me at that time he got out of the window.

At what window?——He did not ſay which.

Did you aſk him any queſtions about leaving you, or not waking you?—I did not mean to aſk him any queſtions for fear that if he did ſet the houſe on fire that it would frighten him, and therefore I did not; I had heard at that time, that he was ſuſpected, and I ſaid nothing more to him then I could help.

Mr. Silveſter. Who uſed generally to fetch the beer of a night?—I did.

There were a quantity of ſhavings in the box?—There were about nine pounds.

How do you know?—Becauſe they lay quite light in the ſhaving tub, on purpoſe to make a little ſhow, becauſe it looked naked without, as we had but been lately moved in.

You had one candle and you father had another?——I was at that time folding, I did not work at the preſs in Eaſt-cheap, I worked at a mahogany board.

Jury. Had you any candles to go to bed with that night?—My mother went up ſtairs, ſhe went in the other room, there was a little cloſet that we ſlept in, and when we got into bed my mother took down the candle.

Court. Do you remember, my boy, whether there was one candle or two burning in the ſhop when your father was at work?——I do not rightly know, I cannot poſitively ſay either way, whether there was one or two.

Was there any fire in the kitchen do you know that night?—There had been a fire, there was but very little fire left.

Is there any tinder box and matches kept in the houſe?——Yes.

Where does that uſually lay?——It was put in the drawer under the dreſſer, as there is in moſt kitchens a drawer under the dreſſer, it was kept in there, I have had occaſion to go to the drawer, and have ſeen the tinder box there.

Who got up firſt in a morning?—The priſoner and me both got up together.

In the winter time who gets up firſt?—Both together at ſeven.

How long had the priſoner been with you?—He had been off and on a matter of a twelvemonth on liking, but he had not ſerved above two months of his time; we both got up together, my father and mother did not get up ſo ſoon; I uſed to ſtrike the light, for I lighted the fire for my mother.

Was the other boy with you?—No, he was ſprinkling the ſhop.

How did he get a light?——We did not get up before day light.

Did the boy know where the tinder box and matches were kept?——I do not know, Sir.

Mr. Silveſter. You had not been above a fortnight in the houſe?—It wanted a day of a fortnight.

Court. How old is the boy?—Seventeen.

Is he ſo much?—He is ſomething thereabouts, I will tell you why, he was ſaying to my father, ſays he I am ſeventeen years old, do not you tell my mother that I told you, but my father knew it, for I heard her ſay I deceived you in this boy, for I told you he was but fifteen, but he is ſeventeen.

Court to Priſoner. Will you ſay any thing for yourſelf, or will you leave your defence to the witneſſes your Counſel will call?

Priſoner. I leave it to my Counſel.

JOHN JONES *ſworn.*

I am a fiſh-man, as I was going to Billingſgate that morning of the fire, it wanted a quarter to four; I was examined before Mr. Alderman Hart and was bound over, the firſt thing I ſaw going to market was this ſoldier coming towards Tower-ſtreet, and he made a full ſtop at this houſe, the name of the other man that was with me is James Sheridan, I ſaw the ſoldier lay his head to the door and liſten, and he ſaid to me it is my opinion here is a fire here, I looked over the door way, there were three or four pains of glaſs, I ſaw there was a fire, I immediately began to knock and call as loud as I could, to awake the inhabitants, I knocked five, ſix, or ſeven minutes as near as I can gueſs, and this lad came down ſtairs, he had never a hat on and his ſtockings were about his heels, and his waiſtcoat was open it was not buttoned; I ſaid to him my dear make all the haſte you can and awake the family, and deſire them to come down ſtairs, as ſoon as ever they can; then the child went up ſtairs again immediately and went out of my ſight, but how far he went I cannot ſay; he came down ſtairs again, and ſaid I can go no further the ſmoke choaked me ſo; then I ſaw no more of him.

Did he ſay any thing more to you?——When he came down again he ſaid I wiſh you would go up ſtairs, I ſaid no, my dear, the danger is ſo great I will not go up ſtairs at all, I ſhould have been to blame if I had, the fire pouring down ſtairs ſo as it did.

Did you make any obſervation on the boy at that time?—Only as I mentioned, of his waiſtcoat being unbuttoned and his ſtockings about his heels.

Court. What are you?—I ſell fiſh for my living.

Where do you live?—I live in Kingſland road.

The ſoldier was at the door of this houſe before you?——He was.

Where were you when firſt you ſaw this boy come down ſtairs?—At the door.

Who opened the door?—The boy opened the door.

Then how do you know that he came down ſtairs?——That I cannot be poſitive, but he opened the door, I know he opened the door.

But you did ſay that he came down ſtairs. ——Whether he was below ſtairs or up ſtairs I cannot ſay.

Where was the ſoldier and the other man Bowland when this converſation paſſed?—When I came to the door there was nobody with the ſoldier, he was liſtening his head againſt the door?——Bowland came up after I was there.

But before the boy went away did he come up, before the door was open?—That I cannot tell.

Where was he and the ſoldier after the door was open, that you had all this converſation with the boy?—The ſoldier and I was together, and Sheridan was there, whether the other man was there I cannot ſay.

Then Sheridan, and you, and the ſoldier, were in the ſhop when this converſation paſſed?——I never went into the ſhop any farther than ſtood at the door and hallooed, I ſtaid at the door on the outſide, and the boy was within; I talked to him, and he came down ſtairs and had that converſation, I did not go into the houſe at all, I was no nearer than upon the ſtep of the door.

The ſoldier and Bowland both went in?——They might, but I do not know whether they did or not.

When the boy ſaid the ſmoak choaked him, in what ſtate was the fire then?——It burnt very fiercely, and when the door was open, it run up the ſtaircaſe very faſt, it was not on fire till the boy came down.

Did you ſee him have any thing over his arm when he came down the ſecond time?—Upon my word, Sir, I did not take notice that he had.

How long might this converſation between the boy and you take up?—Not a minute.

Mr. Sylveſter. Your Lordſhip underſtands this witneſs was bound over by the Alderman to proſecute.

JAMES SHERIDAN *ſworn.*

Mr. Sylveſter. Tell your own ſtory.—I was going juſt cloſe to this houſe, and there was a ſoldier going by, and he ſaid this houſe was on fire, and we ſtooped down and looked through the wainſcot and ſaw it was on fire, and we looked through the glaſs and ſaw it was on fire.

Court. What wainſcot?—Through the crevice of the ſhutters; then we alarmed the place, and called out fire as loud as we could, and we were the ſpace of five or ſix minutes before any body came to the door, and the boy came to the door, and as far as I underſtood there was a key in the door, and he was puzzling at the door, I computed it to be half a minute before he could open the door, and I called out, and when he opened the door, he ſaid what is the matter, and we ſaid, do not you ſee the place is all on fire; he was without his hat, and his coat and waiſtcoat, if he had a waiſtcoat on, it was quite open, and his ſtockings were about his heels, and ſays we, go up ſtairs, and awake the people up ſtairs, for fear they be burnt; with that he went up ſtairs, but how far he went I cannot ſay, for the fire and ſmoak were ſo great, there was no ſuch thing as that he could go farther up.

Did he ſay any thing when he came down again?——No.

Did he ſay whether he had been up to the top or not?——No, he did not, he never ſpoke a word, only wanted one of us to go up.

What did he ſay?—He wanted one of us to go up, he ſaid he could not go up.

You ſay his coat and waiſtcoat was quite open?——His breaſt was quite open, and his ſtockings about his heels, and no hat on.

That was plain to be ſeen by any body? ——Yes.

What became of the ſoldier?—He might be there, I do not know.

Did you go into the ſhop?—No.

Did you ſee one Bowland there?—— Yes.

Look at him?—That man was there, but he was not there at the firſt of the fire.

Was he there when the boy opened the door?

door ?—I cannot tell, he might come up at the ſame time.

Did the boy bring out any thing with him ?—Not as I ſaw, becauſe I never looked, if he did bring out any thing it muſt be a ſmall thing; I ſaw one or two people on the leads, I ſaw one man in his ſhirt, and he ſtood for the ſpace of a minute I ſuppoſe before we could make him move at any rate; I told him not to come down the ſtairs, for he would be burnt.

Then when the boy came to the door, you heard him puzzled at the key of the door ſome time before he could open it ?—Yes, very nigh half a minute.

Did you hear him draw any bolts ?—No. He ſeemed very much frightened.

MOSES ROACH *ſworn.*

Mr. Sylveſter. Tell the Court and Jury the firſt thing you ſaw at this fire ?—The firſt thing I ſaw was John Jones knocking at the door; I paſſed by the door firſt, I went on I ſuppoſe twenty yards, John Jones and James Sheridan were after me, they met another man and talked about this houſe, we turned back, and Jones knocked at the door before I came up, and I went and knocked at the doors on both ſides of the way, up and down, a good many doors, and I came back again, and ſome time after I came back the door was open.

Who opened the door ?—A boy.

Did you obſerve the lad when he came out ?—No farther than ſeeing him open the door, he had no hat on, how he was dreſſed otherwiſe I cannot ſay, as nigh as I can gueſs it might be five, or ſix, or ſeven minutes, from the firſt knocking at the door to the time the door was opened.

Court. You did not obſerve you ſay the boy's dreſs ?——No, Sir, nothing particular, but that he had no hat on.

Jury. Who was the man that your companions were talking to when you came back ?—I do not know who he was, I never ſaw him before.

Now when the boy opened the door did you go into the houſe ?——No.

Who went into the houſe ?——I cannot ſay, as ſoon as he opened the door I did not ſtay above half a minute at the door, I went and knocked at the doors on both ſides of the way; I did not ſee what became of him after he opened the door.

Did you hear him before he opened the door at all ?——I came to the door about a minute before it was opened.

MATTHEW NEWTON *ſworn.*

I am a watchman at Billingſgate Ward.

Mr. Sylveſter. How near was your ſtand to this fire ?—The ſtand was facing the back door, the fire began at the back door, I was walking upon my beat when this fire began.

When was you alarmed at this fire ?—There were ſome men came by, what men I cannot tell, they called to me and ſaid there was a fire, I ran up immediately, and found the door open, I ſaw a boy there, and the maſter I ſaw at the top of the houſe in his ſhirt, I told him to fly for his life, I thought the inhabitants were in ſo much danger; I ſaw the boy without his hat, and I think his ſtockings were about his heels, if I can remember right; I do not remember any thing more, I was without my great coat being warm weather, and that was the reaſon I was not known.

Court to Algey. Who was the firſt man that went into the ſhop with you ?—I cannot ſay, if there was any it was Bowland, I ſaw nobody but him in the ſhop, and I believe he ſtood at the threſhold of the door, I ſtepped in immediately and made the reply the ſhop was on fire.

Did you hear the boy fumbling with the key ?——I am very clear there was never a key put into the door, he drew the ſpring lock, and opened the door immediately, and came into the ſtreet.

Court. You ſay the ſame, Bowland ?—Yes.

Now thoſe people that you have heard examined, you have heard the converſation they ſay paſſed between them and this boy, did any ſuch converſation paſs ?——Not to my knowledge, they had not time to have ſuch converſation.

Court. He ſays he came down with his waiſtcoat unbuttoned, and his ſtockings about his heels?—I am clear it was a black waiſtcoat, and ſome part of it, the lower part was buttoned.

Court. I will tell you what the converſation was, (*reads it*) did any ſuch converſation as that paſs?——Not to my knowledge, I am very ſure they had not time enough for ſuch a thing.

Could ſuch a converſation as that paſs without your hearing?——No.

Bowman. I ſay the ſame, and that he went in but once and came out directly, he went in for his coat, and put it over his arm and came out directly.

Mr. Sylveſter. Did not he attempt to go up ſtairs at all?—No.

Algie. I was within the ſhop, I do not remember ſeeing Jones there.

Bowman. I remember them both there, they were ſtanding by the kennel.

CHARLES CORBETT *ſworn.*

Court. You are the father of this unfortunate young lad?—I am.

Where did you lodge in the beginning of June laſt?—At Newington Butts.

Where did your wife keep a lodging houſe?—In New George-ſtreet, by Black-friars Bridge.

Do your wife and you live ſeparate?—We do.

——— COOPER *ſworn.*

What are you?—A ſtock broker, I have known the priſoner about five or ſix years.

What has been his character during that time?——I never knew any harm of him, I always took him for an inoffenſive innocent boy.

Was that his general character?——As far as I knew.

Mrs. BROADBRIDGE *ſworn.*

I am a ſervant, I have known him between nine and ten years, a very innocent lad as ever I ſaw or knew, I have been with him three or four months together.

THOMAS HUMSTON *ſworn.*

I am a farmer.

How long have you known this boy?—Above nine years, I looked upon him as an innocent boy always, I have ſeen him have a little quarrel with his brother, I always found him willing to make the matter up, never found him ready to bear malice.

Court. Gentlemen of the Jury, the priſoner is indicted for a capital felony, for ſetting fire to the houſe of John Duffey, and there are very few trials occur which require more attention, or which ſhould be conſidered as more important than the preſent, for the charge againſt the priſoner, under all its circumſtances, is one of a moſt aggravated and atrocious nature, and ſuch as if he is guilty, he is extremely dangerous to ſociety, and extremely unfit any longer to be ſuffered to continue a member of it: on the other hand, the very magnitude of the charge renders it ſtill more improbable, that a boy, who has hitherto had the character of a harmleſs inoffenſive lad, ſhould without any degree of provocation alledged, or any thing that could excite malice in his mind, commit ſo great an offence. This matter is certainly after all our endeavours to inveſtigate the truth, by no means ſet ſo perfectly clear or free from difficulty as could be wiſhed, and I muſt rely therefore upon the attention you have paid to the evidence, and upon your opinion on that evidence. It is my duty to bring back the moſt material part of that evidence, and at the ſame time to trouble you with a few obſervations thereon, having no doubt but many more, equally material, will occur to yourſelves. The firſt witneſs is the ſuffering party, John Duffey, and he ſays, &c. (*Here the learned Judge ſummed up the evidence, and obſerved*) It is a fact proved by all the evidence beyond a poſſibility of doubt, that whoever was the cauſe of the fire, it certainly began in the ſhop; no inference ſhould be drawn from the boy's being denied by Mr. Berry, becauſe it is very probable if it was ſo, that Mr. Berry did not know the boy was in the houſe: Mr. Berry is an attorney of character in Carey-ſtreet. The only circumſtance of apparent contradiction that appears to me between the boy and his father-in-law is, as to the manner of ſhutting up the ſhop; the father ſeems to ſpeak to that as his own act, and did not ſpeak of the boys at all, he did not explicitly ſay ſo, but that he himſelf did ſhut up the ſhop, and the circumſtance of bolting the flap, which was high, the boy ſpeaks of as done at the ſame time, whereas the father ſpeaks of it as being done at eleven. As to the fire, it certainly proceeded from the ſhaving tub under the ſtairs, whether it was by accident or deſign. One of the witneſſes ſays, the priſoner told him the next day that his maſter was ſuch an ill-natured man he would throw him into the fire; and this expreſſion is the only circumſtance that ſhews the ſmalleſt ground of malice or ill will againſt his maſter. The circumſtance of the priſoner going over Black Friars Bridge does not appear to be very material, when you conſider his father lodged at Newington, and his mother lived near Black Friars Bridge. The material circumſtances that ariſe from the evidence on the part of the proſecution to affect the priſoner, are theſe: firſt, his leaving the room where he ſlept, and the other lad his companion and bed-fellow, without waking him at all, or diſturbing him: his opening the door by the ſpring lock, which the night before had been bolted and chained; and coming out with all his clothes on, and immediately going off, and then giving at different times of the day an inconſiſtent and therefore falſe account of the manner in which he had eſcaped from the houſe: there are ſeveral witneſſes called on the part of the priſoner to take off and leſſen the force of theſe material circumſtances; but with reſpect to the circumſtance of the boy not having waked any of the family, and not even his bedfellow, that ſtands utterly uncontradicted, and it is incapable of contradiction. It is very obſervable that theſe witneſſes on the one ſide or on the other, have not, that we know of, any connection with the parties, or any bias to miſlead them from the truth, yet certainly their teſtimony ſhews a great want of recollection. The circumſtances in which they differ are material; one party repreſents the boy as finding difficulty in opening the door, and puzzling for ſome time before he could get it open, and another ſays he opened it directly: and there appears in the manner of Jones's relating the expreſſions he made uſe of, a diſcourſe that does not look like a hurry, and which cannot help ſtriking one as not quite conſiſtent with the ſituation in which it paſſed. This is the whole of the evidence, and certainly this is a caſe deſerving a very attentive conſideration; for to convict a lad of a crime of this nature upon circumſtantial evidence, of a crime of this enormous magnitude, and the puniſhment of which muſt be ſevere and certain, if there be any reaſonable chance of his innocence, would be a thought ſhocking to humanity: on the other hand, if the boy is guilty of the crime of ſetting fire to this houſe, the crime is ſuch a one as calls for public juſtice, and the ſafety of ſociety does not permit ſuch an offender to paſs unpuniſhed; ſo that it is far from being an indifferent matter either way, for if he is guilty, the injury is done to the public; and if he is not, a moſt heavy and dreadful injury would be done to an unfortunate individual if he ſhould be convicted; but this rule is certainly a ſafe one for Juries and Courts of Juſtice to abide by in doubtful caſes, that dangerous as it is for the public, that enormous crimes ſhould go unpuniſhed, it is better that many guilty perſons ſhould eſcape, than that one innocent one ſhould ſuffer; the circumſtances are certainly unqueſtionably thoſe of ſtrong ſuſpicion, the moſt material that ſtrikes me, is that of the boy if it be true, that he was alarmed by the noiſe made by thoſe people at the houſe, not awaking his companions; the natural effect of a fright as you all know, is to fly to thoſe that are near; the natural effect of fear would have been in the firſt place inſtantly to alarm his bed fellows, and the next to fly into his maſter's bed chamber, and it is very difficult, ſuppoſing you believe that part of the evidence to be true, which depends on the credit of Duffey and his ſon-in-law, to account for this boy leaving his companions aſleep in bed, and coming down with all his clothes on: another material circumſtance, ſtill ſuppoſing you believe the evidence of Duffey is, that the door of the ſhop which this boy unqueſtionably opened (for that is proved by all the witneſſes on all ſides), was the night before bolted and chained with two bolts and a chain, and among the witneſſes who heard him open the door, three of them heard him only open the ſpring lock, tho' a fourth ſpeaks of the circumſtance of the boy fumbling ſometime before he opened the door, but in which he muſt be miſtaken; this together with the boy having his clothes on, and coming out in the manner he did, and after he had eſcaped from danger, youthful curioſity would probably have led him to be a ſpectator when out of danger himſelf, are ſtrong circumſtances againſt him: on the other hand there is no viſible cauſe of malice which could actuate him, no evidence of hard treatment, no evidence of any precedent declarations of malice on his part, there is but one ſingle expreſſion in the whole of the caſe that in the ſmalleſt degree indicates any ſuch thing, which is what Buſh ſays, that the boy ſaid his maſter was ſuch an ill natured man, that if he ſaw him there he would throw him into the fire; and it is extremely difficult to ſuppoſe that human nature can be ſo depraved, as to commit an act of this kind at any years without great provocation, but ſtill more ſo at his early years. The next circumſtance is this, whether conſiſtent with the evidence you can account for this fire without ſuppoſing it happened by deſign; and there, there certainly ariſe ſeveral favourable circumſtance for the priſoner; for it is proved perfectly clear it began in the ſhop, and the ſhaving tub being under the bench where the man worked that night, and he having his candle not on a flat but in a high candleſtick, and ſnuffing it as often as he had occaſion, and ſnuffing it out at laſt and carrying it away, it is not very improbable that a ſpark from the ſnuff of that candle might fly among thoſe ſhavings; but then on the other hand the moſt likely conſequence might be, that that would cauſe an immediate conflagration; but yet again we all know the effects of fire are different, and that a ſmall ſpark will ſometimes moulder many hours, ſo that no certain concluſion can be drawn in this caſe, unleſs you think the conduct of the boy is ſuch as to exclude all poſſibility of innocence. But you gentlemen will weigh all theſe circumſtances in your minds, in ſuch a caſe you certainly will not convict the priſoner on a mere ſuſpicion; but if you think his conduct ſuch as can by no poſſibility be accounted for conſiſtent with his innocence, you will be obliged to find him guilty; I do not mean to ſay that you are to ſtrain againſt all evidence, or that if you are clearly and truly convinced of his guilt in your own minds you ought to acquit him, but I ſay if there is a reaſonable doubt, in that caſe that doubt ought to decide in favour of the priſoner.

NOT GUILTY.

Tried by the London Jury before
Mr. RECORDER.

671. JOHN WATSON was indicted for feloniouſly ſtealing, on the 26th of April laſt, one ſilver watch, value three pounds, and 2s. 6d. in monies numbered, the property of Thomas Hill.

THOMAS HILL *ſworn.*

I am ſervant to Mr. Lorrington; on the 26th of April I was going along the Strand between twelve and one at noon, the priſoner came on the left hand ſide of me, and ſtooped on the ground ſaying young man I have picked up ſomething, but I do not know what it is, I ſuppoſe it is of ſome value, and as nobody ſaw me pick it up beſides yourſelf, you ſhall go ſhares with me; and he aſked me if I thought any body elſe ſaw him pick it up beſides me, I told him I did not think any body elſe took notice at that time, and he ſaid ſuppoſe you had picked it up yourſelf, you would have given me ſhare of it, would not you, I ſaid certainly I ſhould; then we went into Charles-ſtreet, Long Acre, to a public houſe, the Red-lion I think it was, and we went into a private room, and called for ſome crank, and he pulled a purſe out of his pocket to ſee what was in it, and there was a diamond ring in a little black box, and a bill and receipt at the other end.

Where is the bill and receipt?——The priſoner took it away, he then ſaid he did not know how to give me my ſhare of it, he had an uncle in town, and he believed he could get forty or fifty pounds of him, to give me my ſhare of it.

Jury. Did he tell you where his uncle lived?—No, Sir, he did not, before he went out to go to his uncle there was another gentleman come in, and ſaid he was a Wine Merchant in Biſhopſgate-ſtreet, at No. 19, and he ſhewed the bill and receipt to him, and the ring; ſays he how came you by it, and the wine merchant wanted him to leave it in his hands, till he went to his uncle's; he returned in about ten minutes, and he ſaid his aunt was gone into the country to lay-in, and his uncle was gone to ſee her, the priſoner ſaid he was a gentleman's ſervant, and lived with a ſingle gentleman, and he muſt go, and the wine and liquor merchant ſaid, if you have a mind to leave it in my hands, it will be as ſafe as if it was in your own pocket, till it can be ſettled; but he was not willing to leave it in his hands, unleſs I would leave ſomething in his hands along with it, and he aſked me what money I had, if I could raiſe five, or ten, or fifteen pounds, I told him I had not it about me, but I believed I had a friend in town, that I could borrow that value of: but he was not willing I ſhould go to borrow the money, for ſays he, he will want to know what it was for, and I ſhould not chuſe it, he ſaid he thought it might be of ſome value, and there might be hand bills out about it, or be put into the papers that a lady had loſt it; he aſked me if I had a watch, I told him I had never a watch, then he aſked me what money I had, I told him very trifling, the value of two or three ſhillings, ſo the wine merchant called me out of the room, and aſked me to raiſe the value of four or five pounds, and ſays he if you can raiſe that, it will be as ſafe as if you had it in your own pocket, till the matter can be ſettled; I told him I could not raiſe it, ſo we went into the room again where the priſoner ſat, and he ſaid he muſt go directly, then the wine merchant ſaid to me, if you have ever a watch give it to me, it will be ſafe till you can ſettle it, which will be between ſix and ſeven in the evening, when the priſoner ſaid his uncle would be at home, and I left my watch and half a crown, I had but three ſhillings in my pocket, I gave my watch to the wine merchant, and we was to meet again, they gave me directions where to find them both.

What was the priſoner's addreſs?—This is a direction he gave me "William James at Mr. Anderſon's, No. 9, Sand-bank," which he ſaid was near Blackfriars bridge; but I could not find any ſuch place or perſon; the wine merchant gave me his direction "Robert Jones, No. 19, Biſhopſgate, Wine and liquor merchant;" I went at five to No. 19, it was a linen-draper lived there, he knew nothing of Robert Jones, but he ſaid a great many people had been there with the ſame directions; I met the priſoner below Charing-croſs at the end of Downing-ſtreet, I was not clear it was him at firſt, I took the wall and run round him to ſee if it was him, there was another man with him, and I durſt not attack him by myſelf, I called on an acquaintance juſt by and took him; I went up to him and pulled his coat, and ſaid young man this is very pretty behaviour, where is my watch and money, ſays the priſoner, it is a ſad thing young man, Jones has cheated me out of a good deal of money, and I believe I have loſt a good place by it.

Court. So the wine merchant took away the ring and watch?—Yes.

Mr. Garrow Priſoner's Counſel. So you underſtand the law to be that as the priſoner had found it, he had the beſt title and you was intitled to part?——Yes.

You have never ſeen that ring ſince?——No.

You are no judge of diamonds I take it for granted?——No.

Then for any thing that you know, it might be worth the money that the receipt purported?——Yes.

Who went out of the room firſt?——They both went out before me.

Did not you ſtay and dine there?—No, I only ſtaid while we drank our liquor.

Where did you dine that day?—At the Alphabet in Stanhope-ſtreet.

Did not the wine merchant dine with you?—I am very clear he did not, I ſhould have been very glad to have ſeen him at dinner.

Then you did invite him?—No, Sir.

You looked on Mr. Jones to be a very honeſt and good ſort of a man?—Yes.

And when he told you your watch and money would be ſafe, you believed him?—Yes.

It was upon the faith of that promiſe that you gave him your watch and money?——Yes.

He told you he was a houſekeeper?—Yes.

Court. Would you have parted with your watch and money, unleſs you had thought they had been honeſt men?—No.

Mr. Garrow. The priſoner never had your watch or your money?—No, it was delivered into Jones's hands, they ſeemed to talk as perfect ſtrangers to each other.

Mr. Juſtice Aſhurſt. Who began firſt converſing with Jones?——The priſoner, when Jones firſt came in the priſoner ſhewed him the bill and receipt, he ſays do you know any thing of this; no ſays he, how came you by it, he ſaid he found it.

Mr. Garrow. I believe you conſidered this as a very valuable prize at the time?——Yes.

You was a little ſhy of the priſoner's going away with the ring?—Yes, as he had offered me a ſhare of it, he propoſed that himſelf, Jones mentioned to him that the young man would not like he ſhould go away with the ring, I ſaid as he had brought me there I ſhould not.

Look at this paper, and tell me if that is your name and writing?——It is my name, it was drawn up that it was not to be parted with, without we were both preſent.

Who wrote that?—Jones wrote it.

(The paper read.)

" William James leaves with me a diamond ring, Thomas Hill leaves with me a ſilver watch No. 156, and half a crown, which is not to be parted with till both are together: Robert Jones."

Mr. Garrow. You and the priſoner ſeem to have been two compleat flats, Jones took you both in, he was too ſharp for you.

He was too ſharp for me, I think I was a flat myſelf; he ſaid he believed he had loſt a good place by it.

Court. When you apprehended him did you aſk him any thing about Sand Bank?—No, I did not aſk him any thing about it, I told him I could not find him out.

Was there any ſuch place as Sand Bank?——I cannot make it out in London.

Mr. Garrow. You are a ſtranger in London.

Court to Proſecutor. How came this man to be indicted by the name of, Watſon?—He ſaid before Mr. Addington that his name was John Watſon.

Court to Jury. The queſtion is, whether upon all the circumſtances of this caſe this was not a contrivance between the priſoner and this man, who called himſelf Jones, to get this watch and money into their poſſeſſion for the purpoſe of ſtealing it.

Jury. What did he ſay when you told him you could not find him?——He ſaid it was a very hard thing that he ſhould be cheated out of a great deal of money.

Jury to Priſoner. Who have you to appear for your character?—I am but lately come to London.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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672. JAMES SHIERS was indicted for feloniouſly aſſaulting Charles Wright on the King's highway, on the 2d of July, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one watch, with the outſide caſe made of ſhagreen, and an inſide caſe made of baſe metal, value 40s. a metal chain, value 5s. one ring, value 5s. one ſeal value 1s. a metal key, value 6d. and a metal hook, value 6d. his property.

CHARLES WRIGHT *ſworn.*

I am clerk to a banker; I was robbed on the morning of the 2d of July, at paſt two o'clock, in the Strand; I was going from the city.

Court. To what place?—No determined place, on a walk.

What part of the Strand were you robbed?——About ten yards beyond the pavement; I perceived the priſoner, ſeemingly in company with another man, about two or three yards before he came upon me, they were coming towards the city, they met me, the priſoner came upon me with force by a joſtle, and applied his hand to my watch pocket, and with a conſiderable degree of force tore it out of my pocket; my pocket being tight made me ſcarcely ſenſible of it.

Did he touch you otherwiſe than by joſtling you?—He came juſt upon me, face to face, with a view as I judged to take away my recollection at the time.

Where did he hit you, or ſtrike you?—He came quite upon my breaſt and made me go back, he came ſuddenly upon me, the force that he was obliged to apply to take my watch from me, the pocket being tight, ſuſpended his arm above his head, I inſtantly catched him by the collar, and with my other hand endeavoured to regain my watch, at the ſame time one of the other witneſſes came up and catched him by the collar, and endeavoured to regain my watch too, he ſtill holding the watch at the full extent of his arm; I was in company with five more, four of which ſaw the watch in his poſſeſſion; he endeavoured to drop the watch, a parcel of men and women came round him on the other ſide of me, by which means he conveyed away the watch.

Did he drop it?—Not to my knowledge.

Did you ever ſee your watch afterwards?—Never after it went out of his hand, but I ſaw it for ſome ſmall ſpace of time in his hand; I apprehended him, and conveyed him to cuſtody with other aſſiſtance, I never loſt my hold.

Priſoner. Aſk him whether he was drunk or no?—I had been drinking moderately.

Court. Was you diſguiſed?——No.

HERBERT ORD *ſworn.*

I was juſt behind the proſecutor, when I came up to him I ſaw the watch in the priſoner's hand, by ſome means he conveyed it away; there were ſeveral girls of the town about him, and we took him to the watch-houſe.

Did you ſee him run againſt the proſecutor?——I was juſt behind, I could not diſtinguiſh, there was a kind of joſtle, but I could not diſtinguiſh.

Court. Was the proſecutor drunk?—Not in the leaſt, he had been drinking.

Priſoner. There was a mob all round, and they caught hold of me and a woman, and ſtripped us both naked, and ſaid we had the watch. Pleaſe to look at this here.

(Holding out a paper.)

Court. You muſt read it yourſelf.——I cannot read, it is the ſtate of the caſe, and how it happened, and every thing of the kind.

Court. You know your own ſtory.

PRISONER's DEFENCE.

I was going to Smithfield market, about five o'clock, and theſe gentlemen was coming along drunk, and had three or four girls with them and two or three watchmen, and I came up to ſee what was the matter, and they took me; I had not ſo much as a ſtick to walk with.

Have you any witneſſes to call to your chararacter?

Priſoner. I was taken with *ſuch a diſappointment*, that the man would not let me ſend for my friends, I do not think I have a friend in the Court; it is a very hard caſe indeed.

Court to Jury. Gentlemen, this is a robbery in its nature ſomewhat ſimilar to that committed by Richard Edwards on Captain Elphinſtone, which you tried very lately.

GUILTY, Death.

Proſecutor. My Lord, if you conſider him as a worthy object, I would wiſh to recommend him to mercy.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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673 JOSEPH TUSO (aged fourteen) was indicted for feloniouſly aſſaulting John Anſell, on the king's highway, on the 26th of May laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one walking cane, value 5s. three guineas, value 3l. 3s. and one half guinea, value 10s. 6d. and 3s. in monies numbered, his property.

The witneſſes examined apart at the requeſt of the priſoner.

JOHN ANSELL *ſworn.*

Do you know the priſoner?—Yes very well.

Was you at any time robbed, and when?—On the 26th of May, in Stepney Church-yard.

Was it in a high road?——Yes.

What was you robbed of?—I was robbed of three guineas and a half, and ſome ſilver, and a cane.

Who robbed you?—There was a great man, a great thief, came and ſtood behind the church dead wall, and I thought it had been a poſt, ſquatting down in this manner, and it had been raining the whole day, and the place was deeper than common, it took me up to the knees; there was a great thief, and I thought the great thief had been a poſt, and I looked to the lane end to ſee if there was any thieves, and I could ſee nobody but a thing that I thought was a poſt, and when I came at him he was a great tall man, and he whipped up in this faſhion; and this little thief clapped his hand at me, and ſtopped my mouth, and the other thief, *as I compute*, knocked me down.

Court. What hour was this?——To the beſt of my knowledge, it wanted about a quarter to eleven at night.

Then the great thief knocked you down?——Yes.

Who took your money?——The great thief alſo, I was hardly ſenſible, for they threw me among the dirt; I was all water and dirt; it was as deep—as deep—I could feel his hand againſt my thigh, he cut my breeches pocket, and took my money and my cane.

What way did the priſoner aſſiſt?——Pleaſe you, my Lord, this little thief ran away.

What part did he take in it?——He clapped his hand to my mouth, and ſtopped my breath.

Was that after you was down?—Before I did fall.

How did he reach you?—He did, I was as near him as I am to theſe gentlemen; I ſaw his face, and I ſaw his dreſs, and I know him properly; I never ſaw him before.

Jury. Was you ſober?——O yes, I am never drunk.

How ſoon after did you take the priſoner?—I cried out murder! and fire! and ſtop thief! and the watch came directly, and I followed him and took him; when they called ſtop thief, this little thief ſaid, I am after the thief.

What is the watchman's name?—I am

ſtudying, it is an odd name; but he is ſomewhere out, if you will pleaſe to call him.

WILLIAM FORTRY *ſworn.*

I am a watchman, I had juſt done crying the hour of ten, it wanted about a quarter of eleven, and I heard ſomebody cry out murder! murder! for Chriſt's ſake! for the Lord's ſake! fire and murder! I ran up to his aſſiſtance, the priſoner at the bar was a little diſtance off, I kept ſight of him till I got the gentleman up, then I aſked him what was the matter, he ſaid he had juſt been knocked down, I ran after the priſoner, and I took him.

Did you keep him in ſight all the whole time?——Yes, we brought him down to the watch-houſe, and they ſcrupled to take him in; then I charged Mr. Orange with him.

You was not preſent at the robbery?——No, I came immediately as I heard the gentleman cry out.

What was the priſoner doing then?——He was running along, crying out ſtop thief! ſtop thief! Here are the gentleman's breeches that were cut, and the ſhirt that he was knocked down in, and the ſtock where the blood was.

Court. No part of his property is in that bundle?—Orange and Cole were with me.

Priſoner. I have nobody to call but a poor father.

Jury. Was it moon-light?——Yes, as broad as the day.

Court to Priſoner. How old are you?—Fourteen.

Court to Jury. Gentlemen, the part the priſoner took in this, if you believe the proſecutor is right, is ſufficient to conſtitute him a party in the robbery, for if he was preſent when the robbery was committed, and acting with one common intent with the perſon that knocked him down, it makes him equally guilty.

Jury to Proſecutor. When did you ſee the priſoner again after you was robbed?—That very night, as ſoon as I could walk, but I could not walk without the watchman's help.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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674. WILLIAM HINTON and JAMES WILLIS were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Henry Read, about the hour of one in the night, on the 8th of June laſt, and burglariouſly ſtealing therein, one ſilk petticoat, value 1s. one cotton gown, value 7s. one pair of women's ſtays, value 4s. one callico apron, value 6d. one linen petticoat, value 6d. the property of Mary Read; one check apron, value 6d. a yard and a half of cotton, value 2s. one ſatin petticoat, value 1s. one muſlin cap, value 1s. the property of Mary Ann Read; two counterpanes, value 5s. the property of Henry Read; one ſilk cloak, value 6d. one cotton gown, value 7s. the property of Mary Dentry.

MARY DENTRY *ſworn.*

The proſecutor is a brandy merchant, he lives in Chapel-ſtreet, Weſtminſter, I was in his houſe the night his houſe was robbed, I was his ſervant; I loſt the things mentioned in the indictment, and my maſter and miſtreſs loſt ſome things, and ſome belonging to the youngeſt daughter.

How old is ſhe?—Turned of ſeventeen; ſhe loſt a petticoat and a coloured apron which ſhe had on the day before, and other things Miſs Mercy Read loſt; the things were all taken by the patrol; the things were in the room at eleven o'clock, the houſe was broke open between two and three.

Was there any faſtening to the window?—No, only the window was ſhut down.

MERCY READ *ſworn.*

I am daughter to the proſecutor, I loſt a gown and apron, two petticoats, and a pair of ſtays, I put the ſtays in my room where

I ſleep, the other things were in the ſervant's room, which was the room where the window was open.

MARY ANN READ *ſworn.*

I loſt one ſatin petticoat, about a yard and a half of printed cotton, a morning lawn cap, theſe things were left in a ſmall room next the room where I ſlept; the next morning when the maid called me I ſaw the window open.

THOMAS WETHERALL *ſworn.*

I am the patrol of St. John's and St. Margaret's; on the morning of the robbery, which was the 9th of June, I ſaw the priſoners about a quarter before three, they were both very near together, the priſoner Willis had a bundle, we ſaw them run acroſs Strutton Ground, and we purſued them down Pye-ſtreet.

Did they ſee you purſue them?—I cannot be ſure, but they run, we purſued them near a quarter of a mile, and took Willis, and he was endeavouring to throw this bundle over a pair of high gates after the other priſoner Hinton; Hinton had got very near the gates; after I came up to them, one was upon the gate and the other was throwing the bundle after him, I attempted to ſtop Willis, but he made a ſhort turn and got from me, I took the bundle and made the alarm of ſtop thief! and the watchman ſtopped Willis in New Peter-ſtreet.

(The bundle produced.)

Priſoner Willis. I know nothing of this man.

Priſoner Hinton. I was over the water at the time.

Court. Was Willis ever out of your ſight?——Yes, but I am ſure he is the ſame man, becauſe I ſaw him before, I ſtopped him myſelf firſt.

When was Hinton apprehended?—I do not know, he was not apprehended by us.

How do you know he was the ſame man?——I knew him before, and I ſaw him getting over the gates.

(Mary Dentry depoſes to the bed gown and gown, ſhe made the gown herſelf.)

Priſoner Willis. Did not I ſay that a man gave me the bundle.

Priſoner Hinton. I was over the water at the ſame time, I know nothing of the other priſoner Willis; I had been at Chelſea, coming home I ſaw a man before me, coming along with a bundle, and as we came into Pye-ſtreet I came up with him, and he aſked me to help him over the gate into this yard, for he was locked out of the front door, and could not get in, I was in liquor and did it, I did not know that there was any thing amiſs in it, I knew that the patrols were in the ſtreet.

RICHARD HUNTER *ſworn.*

Going my rounds near three o'clock, I ſaw the two priſoners with this property upon them, not above one hundred yards from the proſecutor's houſe, they run from us when they ſaw us; I ſaw the tall man, Willis, with the property under his arm, we purſued, and they were taken; I ſaw the bundle with Willis, and the other priſoner was with him; Willis denied that ever he had it in his poſſeſſion.

Was that immediately as he was apprehended?——Yes, Hinton was the other perſon with him, I have known them both for years.

Court. Would you wiſh to have this witneſs aſked any queſtions?——As much as you pleaſe.

What do you deſire?——My Lord, Hunter knows I always work hard for my living.

The priſoner Hinton called two witneſſes to his character.

BOTH GUILTY

Of ſtealing the goods, but not of breaking and entering the dwelling houſe.

Court to Hunter. What ſort of characters have theſe men?—I have been ſeveral times after Hinton in the night, the other man I know but little of, I knew him in the army, I knew him then to be an endeavouring working ſellow, I have ſeen him out of nights often, but never of any thieving, or any thing of that.

Each to be tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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675. JAMES BURLEY and GEORGE BARLAND were indicted for ſtealing, on the 9th of June laſt, one cloth great coat, value 20s. the property of the Right Reverend Father in God, James Lord Biſhop of Peterborough.

THOMAS LORD *ſworn.*

I am coachman to the Biſhop of Peterborough, he loſt his great coat, value twenty ſhillings, on the 9th of June laſt, about twenty minutes before one, the two priſoners took it, I caught the coat on the priſoner Burly; it was upon the coach box at the Biſhop's door in Conduit-ſtreet, I was juſt got off my box, and when I came out my coat was gone, and a man told me them two boys had taken it: one of the priſoners ſaid nothing, and the other ſaid he knew nothing of the matter, they were both running away, I believe they were ſenſible that I was purſuing them.

Priſoner Burley. A man run and dropped the coat, and I picked it up.

BOTH GUILTY

Of ſtealing to the value of 10d.

Each to be tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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676. PETER SAMPSON, CHARLES ALLEN, and JOSEPH COLLINS were indicted for burglariouſly breaking and entering the dwelling houſe of James Stratten, Eſq; about the hour of one in the night, on the 16th of June laſt, and burglariouſly ſtealing therein, one linen ſheet, value 10s. eight damaſk table cloths, value 40s. one ſheet, value 10s. eight ſhirts, value 3l. one counterpane, value 10s. his property.

The witneſſes examined apart.

ELIZABETH GRIFFITHS *ſworn.*

I am laundry maid to Mr Stratten, he lives at Hackney; I went laſt to bed, I locked the laundry the night the robbery was committed, which was the 16th of June, the doors and windows were ſecure; in the morning about ſix I was alarmed, the laundry had been broke open and robbed; when I got up I obſerved the window opened, and an iron bar taken out.

Did you look at that window before you went to bed?——Yes, it was faſt then.

Did your maſter loſe any thing?—Yes.

What did he loſe?—There were a vaſt many things loſt, there were three counterpanes, eight table cloths, ſhirts, ſhifts, and aprons, and ſheets, I ſaw theſe things the night before; ſome part of them are here.

Mr. Peatt, Priſoner's Council. Was you all over the houſe before you went to bed?——No, Sir, only all over the laundry.

Jury. Is the laundry a detached building from the houſe?——Joining to the houſe.

Court. How does it join?——It joins to one corner.

Mr. Peatt. Is the laundry and the houſe diſtinct?——They are juſt joining.

Court. Do they join brick to brick?——Yes.

Mr. Peatt. Are there any cellar windows to the laundry?——No.

Is there any garrets to the laundry?——Yes.

You was not there?——No.

How long before that evening had you been in the garret?—Not for three or four days before.

JOHN MOORE *ſworn.*

I am a gardener, I apprehended the priſoners in the middle of the day, about eleven, on the 17th of June, they had three bundles, each had one; I ſat in a cart, waiting to give a man a caſk, and I ſaw the priſoners come out at the end of the lane, and I ſuſpected them, and I went to catch Allen, and he threw a bundle at me plump in my face, and the other two ran away; I called out ſtop thief! and I ſaw them all ſeized, with the bundles on them; the bundles have been in Lovell's poſſeſſion ever ſince, I gave them to him.

Mr. Peatt. Were they out of ſight any part of your purſuit?——Neither Sampſon nor Allen.

Were there any other perſons about in the fields?——Five or ſix people run.

What do you know of Collins?—I never ſaw him till he was taken; Lee took him.

How ſoon after did you ſee Collins in cuſtody?—About three minutes.

SOLOMON LOVELL *ſworn.*

I took poſſeſſion of the things, I took them home and dried them, the next day I brought them to the Office.

Mr. Peatt. How came they in your poſſeſſion?——I took one up which Collins dropped, then they came up with the other two.

The things depoſed to by Elizabeth Griffiths, the table cloth and ſheet marked I. A. S.

Court. What are the value of theſe things?——I do not know; the table cloth and ſheet are marked, and this counterpane I have waſhed ſeveral times.

Court. That is nothing at all as to the counterpane.

Mr. Peatt. What does your maſter do with his old linen?—I do not know.

Court. What is the value of the ſheet?—I am not a judge.

PRISONERS DEFENCE.

We leave it to our Council; we picked the things up under a hedge.

ALL THREE GUILTY.

Of ſtealing, to the value of 30s. but not of breaking and entering the dwelling houſe.

Each tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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677. THOMAS DENNIS (aged ten years) was indicted for feloniouſly ſtealing, on the 26th of June laſt, a cotton handkerchief, value 5s. the property of William Keating.

WILLIAM KEATING *ſworn.*

I loſt my handkerchief the 26th of June laſt, about four in the afternoon, which was found on the priſoner.

JAMES FRYER *ſworn.*

I am ſure I ſaw the priſoner take the hankerchief out of the gentleman's pocket.

The handkerchief produced by Thomas Holt, and depoſed to by the proſecutor.

Priſoner. I picked it up.

Court. Have you any friends here?—No.

GUILTY.

Twice Whipped, and impriſoned one week.

Tried by the London Jury before Mr. RECORDER.

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678. SUSANNAH HUGHES was indicted for feloniouſly ſtealing, on the 28th of May laſt, three linen ſheets, value 20s. and two linen ſhirts, value 20s. the property of Doctor John Hill.

DOCTOR HILL *ſworn.*

This woman lived as a ſervant in my houſe about two months, ſhe got intoxicated once, and we told her if ſhe did ſo again ſhe ſhould go away; and ſhe got intoxicated again, and then we told her ſhe ſhould go; ſhe went to pack up her clothes, and ſhe carried away the bundle, and returned with a man to bring away the box, Mrs. Hill had the box opened, and there were the things mentioned in the indictment, and ſeveral other things; I can ſwear to them particularly, they had my name upon them, my ſervant has them; ſhe ſaid ſhe would as leave be hanged as not.

GEORGE TURNER *ſworn.*

(*Produces three ſhirts and three ſheets.*)

I ſaw theſe found in the priſoner's box, they are the Doctor's property.

(*The things depoſed to.*)

PRISONER's DEFENCE.

I did not know they were in the box, I did not know that I had any thing that was not my own.

Court. How did you come by theſe things in your box?—I think it was through my fellow ſervant, I know no more of them than a child; I have no witneſſes, I did not know I ſhould be tried to day, my friends were with me.

Court to Turner. Was the box locked?—It was locked, I brought it down, it was corded and locked up; I uncorded it by Mrs. Hill's orders, and I unlocked the box; ſhe gave me the key herſelf.

GUILTY.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the London Jury, before Mr. RECORDER.

679. JAMES STODDARD was indicted for feloniouſly ſtealing, on the 24th of June laſt, one tin canniſter, value 2s. eleven pounds of ſinglo tea, value 3l. the property of John Jerman, in his dwelling houſe.

JOHN JERMAN *ſworn.*

I am a dealer in tea in Leaden-hall-ſtreet, I never ſaw the priſoner but once, which was the time of the robbery, I went at two o'clock in the day, after I had dined, with a lighted candle for a bottle of beer, and as I returned I heard my name called, and this man was taken with my canniſter.

THOMAS WILLIAMS *ſworn.*

I apprehended the priſoner, I am a tin-plate worker, I live in the ſame ſtreet, juſt by where this was done; as I was ſtanding at my door, I ſaw the priſoner and two more young men come paſt this ſhop, and this man came and ſtood up and made water againſt the ſide of my houſe, and the other man leaned on the poſt which is put to prevent carriages, I ſuſpected them and kept looking through a pane of glaſs in my ſhop, I thought they were in converſation, the other man ſeeing me look at them went away down the lane, and left this man againſt the ſide of the houſe, I ſaw the priſoner going paſt the proſecutor's ſhop, and I watched him three doors beyond the proſecutor's ſhop, and ſoon after I ſaw him lift the canniſter on his ſhoulder, I attacked him and he threw the canniſter down, I did not ſee from whence he took it, I caught him with it on his ſhoulder, he had a ſtick in his hand, he did not ſtrike me, I called out Mr. Jerman.

Priſoner. I told him the two men that gave me the canniſter to carry run away, I only came out of the country on Monday night.

(*The canniſter depoſed to by the proſecutor.*)

I ſaw it that morning.

Court. Was it in your ſhop?——Yes.

What is the value of this?——I valued the tea at five ſhillings and ſixpence a pound there were eleven pounds of tea.

GUILTY, Death.

Tried by the London Jury before Mr. Juſtice HEATH.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 7th of JULY, 1784, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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680. THOMAS CLEMENTS was indicted for ſtealing one guinea, value 1l. 1s. the monies of William Largent.

WILLLIAM LARGENT *ſworn.*

On the 25th of May laſt, I was robbed of one guinea out of a looking glaſs drawer in our bed room, I often miſſed money out of them drawers, and could not tell which way it went; and after that I miſſed three guineas out of ſeven, and my wife marked three guineas on purpoſe to detect the thief, and the priſoner went to Hounſlow, and when he returned three guineas was taken out; my wife informed me the drawer was open, and one guinea out of the three was gone; I went immediately, ſuſpecting what he had told me before, I fetched a conſtable, and knowing him a violent lad, I fetched a porter to take him with the conſtable, becauſe he had ſaid he would *tip two the double*; there was nothing found upon him, but he told me he had the money in his ſhoes when he was firſt taken before Alderman Plomer, and there he declared he changed his laſt guinea the next door to me, and I aſked him afterwards where he had taken that guinea from which he changed at the baker's; he ſaid out of the ſame drawer he took the others; he ſaid he had not taken above ten guineas from there, it was in a bag in the drawer.

Did you trace any money to his hands that he had taken away?—Never before.

Did you then?—The guinea is now in Court.

WALTER PROSSER *ſworn.*

I am a conſtable of Biſhopſgate, I had this guinea at my Lord Mayor's, before Alderman Plomer, he had it from the baker, the baker is ill in bed.

Court to Mr. Largent. Did you tell him you had received ever a guinea from the baker?—I found this guinea at the baker's.

What is the mark?—I never knew it, my wife marked it.

Mrs. LARGENT *ſworn.*

I marked the guinea with a black mark on the fleur-de-lis.

Can you be ſure of that mark again?—Yes, I could pick it out of five hundred if I had them; I am ſure this is the guinea.

Court to Proſecutor. Did you receive that guinea your wife has in her hand from the baker?——Yes, the baker's name is Corneck.

After you had got this guinea from the

baker, did you aſk the priſoner any queſtions about it?——Yes, I did, and he ſaid before Alderman Plomer that he changed it there.

Did you make any promiſes to the priſoner before he made his confeſſion?——None at all; when Alderman Plomer ſaid, how many do you think you took out of the drawer, he ſaid about ten, then ſaid the Alderman you are like to be hanged, and I ſaid I hope you will recommend him to be ſent abroad, and not take his life away.

Priſoner. I changed the guinea there the over night, my maſter picked it out of more gold and ſilver, the proſecutor then ſaid he could not ſwear to it.

GUILTY.

Tanſported for ſeven years.

Tried by the London Jury before Mr. Juſtice ASHURST.

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681. JOHN RICHARDSON was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Evan Law, Eſq; on the 5th of June laſt, and burglariouſly ſtealing one ſhirt, value 10s. the property of John Burr; one ſilk cloak, value 30s. and two ſilver ſpoons, value 30s. the property of Sarah Trewen; and a tea ſpoon, value 3s. the property of the ſaid Evan Law, Eſq; and three tea ſpoons, value 4s. the property of Elizabeth Chriſtian.

The witneſſes examined apart at the requeſt of the priſoner.

JOHN BURR *ſworn.*

I was ſervant to Mr. Law; I remember the morning we were alarmed, which was between the hours of five and ſix, nearer ſix, on the 5th of June in the morning, I went to bed laſt, and I ſaw the doors ſecured, I did not look at the windows, it was the window where the priſoner got into; the footman was up before me, when I came into the hall I ſaw the priſoner, and the man who ſtopped him had a ſhirt of mine in his hand.

THOMAS HALSEY *ſworn.*

I am ſervant to Lord Bewley; I was doing my work, and heard the alarm of ſtop thief! I ſaw the priſoner come running down the dead wall of the Duke of Devonſhire's, and I ſaw him pull out ſome ſpoons as I took them to be, and he threw them over the wall into the Duke of Devonſhire's gardens, then I ſaw him pull out a black cloak as it ſeemed to me, and ſomething white, and he threw them over likewiſe, and as he came nearer to me he pulled out a new ſhirt out of his pocket, and was going to throw it over, which I prevented by laying hold of him, and ſtopping him with a fork which I had in my hand, I apprehended and took him, till Charles Adams came up, who is Mr. Law's coachman.

When you ſtopped him, what did he ſay?—He begged for me to let him go, he ſaid he was not the man, the other man ſtole the things.

Did you charge him with any thing?—No, I heard the cry of ſtop thief! and I ſtopped him, and he begged me to let him go; he ſaid the other man had ſtole the things, he was not the perſon that took them; I am ſure the priſoner is the man; we took him to Mr. Law's, and the family came down in their ſhirts, and I ſhewed him the ſhirt.

Priſoner. I wiſh to aſk him, whether, when he firſt ſaw me, he did not ſee me pick the bundle up or not?—No, I ſaw him pull the things out as I mentioned before.

Court. Shall I aſk him any more queſtions?——It is needleſs for me to aſk him any more queſtions, after what he has ſworn.

(The ſhirt depoſed to, being not finiſhed, and no buttons on the collar; it was in the kitchen drawer on the dreſſer.)

Court. What time was this in the morning?——About ten minutes before ſix.

When did you ſee the ſhirt before?——Not for two or three days before.

What is the value of the ſhirt?——Ten ſhillings.

THOMAS GOSS *ſworn.*

I found theſe ſilver ſpoons in the Duke of Devonſhire's gardens, on the morning of the robbery, I went to ſee for them; they have been in my poſſeſſion ever ſince.

SARAH FREWEN *ſworn.*

I am cook and houſe-keeper to Mr. Law, (*depoſes to two of the ſpoons marked* S.) I ſaw them on the over night, they were kept in a drawer in the kitchen dreſſer; this ſpoon is my maſter's.

What are the value of theſe ſpoons?——My maſter's is two ſhillings, and mine is three ſhillings; the black cloak is mine, it was found in the Duke's garden.

What is that worth?—Thirty ſhillings.

DAVID ATKINS *ſworn.*

I found a black cloak and handkerchief, and gave it to Mr. Law.

Whoſe poſſeſſion has it been in?——It has been in Mr. Law's poſſeſſion, I believe it to be the ſame.

Court. You cannot give evidence of that.

ELIZABETH CHRISTIAN *ſworn.*

I am ſervant to Mr. Law, theſe two are my ſpoons.

Priſoner. I have this to ſay in my defence, that going through Grafton-ſtreet, I believe it might be about half paſt five in the morning, I was alarmed with the cry of ſtop thief! it ſounded from this houſe, I looked down there, and ſaw a man attempting to get out of the area, I jumped upon the top of the area, immediately he ſprung away, I run after him, at the bottom of Hay Hill he dropped or threw away part of the things, I went to catch at the ſhirt; it was obvious to ſeveral people as well as myſelf that I was not the perſon; there was a gentleman that gave me his word that he would come and appear for me.

PETER SHIELD *ſworn.*

I am a labourer, I was going to work about a quarter before ſix in the morning, I ſaw this priſoner and another man jump over the paliſades of the area, and I heard the coachman below cry out ſtop thief! I purſued them, my Lord Bewley's ſecond coachman ſtopped them.

Did you ſee the priſoner in purſuit of the other man?——No, I did not, I ſaw the men jump over together, and run as faſt as they could.

Not one purſuing the other?——Not as far as I could know.

Court to Priſoner. Would you aſk any queſtions of this witneſs?

Whether he did not ſee me jump over the rail, and the other man ſpring over the rail?—I could not diſcern which came firſt over the rails, or which was firſt running.

GUILTY.

Of ſtealing, to the value of 20s. but not of breaking and entering the dwelling houſe.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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682. HANNAH JACOBS was indicted for feloniouſly ſtealing, on the 8th of June laſt, one leather portmanteau, value 2s. a white ſilk gown, value 40s. a white ſilk petticoat, value 20s. a green ſilk gown, value 40s. a green ſilk petticoat, value 20s. one other ſilk gown, value 20s. a quilted petticoat, value 20s. four pair of cotton ſtockings, value 8s. a dimity habit and waiſtcoat, value 20s. and a petticoat with a flounced trimming, value 20s. the property of Martha Jones, ſpinſter.

MARTHA JONES *ſworn.*

I came to town on the 8th of June, between nine and ten in the evening, in a poſt-chaiſe; my trunk was put into Mr. Downing's houſe at Shadwell, I did not ſee it brought in; I heard it was miſſing about three minutes afterwards; I only ſaw a man taking it off the chaiſe; I heard of it in Duke's Place, I did not ſee the portmanteau.

Court. Did you ſee the priſoner then?—I did not.

Were the things your's?—Yes.

THOMAS CARPMEAL *ſworn.*

I found theſe things in a houſe where the priſoner lodged; ſhe ſaid before the Alderman that ſhe picked them up.

(The waiſtcoat produced.)

Court. Is that your's?—Yes, I am ſure of it, I know it by the pattern and the make of it.

PRISONER's DEFENCE.

It did appear on the examination at Guildhall, that there had been a ſcuffle, and that theſe things were dropped; another woman was taken up who had a great many things, and, my Lord, there was a ſcuffle between the other woman and the conſtable; I took the things up and put them in my pocket.

The priſoner called two witneſſes, who gave her a good character.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

683. THOMAS BARKER was indicted for ſtealing, on the 12th of June laſt, a linen handkerchief, value 6d. the property of Daniel Thurſton.

DANIEL THURSTON *ſworn.*

I loſt my handkerchief the 12th of June from my pocket, a young man informed me I had loſt it, and he pointed to the priſoner, who went up Ave Mary Lane, and the priſoner was ſtopped; and he immediately pulled the handkerchief from under his coat, and ſaid this is what you want.

(The handkerchief produced by Richard Tilwick.)

—— CLEVELEY *ſworn.*

Depoſed that he ſaw the priſoner take the proſecutor's handkerchief, and he was immediately purſued and taken.

Priſoner. I have no witneſſes nor friends.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Juſtice ASHURST.

684. THOMAS BRADY was indicted, for that he well knowing that one Michael Power deceaſed, had ſerved our Lord the King on board the Pallas, and that certain wages and pay were due to him for ſuch ſervice, on the 18th of November with force and arms the ſaid Thomas Brady came before the Worſhipful James Harris, then ſurrogate to the Right Worſhipful Peter Calvert, Eſq; L. L. D. and then and there, unlawfully, willingly, knowingly, and feloniouſly did take a falſe oath, that the ſaid Michael Power was dead without making any will, and that he the ſaid Thomas Brady was his natural brother and next of kin, the ſaid James Harris having lawful authority to adminiſter ſuch oath, whereas, in truth and in fact, he the ſaid Thomas Brady, was not the lawful and natural brother of the ſaid Michael Power, with intent to obtain letters of adminiſtration, in order to receive the ſaid wages and pay, due and owing on account of his ſaid ſervice.

A Second Count for that he ſuppoſing certain wages and pay were due, &c.

The Caſe opened by Mr. Silveſter.

JAMES MACKINTOSH *ſworn.*

I am a Navy Agent, I remember the priſoner applying to me, to the beſt of my knowledge, I think it was about the beginning of November laſt, he came to me along with a ſeaman whom I had done buſineſs for ſometime before, the ſeaman introduced him to me, upon aſking him what his buſineſs was, the priſoner told me he had a brother who died on board his Majeſty's ſhip the Pallas, and that he wanted to adminiſter, and recover his brother's wages, I aſked the priſoner if his parents were alive, and where they lived, he told me that he was born in Waterford, in Ireland; but his father and mother were both dead, I aſked him if he had any ſiſters or brothers alive, or any other relations, and he declared not, I then aſked him his name, he told me his name was Thomas Power, I then pointed out to him the nature of the buſineſs in regard to his having a proper certificate, to prove that he was the lawful brother, before the Commiſſioners would pay him the brother's money; notwithſtanding the adminiſtration might be granted; but in confidence of the man whom I took to be a very honeſt man, and the good ſtory he told me, I thought he was in a very fair cauſe, and as ſuch I did as I do in general to people that I know perfectly well, and know them to be honeſt, as I go to the Commons in general, I am their own bondſman when there is no will; I appointed the day for him to attend me at the Commons, telling him at the ſame time, that while the adminiſtration was getting ready, he was to get the certificate I mentioned; the man attended me at the Commons the next morning at nine, I went with him to Mr. Shepherd's, and he and the priſoner went out together.

Are you ſure that is the man that applied to you to take out the adminiſtration by the name of Thomas Power?—I am confident of it, very confident.

How ſoon after this did you ſee him again?——I believe it may be a month or ſo, but I cannot aſcertain the time, I had occaſion to be at Mr. Hooper's office, he is another Navy agent, as ſoon as I came into Mr. Hooper's office I perceived the priſoner ſitting in a chair and he ſeemingly ſtooped his head, I came into the middle of the office and turning round, ſaid to him Power how come you on with the bargain between you and the Jew; as I underſtood he had ſold the letters of adminiſtration to a Jew after being granted, he made me no anſwer; I turned round and aſked him a ſecond time; upon which Mr. Hooper's clerk aſked me his name, ſignifying at the ſame time that he had come and employed them to recover prize money by the name Thomas Brady, I told them the circumſtances of the caſe as I conſidered of it, and the next day I called at Mr. Hooper's office.

What did the priſoner ſay?—He did not make any particular excuſe before me.

JOHN SHEPHERD *ſworn.*

I am a Proctor in Doctor's Commons.

Do you remember this Mr. Mackintoſh coming to you with the priſoner?——No, Sir, I do not, I have ſo many applications of that nature that I cannot recollect it, I attend to other gentlemen's buſineſs as notary, Mr. Mackintoſh does buſineſs with me frequently, we always ſign the warrants.

——— RODD *ſworn.*

Produces the warrant from the Regiſter of the Prerogative Court of Canterbury.

Mr. Shepherd. It does appear from this that I was preſent when a man calling himſelf Thomas Power took the uſual oath, namely, that Michael Power was dead, a batchelor inteſtate without parent, and that he was the natural and lawful brother of the deceaſed, I ſaw it ſigned becauſe I have witneſſed it, and it appears Dr. Harris ſigned it.

Court. But who that man was you do not know?—No.

JOHN DUROSS *ſworn.*

Here is a bond with a mark executed to it by the name of Thomas Power, witneſſed by James Mackintoſh and Thomas Cruſo.

Mr. Mackintoſh. This is my hand writing.

(The bond handed up to the Court.)

Court to Shepherd. Did you ſee theſe parties execute it?—I did.

Do you know the priſoner?—I cannot take upon myſelf to ſay I do, but the man who called himſelf Thomas Power, made that mark oppoſite that bond, but who it was I cannot ſay.

CHARLES PINKSTON *ſworn.*

I am clerk to Mr. Hooper the Navy agent, I know the priſoner, he applied to me on the 5th of January, in the name of Thomas Brady, and gave me an order and brought a certificate ſigned by the Purſer of the ſhip, the Pallas, I have the certificate in my pocket, and an order to receive ſome prize money; ſome little time after he applied to me to know if I had received the prize money, and while he was there Mr. Mackintoſh came in and ſeeing the priſoner there called him by the name of Power, as ſoon as he ſaid Power I ſaid that is not his name, he came to us in the name of Thomas Brady, and I have an order and certificate which I can produce, and I did, and ſhewed them to Mr. Mackintoſh.

Had you any converſation with the priſoner?——Yes, Sir, I aſked him how he came to deny his name, he ſaid nothing, I told him I ſuſpected there was ſomething wrong, then he told me that he run from a former ſhip and changed his name to Thomas Brady, he ſaid his name was Thomas Power, and that he really was brother to the man; that he ſaid before the Lord Mayor when he was examined.

JASPER ALLEN *ſworn.*

I have the ſhip's book of the Pallas.

Is there any ſuch man of that ſhip as Thomas Brady?—Yes, Sir.

How is he rated?—Able ſeaman.

Is there a man of the name of Michael Power?—Yes, Sir, he is rated rated ordinary and able.

From what ſhip did Brady come, from the Pallas?—From the Blenheim, he was diſcharged from there regularly he had no R. againſt him, he came there from the Bienfaiſant he does not appear to have run from any of theſe three ſhips.

WILLIAM LIVINGTON *ſworn.*

What ſhip did you ſerve on board?——The Pallas at ſea, I remember the priſoner he went by the name of Thomas Brady, I knew Michael Power.

Had he any brother on board that ſhip?——Not to my knowledge, I am ſure that was the man that went by the name of Thomas Brady; on the 11th of November 1783, the ſhip's crew were paid off.

Did you ever know him by any other name than Brady?—No.

JAMES CASEY *ſworn.*

I ſerved on board the Pallas from the year 1781 to 1783, I remember the priſoner, I think he was on board when I went on board, he went by the name of Thomas Brady, he never went by the name of Power, I knew Power, he was Cooper's mate on board the ſhip.

JOHN MACUSE *ſworn.*

Do you know the family of Power?—Yes, there were no other brothers but William, and John, and Michael.

MICHAEL WARREN *ſworn.*

I apprehended the Priſoner, he told me his name was Thomas Brady, and he had had twelve pounds of the money of Power, I aſked him how he came to do it, I was very ſorry for him, he ſaid it could not be helped it was too late.

Court. How do you mean that he had had twelve pounds of Power's money?——Why of a Jew.

Court. That is no confeſſion?——He ſaid his name was Thomas Brady, and he had twelve pounds of the money of a Jew.

Did he ſay how he had it?——Some in money and ſome in goods.

Priſoner. I have no witneſſes, I did not know I ſhould be tried ſo ſoon.

Court. Gentlemen of the Jury, this offence is made capital by an act of parliament; to take a falſe oath in order to obtain letters of adminiſtration to receive any wages or prize money due to ſeamen; and by which act of parliament you ſee that which before was but a perjury, that particular ſpecies of perjury is converted into a particular felony; but it is incumbent on the Proſecutor to fit the law exactly to the fact, and to prove every circumſtance which is neceſſary to bring it within that law, by a clear, preciſe, and exact evidence, and by the beſt evidence; now in this caſe the very jutt of the crime is taking a falſe oath; and I never remember any inſtance in fact, where an indictment for perjury has been ſupported without direct and poſitive proof that the party took the oath, or where any attempt has been made to ſupply the defect of proof, in that circumſtance by the ſupply of other proof from which it might be probably inferred; now in this caſe there certainly is no direct expreſs evidence that the priſoner ever took the oath in queſtion, there is circumſtantial evidence; the fact of taking the oath requires diſtinct proof as well as that of the execution of the bond, and Mr. Shepherd's memory not ſerving as to the perſon that took the oath, and Dr. Harris not being here, there is no direct proof of it, and there is a poſſibility certainly that the priſoner might go through all the reſt of the fraud, and avoid the circumſtance of taking the oath, ſuppoſing he knew the taking the oath was a capital felony; if this was an indictment for perjury, and the evidence was to ſtand as it does now, I ſhould be of opinion that they were bound to give preciſe and poſitive proof, that the priſoner was the perſon that took the oath; the part where the proof is defective, is the very point on which the indictment turns.

Mr. Sylveſter. I wiſh this caſe might be reſerved.

Court. There is nothing to ſave.

Mr. Sylveſter. It is matter of law whether the evidence is ſufficient.

Court to Jury. Gentlemen, if you are ſatisfied notwithſtanding the obſervations I have ſtated, that the evidence is ſufficient to prove that this man actually took the oath, in that caſe you will find him guilty; but I am of opinion that unleſs it is clearly proved he took the oath, you ought to acquit him.

NOT GUILTY.

Tried by the London Jury before *Mr.* RECORDER.

685. WILLIAM PRUDENCE was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Penn, at the hour of ten in the night, on the 31ſt of May laſt, and burglariouſly ſtealing therein, one looking-glaſs ſet in a walnut tree frame, value 15s. one linen gown, value 4s. one cotton counterpane, value 2s. one camblet gown, value 1s. one ſerge coat, value 1s. one ſheet, value 1s. and four braſs candleſticks, value 1s. his property.

WILLIAM PENN *ſworn.*

I am a Weaver at Bethnal-green.

Who went laſt to bed in your family the night your houſe was broke open?——It was broke open a quarter before ten, on a Whitſun Monday, I was out.

HERBERT POCOCK *ſworn.*

I am a lodger in the proſecutor's houſe, it is in the broad place; I was at home when the houſe was broke open, on the 31ſt of May laſt, about nine in the evening, I left the houſe, I left nobody in the houſe, and I returned about a quarter before ten; when I returned I obſerved the ſtreet door and the kitchen door were both open, and I ſaw the priſoner in the houſe.

What was he doing?—He had a brown linen apron on full of things, the property of the proſecutor, he was looking into the drawers belonging to the cheſt of drawers which ſtood in the kitchen, I collared him and he run away, I purſued him he was ſtopped by Hatchman, I never loſt ſight of him, I ſaw him drop the things at the door, the things were all taken up afterwards, when he was brought back and carried to the watch-houſe; they were taken up by Hatchman.

Did you ſecure the door when you went away?—I latched the door, I only latched it.

Priſoner. Aſk him, whether he did not bring a woman before the Juſtice, that ſaid ſhe knew the man that dropped the things?——I ſaw the priſoner drop the things.

JAMES HATCHMAN *ſworn.*

I apprehended the priſoner, and took up ſome things which the conſtable has, to whom I delivered them.

——— **STUCKER** *ſworn.*

I am the conſtable, (*produces the things which had been in his poſſeſſion ever ſince.*)

(*The coat and one of the candleſticks depoſed to.*)

Court to Pocock. Are you ſure you latched the door after you?—Yes, Sir, I am ſure of it.

Can you ſwear to that poſitively, take care what you ſwear?——Yes, I can.

When you went out it was not dark enough but what you could diſtinguiſh one man from another?——Yes, I could.

Priſoner. Aſk him whether he did not come laſt Saturday and ſay he was almoſt ſtarving, and if I could make up half a guinea he would make it up?——I ſay that is wrong, I went to his wife in this manner, ſignifying if ſhe could make up the man's property, I ſhould be very loth to take away the man's life.

Court to Hatchman. When you was called did you ſee the priſoner?—I ſtopped him, and the priſoner ſaid do not ſtop me it is only a fight.

Did he give any account of his being there?——No, no further.

PRISONER's DEFENCE.

My Lord I was not in the houſe, I had been to ſee my mother who was ſick, the woman that belongs to *that there gentleman*, ſaid ſhe was laſt out, at the Juſtices.

JUDITH PENN *ſworn.*

I am wife to the proſecutor.

Who went out of this houſe laſt?—I did out of my own kitchen.

Did you go out after Herbert Pocock?—Before him, I went out between five and ſix to my mother's.

The priſoner called two witneſſes who gave him a good character.

Court to Jury. Gentlemen, with reſpect to the larceny it is very ſtrong evidence, but there is a difficulty about the capital part of the charge, the lodger ſaid it was about nine o'clock, and they do not pretend to any degree of accuracy; therefore it was dark when he returned, yet when he opened the latch, it was ſufficiently light to acquit him of the capital part of the charge.

GUILTY

Of ſtealing, but not guilty of breaking and entering the dwelling houſe.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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686. **WILLIAM HOLMES** and **JOHN MASH** were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Adam Hamilton, about the hour of one in the night, on the 23d of June laſt, and feloniouſly ſtealing therein, ſeventeen ſilver tea ſpoons, value 30s. one horſe piſtol, value 3s. and five table cloths, value 10s. his property.

The witneſſes examined apart at the requeſt of Mr. Peatt, Priſoner's Council.

ADAM HAMILTON *ſworn.*

I keep an Inn at Enfield, on the 23d of June laſt between one and two, I was awaked by my wife ſaying ſhe believed there were thieves had broke into the houſe, from the noiſe ſhe heard, I immediately got up, I had my night gown on, and took my blunderbuſs, and intended to have gone down ſtairs without ſhoe or ſtocking on, but my wife perſuaded me to dreſs myſelf, and I put on my ſhoes and ſtockings, and went down ſtairs, and found my bar broke open, with my table linen taken out of the drawers and ſtrewed on the floor, the flaps of my writing deſk both of them broke open, my bureau and all the faſtenings of the bar except one broke open, ſuch as preſſes and cupboards; the priſoners were gone, I did not ſee them, I ſaw nobody but ſome of my own people; in a very little time one of the priſoners was brought in, which was the priſoner Holmes, he was purſued and taken by one of my men.

Who was laſt up in your houſe the night before?—I cannot ſay, either myſelf or my wife, or the chamber-maid, but I rather think it was not myſelf for this reaſon, I had ſome ſhivering fits on me like an ague, and I went to bed rather ſoon.

Court. Was it day-light when you was alarmed?—It was light very ſoon; when the priſoner was brought in to me, I ſearched him, and found a tinder box, with matches and tinder in it, which box is here, and a pawnbroker's duplicate, but nothing of my property; there was a watch, which I am now in poſſeſſion of, which was the priſoner's; the next morning when we came to ſearch, we miſſed about ſeventeen tea ſpoons and five table cloths, (which are ſtill miſſing) and a piſtol; that was found again and brought back to me by ſome of my people who found it in the field, I cannot ſay which of my people it was.

Mr. Peatt, Council for the Priſoner. You could diſtinguiſh one ſervant from another when you came down by day-light?——I could diſtinguiſh the priſoner immediately when he was brought into my houſe.

But when you firſt came down ſtairs was there day-light enough then without candles to diſtinguiſh one perſon from another?——There certainly was ſufficient light.

About what o'clock was it?——It was not quite two o'clock.

WILLIAM PRATT *ſworn.*

I am ſervant to Mr. Hamilton; on the 23d of June I ſaw two men come into my room where I lay, I had a candle alight in my room, and one of them came in with a candle.

What time in the morning was it?——Between one and two; they looked all round the room, and one of them ſaw me, then they went out of the room directly.

Did you ſee them take any thing?—No.

Did they offer any violence to you?—No.

Did you ſee either of the men ſo as to know them again?—Yes.

Both of them?——Yes.

Did you ever ſee them again?—Yes, at Juſtice Wilmot's Office; the priſoners are the men, there were two candles in the room, and I was in my bed without curtains facing the door; I ſaw their faces plainly, I am quite ſure theſe are the men.

How long might you have a view of them?——About half a *moment*, very little more, only juſt while they looked round the room, I ſaw them afterwards; as ſoon as they were gone I got out and went after them, I went ſoftly, I then ſaw them both in the bar.

What light had you then when you ſaw them?——They had a large candle, they were breaking the deſk open, and pulling out the drawers, and I had the ſame light to ſee them; then I went back to my own room, and went out of the window, and called one of my maſter's ſons up, he ſlept in another houſe, my window was on the ground floor; when I came back I called one Joſeph Roe, and John Smith; Roe got up firſt, and went round, and I followed him cloſe behind; Roe went round into the houſe at the back door, which was open; I met one of the ſame men after they run out of the houſe, juſt by the corner of the houſe, I did not ſtop him then, I told him I would, I followed him about three hundred yards, he ran away, and the gardener came up.

What is his name?—I cannot recollect his name.

Not the name of your gardener?—No: we both took him and brought him back, that was the priſoner Holmes; as he was running over the field I ſaw him throw a pair of ſilver buckles out of his hand into the ditch, and I ſaw him throw away a piſtol.

Are you ſure of that?——I am very ſure of it, and the things that he breaks into people's houſes with, there was an iron dog, and ſeveral other things that I cannot mention, they are here; I picked up the piſtol, I do not know who picked up the other things, my maſter has the piſtol, I gave it him this morning; we ſit up with it every night ſince the robbery, we had but two of them, and the other is broke, I am ſure it is the ſame that the man threw away.

JOSEPH ROE *ſworn.*

(Produces the piſtol.)

It belongs to my maſter, it is the piſtol that the priſoner Holmes threw out of his pocket.

Mr. Peatt to Pratt. Was the faces of the priſoners to you all the time?—Yes, I was wide awake when they came in.

Have you as good a recollection of features as you have of names?——Yes.

You could not have ſeen them I ſuppoſe if the candle had not been there?——No.

Was not it day-light enough?—No, not in the houſe, becauſe the ſhutters were ſhut up, theſe was out of doors.

You was not the leaſt terrified with all this?—No, Sir, no more than I am now.

And you remember their faces as well as you do the name of the gardener, I dare ſay?—Yes.

What corner was it that you met Holmes at?——Adjoining to my maſter's houſe.

Were their faces to you all the time they were in the bar?——Yes.

What then they ſtood in one poſture all the time?——Very nigh, one ſtood at one place and one at the other.

Stood quite ſtill did they?—Yes.

Had you ſeen him before?——I ſaw him once at Endfield.

What ſtate was the back door in, it ſtood a jar, *as uſual, I ſuppoſe?*——I did not take any notice of the door.

You ſaid juſt now it was open?——Yes; I never ſaw which way the other went.

What diſtance was you from him when he threw away the things?——About ten yards.

There were other people about?——No, my Lord; the piſtol has been in the bar of days, I am ſure I know the piſtol.

Joſeph Roe called again. When my fellow ſervant called me up, I went with all the haſte I could down the yard to the gate, it was faſtened, I went round the farm yard and came to the kitchen door, which was open, and the yard door was open, and there was one of the great candles by my maſter's writing deſk, the backs of the priſoners were turned towards me, one of them turned his head and I thought he ſaw me, then I ſaid damn your body, what are you a doing there? with that Holmes caught hold of the piſtol, and he run at me, damn your body, ſays he, I will ſhoot you dead; with that I ſays, ſhoot, ſhoot, and be damned; I had this ſtick in my hand, I ſtruck at Holmes and miſſed him, and he knocked me down with the piſtol, or with his hand, I am not ſure which; away they ran out of the kitchen door down the yard, I followed them as well as I could, but I could not get up juſt in a minute, one of them was taken before I could get up with them.

What became of the little man?—I cannot ſay, he was taken afterwards by one of Juſtice Wilmot's men.

Did you ſee both the priſoners?——Holmes is the man that ſwore he would ſhoot me, and I think, to the beſt of my knowledge, the other is the man that was with him, but I cannot ſwear poſitively to him, I can to Holmes.

What time in the morning was this?—Between one and two.

What ſort of a light was there, was there much day-light?——Day was broke.

Court. Broke ſo that you could diſcern one man from another?——Yes.

Mr. Peatt. What diſtance was you from the bar when this converſation enſued?—I had my foot on the threſhold of the bar door.

You came up to his noſe then?——I was about as far as I am to this gentleman here.

Had you ever ſeen Holmes before?——

How long was it before he knocked you down?——A very little while.

How long?—I believe it might be about two or three minutes.

Was not you rather confuſed?——When he came at me in full vengeance I was forced to fight or die elſe.

Did not you ſay this is not the man when you firſt came up and he was taken into cuſtody?——No, I ſaid he was the man.

You cannot ſwear to Maſh poſitively?——No, I cannot.

JOSHUA JACKSON *ſworn.*

I live at Mr. Hamilton's; I am gardener, I was ſleeping in bed the 23d of June, and I was alarmed by the noiſe of the dog in the houſe, and I came up to the window, and I ſaw the priſoner running by, and I jumped up and ran after him, me and Pratt, and Smith followed him, that was the priſoner Holmes, I did not ſee him throw any thing away, I knocked him down, and Pratt and Smith came up to my aſſiſtance.

Mr. Peatt. Had you him in your eye all the time?—He was out of my ſight about a minute and half, I ſaw nobody about but thoſe that were alarmed.

Did the laſt witneſs expreſs any doubt when he came up about this being the man?—No, Sir, he did not, he ſaid he was the man as ſoon as ever he came up.

JOHN SMITH *ſworn.*

I jumped out of bed and took my gun, and we purſued the priſoner Holmes, he ran down a lane and into a field, I went with Jackſon and Pratt and took the priſoner; I did not ſee him throw any thing away.

Mr. Peatt. How far was he from the houſe when you firſt ſaw him?—I believe about one hundred yards, I did not ſee him till I got into the field.

JAMES SHAKESHAFT *ſworn.*

When the priſoner Maſh was apprehended at Mr. Wilmott's office, which was when Holmes was in cuſtody, he came to ſee him, I went to ſearch his lodgings, he was apprehended on ſuſpicion, according to the deſcription given of him; there was a young woman that he lived with went with me, and I found Holmes's coat in his lodgings, he told the girl to give us the key, we found nothing elſe, I found nothing at Maſh's lodgings belonging to the proſecutor.

Court. How long after the robbery was this?——About three or four days.

Mr. Peatt. Then your principal reaſon for apprehending Maſh was, becauſe he came to ſee the other?—We had information, and we thought he was the man.

Court to Hamilton. Was any part of your property, except the piſtol, ever found?—No, my Lord.

PRISONER HOLMES's DEFENCE.

I was coming from Hoddeſdon that night, I had been down into Lincolnſhire, it was very hot, and I choſe to walk in the night, and juſt as I came by there was a great ſkirmiſh, and ſo they choſe to take me.

Court to Pratt. Who found the little dog and things?——I do no not know who.

Court to Holmes. Have you any witneſſes?—I am a countryman, my Lord, I know no more of Maſh than a child, I know no more of him than your Lordſhip knows of him, equally the ſame.

SUSANNAH OLIVER *ſworn.*

My huſband is a brewer's ſervant, I live in Webb Square, Shoreditch; I know the priſoner Maſh by living with me as a neighbour.

(The other witneſſes for the priſoner ordered to withdraw.)

Do you know where he was on the 23d of June?——Yes, I had my child in my arms.

What time of the day was that when you ſaw him?—I ſaw him at night, juſt as the watchman went paſt one, out of my window, with a lighted candle in his hand, I ſaw him go in at his own door, he lives right facing me, I ſaw no more.

Court. What night was this?——I do not know juſtly what night it was.

Wh

Why you anſwered that gentleman readily what night it was?——I do not know whether it was a Tueſday or Wedneſday, but I think it was the 23d of June.

Jury. What time does your huſband leave work at night?——Now the work at the brewhouſes is dead he works in Newgate-market, he works all night, I was up, becauſe I had two children very ill, and was obliged to be up.

Court. She does not fix the night.

ANN SAVAGE *ſworn.*

I am a windſter by trade, a weaver by rights, only I have no work to do; I am a married woman, I live in Webb Square, Shoreditch, in the lower apartments.

Did you ſee the priſoner Maſh at any time on the 23d of June?——Yes, he came to my door at half after twelve, and aſked me for a light, I was undreſſed, and did not open the door immediately, I put on my petticoat and went to the door, then it might be ſomething later; I am very ſure it was the 23d of June, becauſe it was the Wedneſday, and the Friday was the 25th, and I had a little trifle to pay; I ſaw him go in with the light to the next door.

Court. Was there any thing extraordinary in this man's calling that night?—He was taken up the 25th.

Did you ſay this then?—I did not know he was there.

Where was your huſband?——He was down at Paul's Wharf, he is a porter, bringing up goods to market, I was obliged to ſit up till that time of night to call him, ſometimes one and ſometimes two, as ſoon as the tide ſerves.

Was he in bed?——I called him out of bed, he went to work a little after eight.

How came he to be in bed ſo ſoon?—He goes to bed ſometimes at twelve or one o'clock in the day time, I called him at eight, he came home as near as I can gueſs the next day between one and two.

If you called him at eight in the evening, how came you not to be in bed?——I ſat up to finiſh my work, I was winding Spaniſh engine work.

MARTHA FLEMING *ſworn.*

My huſband is a carpenter, I go out of waſhing, I live right oppoſite the priſoner Maſh, in Webb Square; I was waſhing at one on the 23d of June, and the priſoner Maſh knocked at my door, I ſaid who is there, he ſaid if you pleaſe I want a light, I opened the door and I ſaid, yes, Sir, I will give you a light, and the watchman came paſt one, and I wiſhed him good night.

Court. How came you to remember the night?—Becauſe I was waſhing ſome things to go to the Exciſe Office, this is the night I had the man's things to waſh, dry, and iron.

Was it the night before this or the night after this that you was to carry the things?—It was the night after this, this was on the Tueſday night that I was a waſhing.

Jury to Pratt. I think you ſay there were two candles in the room when they entered the room?——Yes.

You are ſure to the two men?—I am very ſure.

Court. Who held the candle?—Holmes, and the other looked over his ſhoulder, ſtood a tip toe, I was as wide awake as I am now.

Are you quite ſure of the other two men?——I am.

Jury. I think you ſay you ſaw the ſame two men in the bar again?—Yes, the ſame two men.

Court to Roe. Had you any full view of the face of the other man beſides Holmes? Yes, when they came out both together, but I cannot ſwear poſitively to him, I can ſwear poſitively to Holmes.

Priſoner Holmes. As to this man I am ſenſible is as innocent as a child, and that man has ſwore falſe, and he knows it to be true; I dare ſay Shakeſhaft thinks it to be the ſame.

(The Jury withdrew ſometime, and returned.)

Jury to Proſecutor. Was the bar broke open?

Mr. Peatt, Priſoner's Council. I ſubmit to your Lordſhip that you will not permit a witneſs to bolſter up what he ſaid before in this manner, I am perſuaded the Court will never receive evidence againſt the priſoner after the evidence for the Crown is cloſed, and the charge given to the Jury.

Court. Certainly not.

WILLIAM HOLMES, GUILTY, **Death**.
JOHN MASH, NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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687. SARAH HARRIS was indicted for feloniouſly ſtealing, on the 19th of June laſt, one walnut-tree watch caſe, value 5s. one ſilver watch, value 30s. one ſteel chain value 12d. one key, value 1d. one ſeal, value 6d. one other ſtone ſeal ſet in ſilver, value 12d. the property of John Stevens.

JOHN STEVENS *ſworn.*

I was informed by my niece that I was robbed on the 19th of June, about ſix in the morning, then I went into the back kitchen, and miſſed the watch and caſe from the ſhelf, chain, ſeal, and key, I was informed that a young woman came out of my garden in a green petticoat, flowered bedgown, and a black hat, I made enquiry, I had information that ſhe was gone towards London, and I went on the road and overtook the priſoner, I am quite poſitive of her, I took her into cuſtody, and took the watch out of her lap; when I ſtopped her I told her ſhe had robbed me of my property; ſhe made anſwer and ſaid, for God's ſake, do not hurt me, for when I took it away I did not know what to do with it, the devil was ſo buſy with me; I told her I was very ſorry for her.

Were theſe things hid in her lap?——Yes.

Have you kept theſe things ever ſince?——Yes.

REBECCA REYNOLDS *ſworn.*

I live at Lambeth, I am turned of fifteen.

Do you know the nature of an oath?—Yes.

Did you ever ſee the priſoner at the bar before?——I ſaw her at my uncle's back yard in the morning of the 19th of June, about ſix, ſhe had an old hat on, and a green petticoat, and a light linen bedgown.

Was it light?——Yes.

Are you very ſure it was the priſoner?—Yes, I am very ſure of it, for ſhe ſtood ſtaring up at the window a great while at me.

Where was you at that time?——I was in my back room.

PRISONER's DEFENCE.

I ſaw the proſecutor the over night, I was ſtanding in the ſtreet, he aſked me what I ſtood there for, I ſaid I was looking for work; ſays he, *Marm*, that is a very odd place to look for work; ſays he, you had better come along home with me, I will give you your ſupper, and you ſhall have a bed for nothing; he then aſked me to ſit up all night, I deſired him to let me ſit quiet, he began wrangling with me, and he ſaid I have nothing to give you, but you ſhall ſtop till I give you money; the next morning he told me his wife was dead, and he had a little girl which was in bed (he is a ſhoe-maker) ſays he, if I go out of my ſhop before my little girl comes down, for God's ſake take care ſhe does not ſee you, and I went out about ſix in the morning.

Court to Proſecutor. Is there any truth in this part of the ſtory?——I never ſaw her till I took her with the property upon her, I never ſaw her in the days of my life upon the oath that I have taken.

GUILTY.

To be confined to hard labour twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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688. JOHN EADES was indicted for feloniouſly ſtealing, on the 21ſt of June

laſt, one feather bed, value 20s. the property of Francis Willis.

FRANCIS WILLIS *ſworn.*

I live at No. 53 on Saffron-hill, I keep a ſmall houſe, the priſoner was a lodger of mine, he lodged with me between four and five months, I loſt one feather bed, I miſſed it on the 21ſt of June between eight and nine in the morning, I found it in two days after at Mrs. Well's, in Portpool-lane (*The bed produced and depoſed to by a patch very near the middle, and a place that had been darned up*) it has been a good many years in uſe, I turned down a bureau bedſtead. I miſſed it from the room that I let to the priſoner.

Was there any other bed in the room?—No, I cannot ſay how long it had been gone, I never ſaw it in the hand of the priſoner.

ELIZABETH WILLIS *ſworn.*

I am the wife of the proſecutor, we let the priſoner the room, and my huſband went up finding he did not come home, and he called to me, and I went up and miſſed the bed, we got a ſearch warrant and I went with my huſband and found it at Mrs. Wells's, I knew it by the patch and darn in the corner that I did myſelf.

WILLIAM SEASONS *ſworn.*

I am a conſtable, I attend the Rotation Office in Clerkenwell-Green, Mr. and Mrs. Willis applied to me, and aſked my opinion whether I thought the bed might be in a houſe in Portpool-lane, which is noted for receiving ſuch things, up two pair of ſtairs at the houſe of one Wells a chandler's ſhop, this was on the 22d of June, which I believe was the day after it was loſt, I have had the bed in my poſſeſſion ever ſince, I muſt ſay when I went into the houſe, Mrs. Wells ſaid, Mr. Seaſons, open every room in my houſe.

ELIZABETH WELLS *ſworn.*

I live in Portpool-lane, I know the priſoner, and have known him for a great while.

Do you know any thing about Mr. Willis's bed?—Not about their bed, the conſtable and Mr. and Mrs. Willis came to my houſe, and took a bed from my houſe.

Is that the bed that is in Court?——I cannot ſay,

Look at it?——I believe it is.

How came you by that bed?——This young man the priſoner came from ſea when I lived in Caſtle-ſtreet, I have known him a great while, and he told me he was going to provide a room for himſelf he had plenty of money, and ſome time after this, I did not ſee him for two or three months, I cannot tell which, then he came and aſked me to buy a bed.

About what time was that?—I think it is about three months ago, it might be ſhort of that, or it might be full that.

Might it be a month or ſix weeks?—It muſt be more than that, Seaſons has had it three weeks, I had it two months before he fetched it from me to the nigheſt of my recollection.

When the priſoner aſked you to buy a bed, did he bring you the bed?—Yes, the ſame afternoon.

Did you purchaſe it of him, I did, Mrs. Willis ſaw the bed.

In what ſituation was it when ſhe firſt ſaw it?—It was with other things laying about, and people lived in the room, I told her I had not bought a bed for two months, ſhe ſaid ſhe had loſt her's within a month, ſhe then went up ſtairs and ſaid here is the bed, ſays ſhe I know it by the outſide being my own ſpinning.

Court to Mrs. Willis. Did you ever ſay any thing about the ſpinning?—Nothing but the darning, I ſaid it was what we called in the country a home ſpun tick.

Did you make uſe of the expreſſion that that woman mentioned?—Upon my honor I did not.

Did you doubt this being yours when you firſt went?—My Lord I was terrified, there was many people in the rooms, and they were making their diverſion, and I went into one room and they drew a bit of a bed from under a bedſtead, and I looked very hard at it, and I ſaid it is not mine, then there were three rooms that were locked, we could not get in, there was a woman in the room waſhing as I think, and ſhe ſaid is this it, and I ſaw a corner of it, then I ſaid that is my bed.

Then they ſhewed you more beds than one?—We ſaw all the beds, but only theſe three rooms we could not ſee till the keys came up, there was a bed in every room, I cannot tell how many.

PRISONER's DEFENCE.

I got up on Sunday morning, I went out to ſee for my wife, when I returned the room was ſtripped, I then found that my wife was taken up, I knew nothing of it.

Proſecutor. His wife lived in the lodgings with him, and ſhe went away on the Saturday morning the 19th, that was the day before him, we ſat up for her till two o'clock on the Sunday morning, he came and ſaid ſhe was at a labour, I never ſaw her afterwards in my houſe.

GUILTY.

To be confined to hard labour twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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689. ANN DUFF otherwiſe Fielding, was indicted for feloniouſly ſtealing, on the 4th of January laſt, one ſilk gown, value 10s. two linen bed gowns, value 5s. a ſilk petticoat, value 15s. four dimity petticoats, value 15s. a pair of ſtays, value 5s. ſeven ſhifts, value 14s. a ſatin cloak, value 10s. five handkerchiefs, value 10s. one linen laced handkerchief, value 2s. five pair of ſilk ſtockings, value 10s. a pair of ſtuff ſhoes, value 2s. a pair of baſe metal buckles, value 2s. nine napkins, value 3s. a table cloth, value 2s. three pair of woman's laced ruffles, value 2s. a calaſh, value 2s. a black ſilk muff, value 1s. one umbrella, value 10s. one japan tea-board, value 2s. one pair of ſnuffers, value 2s. one ſnuffers ſtand, value 2s. one tea ſpoon, value 12d. one pair of baſe metal tea tongs plated with ſilver, value 12d. one apron, value 10s. and one printed bound book, called the Review, value 12d. the property of Harriet Langriſh, widow, in the dwelling houſe of Thomas Cook.

HARRIET LANGRISH *ſworn.*

I lived at the time of the robbery in Margaret-court, Bow-ſtreet, at the houſe of Thomas Cook, on the 4th of January laſt, I loſt the things mentioned in the indictment and much more, which they ſaid were too tedious to mention.

What is the value of the things that are mentioned in the indictment?——I valued them at five pounds, they told me I muſt make a value; the priſoner came into my bed chamber at ſix in the morning, I aſked her what ſhe wanted, ſhe told me ſhe wanted a ſcrubbing bruſh and flannel, which ſhe had left there the night before, I told her to take it; I got out of bed immediately and I ſaid it was very dark, ſhe ſaid yes, it was but ſix o'clock: the night before ſhe ſaid to me, Madam I am very ſhort of clothes, I wiſh you would give me leave to waſh my gown to night, I told her by all means, ſhe ſeemed rather confuſed and threw the gown acroſs the table; I returned to my bed and left her to go on with her work, and at eight I got out of bed to ring the bell, I miſſed nothing; ſhe was not there, I returned to bed and thought ſhe was gone out ſomewhere, but in turning my eye towards the bureau, I found the drawer where I had placed my linen that came home from waſh the night before, open and empty; that alarmed me, I jumped out of bed and went to the dining room, and found the place compleatly ſtripped, I ſcreamed out that I was robbed, I left the dreſs I wore the evening before, and that I miſſed alſo.

When did you find any of your things again?—Never till I found her, I believe it is a month yeſterday ſince ſhe was taken; I offered a reward for taking her, and about nine o'clock on Wedneſday morning I was informed ſhe was in Vine-ſtreet, I went into the houſe where ſhe was and ſeveral more women, the conſtable ſaid to me Mrs. Langriſh look which is your ſervant, I turned up her bonnet, ſhe downed of her knees immediately, and ſaid for God's ſake have mercy upon me, I aſked her what mercy ſhe could expect, and I told her the only way ſhe could have mercy upon me, was to diſcover what things ſhe had got.

Court. Now we cannot hear what ſhe told you?——The conſtable then took a coach, and we went to ſeveral pawnbrokers before we came to the right, at laſt we went to Mr. Jarvis in Fetter-lane, and the trifling things that were found were found there, only two pictures and an umbrella; the other things were found by taking up a woman that was ſervant to her after it ſeemed.

JACOB FREEMAN *ſworn*.

I apprehended the priſoner and I examined her and at Mrs. Jarvis's in Fetter-lane, I found theſe two pictures, a table cloth, and the umbrella, her man is here, his name is Dupree, I then went into Fleet-lane, and at a pawnbroker's named Pearſon, I found a laced handkerchief and a bound book, I went to one Morell's in the ſame lane, and there I found a japan waiter, they had no other property, I went to Snow-hill where the gown was that is mentioned, but I did not hear of it, there is an affidavit that is made, the priſoner herſelf took it out and ſold it.

Court. We cannot look at the affidavit.

SARAH EATON *ſworn*.

Do you know the priſoner?——She is a little acquaintance of mine, ſhe lodged at Mr. Fletcher's in the Bailey here; I know nothing of the robbery, I ſhall tell you God's truth and no more, ſhe came to lodge at Mr. Fletcher's one pair of ſtairs, and I lodged in the garret.

When did ſhe come to lodge there?—About five or ſix months ago.

Do you know the month?——I am not quite ſure whether it was January or February ſhe got me to be as a ſervant and gave me a ſhilling a week, and ſhe was taken very ill indeed, and by that means ſhe got me to pawn ſome clothes which I thought was her own property; in Fetter-lane I pawned them two prints, and a pair of ſnuffers and ſtand, which were not found; I pawned a table cloth and umbrella in Fleet-lane, I pawned a book and handkerchief, and I pawned a little tea board for 6d. at Morell's.

JOHN DUPREE *ſworn*.

In January laſt I took in of the priſoner, an umbrella for four ſhillings, and on the 5th of the ſame month, I took of this woman Eaton, this table cloth and two prints.

(*Theſe things depoſed to.*)

PRISONER's DEFENCE.

I am a ſtranger, and ſhe promiſed to forgive me, if I would tell her where the things were, and I did tell her.

Court. Gentlemen of the Jury, in conſideration of the manner in which this diſcovery was made, it will be for you to conſider, whether you will find her guilty of ſtealing any thing but what is found, which is under the value of 40s; on the other hand if you are truly ſatisfied and chooſe to find your verdict in the moſt penal manner that you are authorized to do from the evidence, you may in that caſe find her guilty of the whole indictment.

GUILTY

Of ſtealing to the value of 39s.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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690. JAMES PULET, PETER WOODCOCK, NICHOLAS ENGLISH and FRANCIS JOYCE, were indicted for feloniouſly ſtealing, on the 16th of June laſt, one ſilver watch, value 50s. one metal chain and ſeal, value 1s.

and one gold ſeal, value 40s. the property of Letitia Bowman in her dwelling houſe.

The witneſſes examined apart at the requeſt of the priſoners.

LETITIA BOWMAN *ſworn.*

What are you?——A widow.

Where do you live?——Near the two mile ſtone Kingſland road, the priſoners ſtole my watch on the 16th of June, I neither ſaw them nor heard them.

JOHN BARROW *ſworn.*

I am a Shipwright, I was nailing a board up at a waſh-houſe in Kingſland road on the 16th of June, and I ſaw four men run down and look back which gave me ſuſpicion they had done ſomething wrong, then I run to the front part of the houſe, and heard Mrs. Bowman ſay ſhe had loſt her watch, I followed the four priſoners and I aſked M'Gie to go with me and he did, this was about 150 yards from the proſecutrix.

Priſoner Joyce. Did you ſee me in company with theſe three lads?——Yes, I ſaw you all within the diſtance of me and you now.

WILLIAM M'GIE *ſworn.*

I am a Bricklayer, I know the proſecutrix's houſe, I purſued the priſoners with Barrow, and I aſſiſted in taking the priſoner Joyce who had the watch, I called out ſtop thief; the other three were all before him, I ſaw the others apprehended; the priſoners were all in company.

Court. Was there any alarm given?——Yes.

Were they near enough to hear the cry?—Yes, I gave the cry within thirty yards, and the priſoner Joyce when he heard the cry, he threw away the watch out of a black ſilk handkerchief among ſome cabbage plants.

JOHN MOORE *ſworn.*

I aſſiſted in apprehending the priſoners all but Joyce, I picked up the property after I ſaw him throw it over the pales, which is the watch which I have in my pocket, it has been in my poſſeſſion ever ſince.

Priſoner Joyce. Was I in company with theſe three?—They all paſſed me before I knew they were thieves, and they were all in company together and were all in a ſweat, Joyce in particular, the other three priſoners were three fields ahead, and were apprehended twenty minutes after the other young man was taken.

(The watch depoſed to.)

Proſecutrix. I am poſitive it is mine, as the outſide caſe has been in the family ninety years, I looked at my watch at half after one, and in three minutes after I found it was gone, it hung in the front room on the ground floor, they had thirty feet and a half to come into my premiſes before they took it, the gold ſeal coſt three guineas and a half, it was an onyx; that is not here.

PRISONER PULET's DEFENCE.

This young man and I were going to the New-river to bathe, and we met this young man, when we came there, they ſaid if we went in we ſhould go to the watch-houſe, then we went to Hackney Marſh, and juſt as we got a little way paſt the ſhoulder of mutton and cat, we heard the cry of ſtop thief, we were making all the haſte we could, and we looked back and ſaw ſomebody ſtop this young man; then we ſtopped about two minutes and then we walked on, and then a parcel of gentlemen came runing a croſs the fields, and one of the gentlemen came up to me with a knife, and ſaid he would cut my head off, and he took us back to the public houſe, the young man ſaid that he did not know us, and that we were not along with him.

PRISONER WOODCOCK's DEFENCE.

I am a very hard working lad, I met theſe two young fellows.

Priſoner Engliſh. I ſay the ſame he has ſaid.

PRISONER JOYCE's DEFENCE.

I was by myſelf when I was taken, I ſaw theſe three young lads before me, I did not know them, I was going to ſee my ſiſter.

The Priſoner Engliſh called three witneſſes to his character.

Court to Jury. This is an old watch and worth little more than the ſilver, and the gold ſeal has not been produced to you.

ALL FOUR GUILTY

Of ſtealing to the value of 39s.

Each to be tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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691. **WILLIAM COLE** was indicted for feloniouſly ſtealing, on the 2d of June laſt, one watch with a gold caſe, value 10l. a gold chain, value 6l. three ſtone ſeals ſet in gold, value 8l. the property of David Roſs, Eſq.

DAVID ROSS Eſq; *ſworn.*

On Wedneſday the 2d of June laſt, my pocket was picked a little above Coleman's Theatre, I loſt a gold watch, gold chain, three gold ſeals, altogether of the value of twenty-three pounds, they coſt me a great deal more; I ſaw the priſoner take it out of my pocket, I ſeized him, and he loſt his hat in the ſcuffle; I ſaw him hanging the watch back to ſomebody to take it, as I ſuppoſe, and he broke the glaſs by holding againſt the rails, I felt the watch go out, and ſaw the priſoner take it out of my pocket, he made an oath at the ſame time, and got from me and croſſed the ſtreet, I never loſt ſight of him, I followed him and took him directly in a public houſe, he run up two pair of ſtairs the door being open, I took him on the two pair of ſtairs the top of the houſe, I am poſitive he is the man.

Priſoner. I have no queſtions to aſk the gentleman any farther than giving *my evi-ence myſelf*, I have no Council.

JACOB POCOCK *ſworn.*

I was in the bar, and ſome perſon ran in ery faſt into my houſe, directly after that here was a hallooing of ſtop thief! I ran to he back door and ſecured it, I followed Mr. oſs and our hoſtler into the yard, and when I came up two pair of ſtairs to the landing place, they had the priſoner by the collar.

PRISONER's DEFENCE.

The evening the robbery was committed I had been over Weſtminſter-bridge to ſee a friend, and was going home to my lodging in the Haymarket, and I heard the cry of ſtop thief; I ſaw a man run acroſs the way, and went up to him, he knocked off my hat, he ran into a publick houſe, I could not be ſure whether he went up ſtairs or ſtrait forwards into the yard, I went up ſtairs to ſee for him, and I was taken; they ſearched me immediately and found nothing upon me, the gentleman of the houſe then ſaid that he noticed a man ſtanding in his paſſage at the ſame time; there is a man that can witneſs that I was talking to him at the time there was a cry of ſtop thief; he was here this morning, and he will be here again at four o'clock, he heard I was in Newgate, and he came to ſee me.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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692. **JOHN PONTIE** and **JOHN MATTHEW COX**, otherwiſe **BANBURY JACK**, were indicted for feloniouſly ſtealing, on the 31ſt of May, thirteen yards of thread lace, value 5l. the property of Thomas Robinſon, in his dwelling houſe.

THOMAS ROBINSON *ſworn.*

I am a ſhopkeeper, I ſell lace and haberdaſhery in King-ſtreet, Little Tower-hill, as I was ſitting in my back parlour at breakfaſt on the 31ſt of May laſt, I heard an alarm of ſtop thief, and I looked up and perceived it was my neighbour, I ran to ſee what was the matter, when I came to the door I ſaw a company of men running up the ſtreet, and turning my head to my own window, I found myſelf to be the party that was robbed; I miſſed thirteen yards of thread lace.

Court. What did it coſt?—I valued it at five pounds.

Court. What did it coſt you, that is the fair way when you charge a man for his life?——It coſt me nine ſhillings and ſixpence a yard, I ſaw it there about half an hour before, and I ſaw it afterwards.

PETER EACHUS *ſworn.*

I live in Queen-ſtreet, which joins to the proſecutor's, I was ſtanding about twenty yards, or not ſo much, about nine in the morning, and I obſerved one of the priſoners which I know, the priſoner Pontie and another with him looking in at the ſhoemaker's window, then they went to Mr. Robinſon's, which is the next door, then they went to the ſecond window, then the man that was with Pontie ſtood with his back towards me, which made me obſerve his face.

Court. Do you know that other man?—I cannot ſwear to him, but the other's face being towards me, made me obſerve him the more, then I ſaw one of them take ſomething out of the window, but which it was I cannot ſay, and I made an alarm of ſtop thief! and they run and were purſued a little way, and then croſſed the ſtreet, and I ſaw ſomething drop, which proved to be the lace, but from which of them I cannot tell.

ANDREW COWPER *ſworn.*

On the 21ſt of May I was ſweeping my maſter's door, I live with Mr. John Downes, Sparrow-corner, a neighbour to the proſecutor, I heard a cry of ſtop thief! and immediately purſued two men up King-ſtreet, and I ſaw the priſoner Cox drop a piece of lace, he was apprehended afterwards.

Court. Are you ſure he was the man that dropped the lace?—To the beſt of my memory he is the man.

At what diſtance were you from him?—About ten yards, not ſo much.

Can you ſwear to him poſitively?—I ſaw his face.

Can you ſafely ſwear to him?——I can.

Were you preſent when he was apprehended?—Yes.

Priſoner Cox. Aſk the proſecutor who was the perſon that picked up the lace and gave it into his hand, after ſeveral people running up the ſtreet?—I received the lace from the hands of this man.

Priſoner Cox. I picked up the lace in the ſtreet, and immediately gave it into the hands of a man that was there.

SAMUEL CAWDELL *ſworn.*

I apprehended them both, it was the 31ſt of May, on Monday morning, as I was ſtanding, I obſerved Pontie make round the corner, I apprehended Matthew Cox on the Thurſday morning following.

Did you ſee Cox purſued?—No, I ſaw him on the Thurſday morning afterwards.

What did Cox ſay?—He ſaid he picked up the lace, and he called out ſtop thief!

(The lace depoſed to.)

PRISONER PONTIE's DEFENCE.

I was making the beſt of my way to my friend's, being Whitſun-Monday morning, to get a clean ſhirt, I never was near the houſe in my life.

PRISONER COX's DEFENCE.

I was coming up the ſtreet and there were people calling out ſtop thief! I ran after two or three people that were coming out of St. Catherine's-lane, I live there, and have done ever ſince I went to ſea; I have been home about ten months, I am innocent of the affair, I had ſeveral gentlemen yeſterday, and I believe they be in the yard now.

The priſoner Cox brought one witneſs to bi character.

The Priſoner Pontie brought two witneſſes t his character.

JOHN PONTIE
JOHN MATTHEW COX, } GUILTY Death
alias BANBURY JACK.

Tried by the ſecond Middleſex Jury befor
Mr. Juſtice HEATH.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 7th of JULY, 1784, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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693. JOHN FOREMAN was indicted for feloniouſly ſtealing, on the 23d of June laſt, one mare, price 3l. the property of Samuel Harriſon.

SAMUEL HARRISON *ſworn.*

I am a farmer, I loſt a mare on the 23d of June, ſhe was in a field, the priſoner was a labourer to me, but I turned him away about five or ſix weeks before this happened, the priſoner lives at Kingſbury; I did not know I had loſt the mare till one William Poole came into my yard on Wedneſday morning, about eight, the 23d of June, and aſked me if I had loſt a mare, and he told me he had the man and my mare very ſafe; I went with this perſon immediately to town, and I found the mare in a livery ſtable, and the man was committed to New Priſon.

WILLIAM POOLE *ſworn.*

I met the priſoner about three o'clock on the 28th of June, in St. John-ſtreet, and he aſked me the way for Cow-croſs, I aſked him who he wanted at Cow-croſs, he ſaid he wanted to ſell that horſe; I aſked him if he wanted to ſell it to the horſe fleſh people for the dogs; he told me that he did; I told him I thought it was too good a horſe to ſell for that, I aſked him how he came by it, he ſaid it was his own property; he ſaid I did not know the diſorder of the horſe, i was very much glandered and partly rotten, not knowing the nature of it, I let him paſs, and in about ten minutes Baker came an brought the priſoner to me to the watch-houſe, telling me he had ſtopped a man wit a horſe, ſuſpecting he had ſtolen him; I aſked Baker if he was glandered, he ſai no, it was a very ſound horſe; then I wen and took the priſoner into the watch-houſe, and I told him, ſays I, I do ſuſpect you, an after talking to him ſome time, he told m he had ſtole it from one Mr. Harriſon, a Buſh Farm, that he had taken it throug diſtreſs, that he had four children in th country; I then took the horſe to the li very ſtable, I went and told Mr. Harriſon and he came up to town with me.

GEORGE BAKER *ſworn.*

On the 23d of laſt month, I was going t work about half after three o'clock, and met the priſoner, he aſked me his way t Sharpe's-alley, he went down there and o fered a horſe for ſale, and wanted a guin for it, he ſaid it was his own, and it w glandered; I examined it and found th horſe had no glanders, and I thought hi

t

too good for that purpoſe, I taxed him with it, and he denied it ſtrongly, then I took him to the watch-houſe, and delivered him to Mr. Poole the conſtable.

Did you afterwards ſee that horſe in Harriſon's poſſeſſion?——Yes.

Was that the ſame horſe you took from the priſoner?——Yes.

That was your horſe, Harriſon?—Yes.

Baker. He ſaid he was drove to diſtreſs, and had four children, and I believe that to be the caſe, for I never ſaw a man ſo terrified in my life.

PRISONER's DEFENCE.

I really did it through neceſſity, for want; I have no witneſſes.

GUILTY, **Death.**

He was humbly recommended to mercy by the Jury and Proſecutor.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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694. JAMES MORRISBY was indicted, for that he on the 6th of July, with force and arms one iron bar, weight 10lb. value 10d. belonging to Thomas and William Morris, affixed to their dwelling houſe, feloniouſly did ſteal.

Another Count, for that he, a certain other iron bar, value 10d. belonging to them, affixed to their dwelling houſe, feloniouſly did break, with intent to ſteal.

SARAH TUFNEL *ſworn*.

I am a ſervant to the proſecutor, I got up to waſhing about half after three, I lighted my fire, and then I went down into the cellar and fetched up ſome coals, and as I went down I ſaw ſome dirt come through one of the windows, then I ſtopped to ſee what was the matter, and I ſaw a ſtick put under the iron bar, it was an iron bar againſt Paul's Chain, it was moved, the bar was not broke, it was faſtened to the wall with nails at each end, it was to ſecure the window, there are ſeveral bars there, ſomebody held the ſtick in the ſtreet, I ſet down the candle, it was quite day-light, it wanted about a quarter of four, it was held with intent to wrench it out, but was not wrenched out, then there came a cart, they could not ſee my candle; the perſon returned and put the ſtick under it again, and wrenched it ſo far that he could pull it up with his hand, and when he got his hand upon it, I I went up and alarmed the man.

Court. Did he fairly take it out of the place?——Yes, he took it out from the window, where it is to ſupport the window, I gave the alarm, and one John Olds came down, and we went into the ſtreet, and the man was gone; then I went up in the dining room and opened the window, which is juſt over this cellar window, the priſoner came again and we went out to him, he had taken the bar away, which the conſtable found, I called my maſter, and I ſaw my maſter take a ſtick from him.

What man was he that was brought in by your maſter?—It was the watchman, the priſoner is a watchman.

Was the man your maſter brought in the ſame man that pulled out the bar?—Yes, by his coat, there was No. 11, on his coat.

WILLIAM MORRIS *ſworn*.

Whoſe houſe is this?——Mine and my brother's, Thomas Morris, I was alarmed by the laſt witneſs, I came down ſtairs and went into the ſtreet, and one of our apprentices was ſtanding by the priſoner; theſe bars were fixed to the kirb that gives light to the cellar, they were fixed at both ends, the kirb was fixed to the houſe; I ſaid to him, what have you been doing, he ſaid, nothing; ſays I, what are you a watchman? ſeeing him have a coat on, he ſaid, yes; what, and belonging to us? he ſaid, yes; I looked at his ſtaff which he was leaning on, and ſaw it burſt and ſplit; ſays I, friend give me your ſtaff, I ſaid now we will go to the watch-houſe together, I left him at the watch-houſe and went to look for the bar, we came back to the watch-houſe, I told him he muſt go to the counter, ſays he, that will be very cruel, I have a wife and five children, he ſaid if you will excuſe me now, I never will do the like again; I told him I could not, I did not promiſe him any thing, the conſtables found the bar.

PRISONER's DEFENCE.

I went round the beat to cry the half hour, and this gentleman came down and ſaid, watchman, did you ſee any body breaking in, ſays I, is there any body in the cellar, he ſaid, ſtop till my maſter comes down, ſo I ſtopped; I have been between nine and ten years in the guards.

The priſoner called three witneſſes, who gave him a good character.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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695. **SARAH DAVIS** was indicted for feloniouſly ſtealing, on the 15th of June, two children's linen frocks, value 6s. two ſhirts, value 5s. a pair of velvet breeches, value 5s. a black ſilk handkerchief, value 2s. one linen apron, value 12d. a black ſilk hat, value 6d. a pair of ſtuff ſhoes, value 6d. a pair of baſe metal ſhoe buckles, value 2d. the property of Richard Coltman.

RICHARD COLTMAN *ſworn.*

The priſoner was a weekly ſervant of mine, ſhe had lived with me ſeven days, ſhe came on the Tueſday morning as uſual to make a fire, I thought ſhe was doing her buſineſs as uſual, I took the opportunity when ſhe went out of my room to get up and dreſs myſelf, my wife ſent for me and ſaid we are robbed, I told her to make herſelf eaſy, but to dreſs herſelf, and when ſhe began to dreſs herſelf, ſhe miſſed her ſhoe buckles, and her hat was gone and the other things; I went after the priſoner, ſhe went off between ſix and ſeven on the Tueſday morning the 15th, ſhe gave no notice, ſhe had been paid one week's wages; I found her at an alley near Wentworth-ſtreet, Spitalfields; when ſhe ſaw me ſhe drew back, and I followed her, I took her in Roſe-lane, ſhe had my wife's hat on, and her white apron, and her ſhoes and buckles; I aſked her how ſhe came to ſerve me ſo, and ſhe ſaid ſhe did not know me, ſhe never ſaw me before; I never ſaw any of the other things.

MARY COLTMAN *ſworn.*

As ſoon as my huſband got up in the morning, I was ſurprized ſhe did not come in, I miſſed my things and called my huſband, and told him we was robbed, and the things mentioned in the indictment were gone; the hat, the apron, the ſhoes and buckles ſhe had on, I ſaw them upon her, they were put into the poſſeſſion of the gentleman of the Three Tons who is here, Mr. Sandall.

ABRAHAM SANDALL *ſworn.*

(Depoſed to the things which he had from the priſoner at the bar, and the proſecutor's wife in the preſence of the conſtable owned the hat and the apron.)

I had a pair of ſhoe buckles which they gave to me after, I did not take them from her.

Proſecutor. While ſhe was in the watch-houſe another woman was going to change her buckles with her, and theſe buckles were dropped behind the door and ſome of the officers gave them to the conſtable, *(The apron and hat depoſed to)* I know the hat by the edge and crown in particular.

Priſoner. I have nothing to ſay, the proſecutor ſaid if I owned to the things he would not hurt me.

GUILTY.

To be privately whipped and confined to hard labour twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

696. **WILLIAM BUTLER** and **ANDREW GOODWIN** were indicted for feloniouſly ſtealing, on the 22d of June, two hundred pounds weight of lead, value 20s. the property of Thomas Wells.

THOMAS WARTON *ſworn.*

I live in Theobalds road, on the 22d of June, about ten minutes before ten, the two priſoners paſſed me as I ſtood at my ſhop door, loaded with lead on their ſhoulders, the aſpect of the priſoners, and the unreaſonable hour of carrying lead in the ſtreet, gave me the ſtrongeſt reaſon to ſuppoſe they had ſtole it, the candles at the ſhop gave a full light of the priſoners, I determined to give charge of them if the watchman was at his ſtand, I did ſo, the watchman run after them and found them, I took one with the lead on his ſhoulders, the other was about twenty yards further with the lead on his head, he endeavoured to throw the lead upon me, but a perſon came by and aſſiſted me, and the priſoners were taken with the lead upon them, and carried to the watch-houſe, one of the priſoners, Butler, as the watchman told me, flung out of his pocket theſe inſtruments, apick-lock and turn-ſcrews which theconſtable gave into my poſſeſſion; in the morning the owner came and owned the lead, I I know the piece of lead which will be produced: this is the lead found on the priſoners.

ROBERT WEICHSELL *ſworn.*

I know no more than that is the lead which was cut from the building, the carpenter and I cut it up, and I marked it up and the figure was on, I can ſwear it to be the property of Thomas Wells.

——— GROSS *ſworn.*

I alſo cut the lead, and know it to be the property of Thomas Wells.

JOHN BUCK *ſworn.*

I am a watchman, I ſtopped the priſoners by the information of Mr. Warton they had the lead in their poſſeſſion, it is here.

(The lead produced and depoſed to by Weichſell, and Croſs.)

PRISONER BUTLER's DEFENCE.

Coming along Theobald's road, we met a tall man, and he aſked us to give him *a ſpell*, I aſked him what that was, he ſaid help me with this to Gray's-inn-lane, and I will give you a pot of beer and 6d; I took one bit and the other priſoner took two, when I came to the watch-houſe they ſhewed me a parcel of things like keys, and they ſaid that they belonged to me; I knew nothing of them, I have a ſick mother to provide for, I have been long out of work.

Priſoner Goodwin. I have nothing to ſay but what he has ſaid.

BOTH GUILTY.

Each to be tranſported for ſeven years.

Tried by the London Jury, before Mr. RECORDER.

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697. **ANN SMITH** and **ELIZABETH WHITE** were indicted for feloniouſly ſtealing, on the 18th of June laſt, twelve linen handkerchiefs, value 12s. the property of Richard Wilcox, privately in his ſhop.

WILLIAM WILCOX *ſworn.*

How old are you?—Sixteen next Chriſtmas-day, I am ſon to the proſecutor, I was in the ſhop when the priſoners came in, which was on Friday the 18th of June, they aſked for nothing nor they did not ſay anything, nobody was in the ſhop but myſelf, they placed themſelves on the ſide of the counter, I called down my fellow ſervant Richard Brown, I ſtood againſt the ſtairs and called him, but my face was towards the priſoners, and while he was coming down one of the women went out, that is the priſoner Smith, as ſoon as Mr. Brown came down, he went directly into the ſtreet, he did not ſpeak to me.

Do you know why he went out?—No, he did not give me any reaſon, and while he was gone the other priſoner White went out, and went to the next public houſe; when they came into the ſhop, there were prints laying and ſome linen handkerchiefs at the top of them, I did not know how many were there, I did not find any miſſing.

Mr. Peatt Priſoner's Counſel. Are there two doors to the ſhop?—There is the door in the ſtreet and the door into the houſe.

What time of the day was it?—About two.

A great many people were paſſing and repaſſing?——Yes.

Where did theſe things lay?——Cloſe to the door.

I ſuppoſe a perſon on the ſtep might have reached them?——No, Sir, not ſo near as that.

RICHARD BROWN *ſworn.*

I was called down by the boy to ſerve theſe women, as I was coming down ſtairs, I obſerved two women in the ſhop ſtand nearly cloſe together, and before I got quite down I obſerved one of the two go out of the ſhop in a hurry, when I got quite down in the ſhop I obſerved one woman that I left behind, which is White, I recollected her face, and I ſuſpected the woman that was gone out, that was Smith, I went out immediately after her, I ſaw her running away, and I caught her and told her I wanted her, and ſhe ſaid ſhe was ſure I could not want her, I ſaid I was ſure I did, ſhe was very unwilling to come back with me, but I pulled her away, and when I pulled her away there lay this dozen of handkerchiefs down at the ſide of her, on that ſide that I pulled her from in the mud, I picked them up, they are my maſters property, they have been in my poſſeſſion ever ſince, here is a private mark which I think is my own hand writing, but I cannot ſay for certain.

Court to Wilcox. Do you know what thoſe handkerchiefs were that were laying on the counter?—Yes, theſe are the very handkerchiefs, the other ſhopman told me to put them away, and I was going to put them away, and I ſaw theſe two women coming in again, for he had before told me to take care of theſe women therefore I called him down.

Mr. Peatt to William Wilcox. How do you know thoſe were the ſame handkerchiefs?——I was going to put them up.

Have you any more of that pattern?——Yes, more, but not ſo great a quantity.

You know nothing of them but from their general appearance?——I ſaw theſe very handkerchiefs on the counter.

Mr. Peatt to Brown. You followed the two priſoners out?——Yes.

Was there a croud about her when you took her?——To the beſt of my remembrance there were two men, in her hurry ſhe was getting through them, the firſt I ſaw of the handkerchiefs was on the ground.

You did not ſee from whom they came?——No, Sir.

Is not your ſhop mark a common mark?——Yes, all that coſt us that price.

Other pieces of goods have had that mark?——Yes.

Had you ſold many of theſe handkerchiefs?—No, I had not.

Have you ever ſold any?——Not that I know of, I have been in the ſhop ſix years.

You cannot ſay poſitively that you have not had goods of that pattern in the ſhop, in the courſe of that ſix years?—No, Sir, I cannot.

Court. What is the value of theſe?—Twelve ſhillings.

How many are there?—Twelve.

CHARLES EARLE *ſworn.*

I am one of the beadles of Whitechapel, I was at the Rotation, Whitechapel, I took the priſoner aſide, and aſked White how ſhe came to make this miſtake, ſhe ſaid ſhe had made no miſtake, ſhe put her hand into her pocket and pulled out three or four half-pence, and a box with a bad ſhilling and a duplicate, the other had not a farthing in the world.

The handkerchiefs depoſed to by the Proſecutor.

I never had more than two dozen in my

life, there has been four or five of the other dozen ſold.

Have you ſold as many as a dozen?——No, I never did.

Court. If theſe had not been found ſhould you have miſſed any?——Certainly I ſhould.

Mr. Peatt. Theſe handkerchiefs are made for others as well as you?—Yes.

Is there a ſimilarity in ſhop marks?——Not at all, I never ſaw a mark like my own in my life.

Court. Is that your ſhop mark?—Yes.

ANN SMITH,
ELIZABETH WHITE, } GUILTY

Of ſtealing, to the value of 4s. 10d. *but not guilty of ſtealing privately.*

To be confined to hard labour twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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698. JAMES TAYLOR was indicted for feloniouſly ſtealing, on the 10th of June, four Holland ſhirts, value 10s. three cambrick ſtocks, value 1s. two white dimity waiſtcoats, value 4s. a linen apron, value 6d. a linen ſhirt, value 1s. the property of John Haynes.

ELIZABETH WADD *ſworn.*

I am a houſe-keeper, I ſaw the priſoner come from the proſecutor's garden, I live about three doors from him; I ſaw the priſoner on Thurſday come through a garden of beans to the garden where the clothes hung, which belonged to the proſecutor, he jumped the ditch with a bundle under his arm, but I cannot ſay what ſort of bundle it was; there was a fence between the two gardens, I did not ſee him get over.

JOSEPH JONES *ſworn.*

I apprehended the priſoner: hearing the cry of ſtop thief! I purſued him, he ran away as hard as he could run; finding he was cloſe purſued, he jumped into Bow-creek, which is twenty-three feet water, and ſwam over with his clothes on, I ſtripped and jumped after him, when I came up to him, I told him to ſtop, he directly put his hand into his pocket and pulled out this knife; I did not hear what he ſaid, the wind was the wrong way, he held it towards me, I cried out ſtop thief! and Stephen Jones came up to my aſſiſtance, and we took him.

Did you take the bundle from him?—He had no bundle with him.

Was the bundle found?—Yes, we found the bundle.

JAMES RALPH *ſworn.*

I found this bundle in the road, about two hundred yards from the water, theſe are the things which I found, they were wet when I firſt took them; they hung up in my room to dry, they have been in my poſſeſſion ever ſince, only I left them with the Juſtice, they have been ſealed up ever ſince.

The things depoſed to by Mrs. Elizabeth Haines.

I had them to waſh; they are marked E. W.

PRISONER's DEFENCE.

I know nothing about the things.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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699. JOHN BRUCE was indicted for feloniouſly ſtealing, on the 31ſt of May laſt, one ſilver watch, value 20s. one ſteel chain, value 6d. a key, value 1d. and two ſtone ſeals ſet in baſe metal, value 12d. the property of John Lepk.

JOHN LEPK *ſworn.*

I loſt my ſilver watch on the 7th of June laſt; the priſoner confeſſed robbing me, there was nobody elſe in the room, he lodged in the ſame houſe where my property was; I worked on the water, I ſaw it a fortnight before I miſſed it; I took up the priſoner and ſent him to priſon.

ROBERT PATERSON *ſworn:*

The proſecutor did not lodge at my houſe, he left his charge in my poſſeſſion, he came home ſometimes once a week, and ſometimes once a fortnight; I miſſed this watch out of my poſſeſſion on Trinity Sunday, and I went up to the priſoner's room, and aſked him if he took ſuch a thing, and he freely confeſſed he did.

What promiſes did you make him?——So far as this, if he would tell me where the watch was I would take the watch out again and redeem it; then on the Monday there was another box found open, and the gentlewoman ſaid ſhe would forgive him.

Did you promiſe him that you would not proſecute him if he would tell you where the watch was?——I told him as far as that.

Anſwer me this; did you promiſe him, or give him to underſtand in any way, that if he would confeſs where the watch was you would not hurt him?—I ſaid I would not proſecute him.

Court. Do not you know that is a very wrong thing?—I had been out of work five months at that time, and if I had not found out where the watch was, I ſhould have had it to have paid for, and that was the way, I thought to come the eaſieſt way over him.

Court. Do you know any thing more about it?—No.

WILLIAM ADEY *ſworn.*

What are you?—I live at Mr. Jarvis's, in Fetter-lane; on the 31ſt of May, a man brought this watch in the name of John Broad.

Do you know who the man was?——I cannot ſwear to him.

Court. Gentlemen of the Jury, that being the caſe, there is no evidence againſt the priſoner.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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700. CHARLES CULLEY was indicted for feloniouſly ſtealing, on the 2d of June laſt, one gelding, price 20l. the property of Levy Curtis.

LEVY CURTIS *ſworn.*

I live at Brentford, I loſt a horſe from my ſtable in the night of the 2d of June, I ſaw it about eight or nine o'clock, it was miſſed about three in the morning; I found him the day after, I ſaw the horſe at Chelſea, in the houſe of Andrew Culley, uncle to the priſoner.

How do you know it was your horſe?—I am very ſure of it, it was a brown gelding, about fourteen hands and a half high, I ſuppoſe, I do not know exactly, I have the horſe now.

Is there any particular marks beſides?—Rather a large head, a remarkable large headed horſe of the draught kind, it was a chaiſe horſe.

Were there any particular marks?——I cannot ſay I know of any particular marks.

Can you ſafely ſwear that the horſe you ſaw the day after in the poſſeſſion of the uncle, was the horſe that was ſtolen out of your ſtable?—Certainly, my Lord, I have no doubt of it; I was alarmed in the morning between three and four on the third of June, that my houſe was broke open, I immediately ſent a man to the ſtables; I borrowed a horſe of a neighbour, I went to different turnpikes in ſearch of it; I took the priſoner, I met him going to London in ſearch of the horſe, I met him under the wall of Kenſington Gardens; the priſoner was my ſervant, he lived with me nine months, and abſconded from my houſe.

Court. Then you ſuſpected the priſoner and apprehended him?——Yes, I met him

on

not he road, and immediately collared him and charged him with it, his uncle was in company when I ſtopped him, this was before I found the horſe in his uncle's poſſeſſion; the priſoner ſeemed very much alarmed, and diſowned any thing of the matter, he denied every thing, he denied having any knowledge of the horſe, I inſiſted on his going with me before a magiſtrate, and he begged I would let him ſpeak to his uncle, I agreed to it, and left him four or five yards off, and he whiſpered to his uncle, and his uncle immediately informed me, I know where your horſe is, I proceeded to Bow-ſtreet with the priſoner, where he made a full confeſſion of the whole.

Court. Was the confeſſion taking in writing?——Yes, and ſigned by himſelf.

After this confeſſion you ſaw the horſe?—Yes, I went in ſearch of the horſe, and found my horſe in a room in a ſmall houſe at Chelſea, in the houſe of Andrew Colley, he was not at home.

Can you ſwear poſitively to the horſe?—O Sir, there is no doubt.

Mr. Reynolds. Here is no confeſſion.

Mr. Chetwood, Priſoner's Council. You ſay this lad had lived with you nine months, had not he lived with you longer?——No, Sir, he came to me the 17th of June was a twelvemonth, and abſconded.

During the time he lived with you I believe he behaved very well, that you have acknowledged?—Where did I acknowledge that?

Before the magiſtrate.——I had no ſuſpicion of his being a bad man.

The lad was giving a dram to a poor ſoldier, and his maſter threatened to lick him, and he ran away.

Proſecutor. It is very falſe.

Mr. Chetwood. You have not paid him all his wages?——I have paid him part.

You went to his uncle's at Shepherd's-buſh?—I did.

His uncle told you he had been with him that day?——Yes.

You knew he had the ſmall-pox very bad?—Yes.

His uncle went with you?—Yes.

He was with you when you enquired at the turnpike man's at Kenſington, his name is William Chadwell I believe; what account did the turnpike man give you?

Court. That is no evidence.

Mr. Chetwood. Did not the uncle tell you it was at Chelſea?—No.

Did not you and the uncle turn your horſes to go up to Little Chelſea for the horſe?——I did not know where the horſe was till the man confeſſed at Bow-ſtreet.

Did not you ride part of the way to go for it?—We turned down Kenſington, and I wiſhed to have charged an officer with them there; he rode behind the uncle, the uncle ſaid I will engage he ſhall go where-ever you pleaſe, we never went out of the road, the uncle ſaid, I believe I can find the horſe for you; when we came into Piccadilly, the priſoner ſlipped down from behind his uncle, and ran down Piccadilly.

WILLIAM CHADWELL *ſworn.*

I am turnpike man at Kenſington gravel-pits.

Do you know the priſoner?—No, Sir, there was a young man came by with a horſe, but I cannot ſwear to him, I let him through and he paid me, he ſaid he was going on his maſter's buſineſs, I aſked him if he ſtole it; it was between twelve and one.

Court to Proſecutor. Have you any body to prove this horſe to have been in the poſſeſſion of the priſoner at the bar?—Yes.

REBECCA COLLEY *ſworn.*

What relation are you to the priſoner?——I am his aunt.

You muſt ſpeak the truth though you are aunt to the priſoner.——He came rather towards the morning, and he knocked at my door, I opened the door to him, I think it was near one in the morning.

What day of the month?—I cannot tell.

How many weeks ago?—I think about ſix, I cannot be ſure, he had a horſe, he aſked me if his uncle Andrew was at home, I told him he was at his brother's; I think it was a bay horſe, but I am not ſure to the colour.

Court. Did he tell you whoſe horſe it was?——Yes.

Had you any converſation whoſe horſe it was?——No more than he aſked me if his uncle was at home, to take the horſe back to Brentford where he brought it from, he ſaid he had been at Brentford, and he had had the ſmall pox, and his feet were very ſore, and he took him to ride, and he wanted his uncle to take him home, he had the ſmall pox upon him then very bad.

Court. Did he tell you whoſe horſe it was?——Yes; his feet were very ſore and bliſtered, his nails were off his toes.

Priſoner. I have nothing to ſay in my defence, what I am here for I am very innocent of, I was never before a bar before; I do not know what to ſay, I never took the horſe not to keep it.

MARY SEYMOUR *ſworn*.

The priſoner was a fellow ſervant of your's?——Yes.

On the 2d of June he called to ſpeak with you at Mr. Curtis's houſe?—I cannot ſay the day, it was on the Tueſday he called to ſee me, between nine and ten, very near ten, I know it was paſt nine.

ANDREW COLLEY *ſworn*.

I recollect the priſoner calling on me on the 2d of June, he came from Bayſwater, he was going to Great Ealing, he was very bad indeed with the ſmall pox about him; I perſuaded him not to go, I aſked him to have my horſe, I keep a little old horſe, and aſked him to have it to ride, and not to be late on account of his being ill, he thought he was able to go the journey very well, the next morning I ſaw Mr. Curtis, he rode up to my houſe and called me out, he aſked me how my nephew did, I ſaid he was in a very weak bad way, and he was gone to Ealing, that he called upon me the night before, and was very bad; he went away ſoon after; he called again, and ſaid to me, Colley, if you behave like an honeſt man, you will go along with me directly; for what, ſays I, ſays he, your nephew has robbed me to night; I went with Mr. Curtis, and by Bayſwater we ſaw my nephew; Mr. Curtis called to me, come along, Colley, I ſaid I am coming as faſt as I can; ſays he, my horſe will be boiled down before I can get at him; I ſaid I hoped it was not ſo bad as that, I hoped we ſhould find the horſe and the boy too; Mr. Curtis ſaid, damn the boy, he did not mind ſo the horſe was not boiled down; when he ſaw the priſoner he caught hold of him, the boy ſaid ſtop maſter what is the matter, ſays he you have been and robbed me to night, the boy ſaid he had not robbed him of any thing, he told him he had broke open his houſe and robbed him, I aſked Mr. Curtis of what, and he ſaid he could not tell what yet; the boy ſaid let me ſpeak to my uncle, I directly caught hold of him, ſays I, he ſhall not go away.

Court. When the Proſecutor charged him with taking the horſe did he deny any knowledge of the horſe?—He did ſay he had taken nothing from him, he told me directly the horſe was at Chelſea very ſafe, I told the proſecutor ſo immediately, and I ſaid I hope you will forgive him, he ſaid I do not know what he has taken from me, we turned down to go to Chelſea and went as far as Hangmore Inn, through Kenſington, it is two miles out of the road, we turned back again in order to go to Chelſea.

Court. How came you not to go?——Then Mr. Curtis's mind altered, he would not go, then we came to Bow-ſtreet.

Court to Proſecutor. Now you have heard what that witneſs has ſaid, is that true?—No, not that I purpoſed to go to Chelſea, or promiſed to forgive the man.

Did you meet with that witneſs before you met the priſoner?—Yes, I did, from the information of the turnpike man.

Did the boy deny it when you charged him with it?—Yes, he did poſitively, ſays he, Sir, I was in hopes you had forgiven me the former offence.

Did he deny his taking the horſe?——Totally.

Did they ever tell you this horſe was at Chelſea?——No.

Did you ever go any part of the way to

Chelſea ?——We turned down Kenſington and went the ſtrait way to London.

THOMAS WATKINS *ſworn.*

I am keeper of the Green Park, and collector of Hyde Park, the priſoner lived with me four years, he went immediately from me to Mr. Curtis, he lived with me a very faithful honeſt lad, and I have the ſame faith of him ſtill, and I do not believe it is in him to wrong any body of a farthing, I believe him a very honeſt lad this hour, and that he never took the horſe with intention to rob his maſter.

JOHN PETTYS *ſworn.*

I have known the priſoner about four years and upwards, I believe him to be a very induſtrious man, I never heard to the contrary, and I dare ſay if Mr. Watkins was to call a hundred in our neighbourhood, they would ſpeak well for the lad, he has been intruſted with all Mr. Watkins's property.

RENALD McDONALD *ſworn.*

I have known him during the time I have lived with Mr. Talbott as ſervant, near three years, he uſed to come conſtantly for orders, he had an extraordinary good character from every body, the houſekeeper and every body, I could bring twenty; there were ſeveral things of great value there.

GUILTY, **Death.**

Court. I think Andrew Colley ought to be indicted for receiving that horſe.

Andrew Colley. I was not at home.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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701. MARY MARSHALL was indicted for feloniouſly aſſaulting Daniel Levy on the ſecond of June, in the dwelling houſe of Mary Martin, and putting him in fear and danger of his life, and taking from his perſon and againſt his will 29s. in monies numbered, and 24 halfpence, value 12d. his property.

DANIEL LEVY *ſworn.*

Are you a Jew ?—Yes.

Do you know the priſoner at the bar ?—Yes.

Did you meet with her in June laſt ?—Yes.

Where ?—On the ſecond of June, I go out with old cloaths, I cannot ſpeak very much Engliſh, you will not underſtand me becauſe I have been *no long* in England.

Court. You ſpeak Engliſh very well, Sir, where did you meet her ?—I met her in Croſs-lane, on Wedneſday about eleven in the morning, ſhe called me up ſtairs and wanted to ſell me a great coat.

In whoſe houſe ?——One Martin keeps the houſe, a woman, when I went up ſtairs the woman locked the door, and ſhe ſaid to me I do no believe you will buy the great coat, becauſe it coſt me twenty-four ſhillings, I ſaid to the woman let us look at it, ſhe ſaid to me I do not believe you have ſo much money in your pocket, then I ſhewed the priſoner my money, I had thirty ſhillings in my pocket, I put my hand in my pocket again, and the woman ſhoved me againſt the wall by force, and took my money from me.

How did ſhe take your money ?——She put her hand in my pocket and took my money from me.

Did you make no ſtruggle ?—She threw over me with force and took my money.

Did ſhe throw you down ?—I was upon my feet.

Go on and tell your ſtory ?——Indeed I cannot, I cannot go on.

Was you on your feet ?—Yes.

What did ſhe do then ?—She run down ſtairs, and locked herſelf in a cloſet ſomewhere.

What did you do ?—I run below ſtairs, and ſaid to the woman of the houſe, that woman has robbed me, the priſoner came out of the cloſet upon my making a noiſe, and ſaid I took no money from you, then the priſoner and another women took hold of me and beat me, and threw a pail of water over me beſides; the woman took the ſhilling's-worth of half-pence out of my money, and threw them out of the window, and ſaid here is your money, a gentleman took my part and fetched an officer.

FRANCIS HUMPAGE *ſworn.*

I attend at Mr. Walker's office, on the 2d of June this Jew came to our office for ſomebody to go after a perſon that robbed him, I went where the proſecutor ſaid he was robbed, and the perſon whom he ſaid had robbed him I could not find directly, I told him to go away, I knew her very well, and I found her in the morning about three, aſleep on a bed at Mrs. Martin's in Croſs-lane, I took her and ſearched her, I found nothing at all upon her, ſhe denied it.

PRISONER's DEFENCE.

I am innocent of it, I have not a witneſs in the world.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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702. ANN MARTIN was indicted for feloniouſly ſtealing on the 5th of July one pair of ſtuff ſhoes, value 3s. 6d. the property of William Plaſket.

WILLIAM PLASKET *ſworn.*

I know the priſoner very well, I loſt a pair of ſtuff ſhoes laſt Monday, the priſoner came into my ſhop about eleven o'clock, and wanted to be fitted with a pair of ſhoes, I ſhewed her ſeveral pair, ſhe put one pair down by her ſide and deſired to ſee ſome others, I ſhewed her ſome others, ſhe had ſome objections to them and ſaid ſhe would call again, and aſked when I ſhould have ſome others that were more to her mind, I aſked her for the pair of ſhoes that ſhe had put by her ſide, ſhe ſaid ſhe had none, and that I had them all again, I was very poſitive ſhe had ſome, ſhe expreſſed great ſurprize at being charged, and ſtood up there was no ſhoes on the floor, I let her go away, my child was coming into the ſhop as ſhe went away, and I told her to follow the woman to ſee if ſhe did not take out ſhoes from her pocket or pockets,

Court. How old is your child?——Eleven; in two minutes the child came back, and told me ſhe ſaw her take them out and ſhew them to a woman, I had a ſight of her going into a public houſe, and I followed her and inſiſted on having the ſhoes, ſhe denied them, I inſiſted on it, and ſhe ſaid ſhe had one pair that a fellow ſervant gave her that morning to carry home for her, ſhe took them out of her pocket and ſhewed them to me, I miſſed that pair in particular.

PRISONER's DEFENCE.

I went for a pair of ſhoes; and accidentally ſome how or other the ſhoes hung faſt in my petticoat, I found ſomething kick the ſide of my ancle, and I ſet down my baſket to ſee what it was, and before I could return with them the gentleman came into the houſe.

GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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703. JAMES THOMPSON was indicted for feloniouſly ſtealing, on the 7th of July, two ſilver table ſpoons, value 10s. the property of Evan Harris.

EVAN HARRIS *ſworn.*

I live at Muſwell-hill, I loſt two table ſpoons on Wedneſday laſt, and on Thurſday morning the priſoner was ſtopped with the ſpoons; I only prove the property (*The ſpoons depoſed to*) I know them by the cypher.

Are they the initials of your name?——No.

Are you ſure you had ſpoons in your poſſeſſion with that cypher?——Yes, they are both different cyphers, we had not miſſed them till this perſon brought an account of them.

Court. Can you ſpeak with certainty that you know theſe to be your ſpoons?—I can, Sir.

ROBERT TAYLOR *ſworn.*

I am a Brazier, I live in Petticoat-lane, I was ſtanding at my door about eight o'clock, and I ſaw the priſoner go by, and I ſaw theſe two ſpoons ſtick out ~~of his breeches~~ pocket a little way, and his jacket was over them, he had the ſame jacket on he has now, I believe he has no ſhirt on now, he croſſed the way and I ſeized him and took them out of his pocket, ſays I, theſe are ſilver ſpoons, you ſtole them ſomewhere; I aſked him where he got them, he ſaid a man met him between Edmunton and Tooting, I ſays to him you mean between Edmunton and Tottenham; I got a conſtable and gave charge of him, I have had the ſpoons ever ſince, they have never been out of my ſight.

Did you know any thing before of Mr. Harris?—No, Sir, he confeſſed before the conſtable, and in the morning I went to Mr. Harris.

WILLIAM BOX *ſworn.*

I am a conſtable, Mr. Taylor brought the priſoner to my houſe about eight o'clock, they ſent for me, I was out, I ſaw him at my houſe, I am ſure of the priſoner, Taylor ſhewed me the ſpoons in the preſence of the priſoner; I aſked him how he came by them, he ſaid a man gave them to him, I told him that was a blind ſtory; I took him out and aſked him going along with him myſelf, I told him the conſequence of it, I told him he would be kept in priſon, Sir ſays he, I will tell you how I came by them, I told him he would be ſooner releaſed if he told how he came by them, becauſe that would ſave the trouble of advertiſing them, accordingly he told me.

Court. You muſt not ſay any thing of what he ſaid after that.

Court to Proſecutor. Can you tell how long they had been miſſing?——They are examined by the cook every morning at breakfaſt, the cook is intruſted with a dozen ſpoons which are called over every morning at breakfaſt.

PRISONER's DEFENCE.

I went in to clean ſome knives for Mr. Harris, and theſe two ſilver ſpoons were in the knife box, I put the ſpoons into my pocket, I next carried in the knives, I did not know I had them in my pocket; I came to town to buy me a pair of ſhoes.

Mr. Harris. I had employed the priſoner in hay-making.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

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704. THOMAS HILL was indicted for feloniouſly ſtealing, on the 22d of June laſt, one pair of linen ſheets, value 10s. one cotton gown, value 7s. one check linen apron, value 12d. one cloth cloak, value 6s. the property of John Hall.

JOHN HALL *ſworn.*

I ſaw the priſoner go down ſtairs and go out with the property between five and ſix, on the 22d of June; I heard ſomebody coming down ſtairs and I pulled the kitchen door open, I ſaw the priſoner go over the threſhold of the ſtreet door with the bundle in his hand, I went up ſtairs directly and found my room door open, I miſſed the ſheets, and called after him but he made me no anſwer; I followed him directly when I miſſed my ſheets, I called ſtop thief, he turned and looked at me and I ſaw him throw the bundle down and he run away, I did not ſee him ſtopped, he was brought back in about five minutes.

Court. What opportunity had you of obſerving his face before he was taken?—I knew him again directly, I had no opportunity of ſeeing his face before, but I know he was the ſame man, I ſaw his face when he turned round, I could not be off ſeeing his face, he turned round and looked at me full in my face, and I obſerved his face, and I am ſure it is the ſame man.

What became of the bundle of things?——I picked them up myſelf excepting one apron, I gave them to the officer that took him, they have been in his poſſeſſion ever ſince.

DANIEL HOWARD *ſworn.*

I am a Weaver, I was coming by and I heard the cry of ſtop thief, I was on the other ſide of the way, I ſaw the man make a full ſtop, I ſaw his face, he run down the yard, I caught him and brought him back, I ſaw him drop nothing, on ſearching him I pulled out an apron, and a thing called a picklock, I think it is; a piece of iron bent.

(The apron produced and depoſed to by the Proſecutrix.)

——— COWEN *ſworn.*

Did you leave theſe things in Court juſt now?——I brought them to the door and left them with Howard, they are the ſame things.

(The things depoſed to.)

PRISONER's DEFENCE.

I was ſtanding at a corner by this woman's place, and a man came up and gave me this bundle to hold and walked on firſt, and this woman came up and ſaid I ſtole the things; then I threw the things down, I have not been three weeks in London.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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796. WILLIAM WATKINS and ROBERT NUNN were indicted for feloniouſly ſtealing on the the 6th of June laſt, one cloth coat called a box coat, value 10s. one other great coat, value 10s. thirteen pieces of ſilver lace, value 30s. and two ſilver hat loops, value 2s. the property of the Right Honourable Charles Lord Southampton.

JOHN PAYNE *ſworn.*

I am ſervant to Lord Southampton, on the 5th of June my Lord was robbed of the things mentioned in the indictment, the property was found on the priſoner.

Priſoner. I told him the man that gave them to me, and he ſaid he thought ſo himſelf, becauſe he was ſurprized to find a large dog muzzled.

Court. Is that ſo?——I aſked him how he got in, he ſaid he did not get in. I aſked him if ſuch a one got in, and he nodded to me as if he meant yes.

JOHN CORDY *ſworn.*

I am ſervant to Lord Southampton, the two great coats are mine, I was preſent when the priſoner was at the watch-houſe.

——— PETTINGTON *ſworn.*

I took the priſoner Watkins on the morning of the 6th, and I ſuſpected him, I ſaw theſe two priſoners about one in the morning, I diſcovered the robbery when I was going the hour of four.

Court to Coachman. Were theſe things taken in the night of the 5th of June?——Yes, we were all in bed.

Pettington. I ſuſpected Watkins becauſe I have known him many years.

Did you find any thing on Watkins when you took him?—I found this box coat upon him, it was tied up in his apron, ſomething of a hard working rag, he ſaid he would go into this houſe of ill fame where we had been ſearching for him, and he ſaid to the priſoner Nunn, I will go and ſee if he has called here, ſays I, you will aſk me leave firſt will not you, and I ſeized him, and that moment he diſcharged the bundle from him, and likewiſe Nunn the ſame; Nunn had this great coat tied up in ſomething of a handkerchief, and this lace I took out of Nunn's pocket; we brought them to the watch-houſe and theſe twenty five grains of buck ſhot, this punch and theſe keys I took out of Nunn's pocket when I ſearched him and ſome looſe powder.

(The lace depoſed to by the Coachman)

It came off my Lord's hammer cloth, this lace belongs to the waiſtcoat the ſame as I have on, and the lace from this hat.

Court. Can you ſay this lace was the property of Lord Southampton?——Yes, I am ſure it it is the ſame pattern I have on, and the waiſtcoat and hat had the lace cut off.

Are you ſure theſe were not given to the ſervants?——No my Lord, they were my Lord's property.

(The two great coats depoſed to by Cordy)

Theſe are the two coats that I wore in Lord Southampton's ſervice, they are my Lord's property.

PRISONER WATKINS's DEFENCE.

I told them who gave me the great coat which was their fellow ſervant, I knew nothing of Nunn; I could not find James Gagg, and I underſtand he is gone down to Glouceſterſhire, I have no witneſſes—Nunn thought to put off his trial he is light-headed now he cannot ſpeak.

BOTH GUILTY.

Each to be tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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706. ELIZABETH JIGGER, was indicted for feloniouſly ſtealing, on the 28th of June laſt, three linen ſhirts, value 20s. the property of Simon Abrahams.

ELIZABETH ABRAHAMS *ſworn.*

I am wife to Simon Abrahams, this woman came into my ſhop, which is a ſlop ſhop, between twelve and one, on the 28th of June, and ſhe got ſomehow behind my counter, I ſaw her come from behind the counter, and I directly jumped up and run to the door, and ſlipped the door to, and aſked her what buſineſs ſhe had there without knocking, ſhe could give me no anſwer; I told her ſhe had got ſomething, and if ſhe did not give it me, I would fetch a conſtable, and my huſband kept her in cuſtody during the time, I ſaw her throw two ſhirts by the ſide of me, and my huſband ſaw her throw one, they are my huſband's property, they were on a ſhelf behind the counter.

Priſoner. Did not the ſhirts lay on the counter with ſome white ſtockings?—They did not, they laid on a ſhelf.

Priſoner. I have nothing to ſay, I know ſhe is a very wicked woman.

Court. Gentlemen of the Jury, if you have any doubt about this I will call the other witneſs.

Jury. There is no doubt, my Lord.

Court to Priſoner. Are you a married woman?—Yes, my Lord, my huſband is at ſea.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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707. ELIZABETH KNOX was indicted for feloniouſly ſtealing, on the 17th of June laſt, two harrateen bed curtains, value 3s. one head cloth, value 1s. one bolſter cloth, value 2s. the property of Alexander Whitting.

MARY WHITTING *ſworn.*

I am wife to Alexander Whitting, he is abroad; I loſt ſome green harrateen bed curtains about three weeks ago.

Court. What is the value of them?——Eight ſhillings.

THOMAS SMITH *ſworn.*

I keep wine vaults, I was down ſtairs drawing ſome liquor, I heard my wife cry out, Mr. Smith, here is a thief! I ran up ſtairs, and ſhe was in the paſſage, I pulled her into the bar, and took theſe curtains out of her lap, ſhe ſaid they were none of mine; the proſecutrix lodged in my houſe, I aſked the priſoner how ſhe came by them; ſhe ſaid the woman that owned them ſent her for them; I aſked her who that woman was, and ſhe ſaid a woman that played on muſic, *(the things depoſed to)* they were laying on the banniſters of the ſtairs.

PRISONER's DEFENCE.

I met a woman, and ſhe aſked me to drink part of a pint of beer; I ſaid I would; ſhe told me ſhe left the curtains at theſe people's houſe, and if I would go up ſtairs and fetch them, ſhe would wait for me, ſhe gave me ſixpence, I never ſaw her any more.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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708. CATHERINE PENNY was indicted for feloniouſly ſtealing, on the 19th of June laſt, one ſilver watch, value 20s. one pair of ſilver ſhoe buckles, value 10s. one pair of ſilver knee buckles, value 2s. and 13s. in monies numbered, the property of John Mayes.

JOHN MAYES *ſworn.*

I am a journeyman baker, this priſoner picked me up going into St. Giles's, at twelve at night, on the 19th of June.

Court. Were you drunk or ſober?——I was not very ſober, I went with her into Crown Court.

To what houſe?——I cannot ſay, it was about four doors down, a lodging houſe, I went to bed with her and went to ſleep, and when I awaked I found ſhe was gone out of the houſe, I awaked about four o'clock, I ſaw her about two days afterwards, I knew her again, we were in a public houſe drinking together before we went to that houſe; I loſt a watch, a pair of ſhoe buckles, a pair of knee buckles, three handkerchiefs and thirteen ſhillings.

JOHN DIXON *ſworn.*

I belong to the Rotation Office in Litchfield-ſtreet, on the Sunday after this young man was robbed, I went on an information and ſearched the priſoner, I found nothing on her, but juſt as I got into the paſſage, ſhe knew me very well, ſhe went backwards into the yard, and Downes found the watch, which has been in my cuſtody ever ſince.

THOMAS DOWNES *ſworn.*

I keep a houſe in Tottenham-court-road, and have ſeveral years, I am a button-maker, this woman came to my houſe on Sunday morning the 20th of June, about eight, and offered this watch, and ſhoe buckles, and knee buckles to my lodger, either to pawn or ſell them, and he came and aſked me to lend him half a guinea, he is here.

Priſoner. That very man was here laſt ſeſſions but one, and tried for ſtealing a copper tea kettle.

JAMES FLATLEY *ſworn.*

I lodge at the laſt witneſs's houſe, the priſoner came to me on Sunday the 20th of June, and offered a watch, a pair of ſhoe and knee buckles to me, I went and acquainted my landlord of it, ſhe aſked a guinea for the watch, and ſhe was ſtopped, the conſtable was ſent for, and he took the watch from her.

Downes. I ſaw the woman run into the neceſſary when Dixon came in, ſhe returned again, I ſuſpected ſhe was gone there to put the property there, and I found the watch laying on the ſhelf.

(The watch depoſed to.)

Priſoner. I have only to ſay I had not the property, there were two people in bed in the ſame room, they had the property, I had it not, I went away and left the property with him.

GUILTY.

To be confined to hard labour ſix months in the houſe of correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

709. **GEORGE WHITEFORD** was indicted for feloniouſly ſtealing, on the 17th of June laſt, one cloth great coat, value 40s. and one man's hat, value 10s. the property of George Brown.

GEORGE BROWN *ſworn.*

I was ſitting in my office a little before three o'clock on Thurſday the 17th of June, which is on the firſt floor, I heard my name called very loud, and I ran down ſtairs, and at the ſtreet door I ſaw the priſoner detained by Mary White, who is my ſervant's daughter, and ſhe exclaimed, O, Mr. Brown, this man has robbed you! upon which I took him and carried him to the round-houſe of the pariſh, and in the evening to Bow-ſtreet, from whence he was committed.

ELIZABETH WHITE *ſworn.*

Mr. Brown lives in the country entirely, and he put me in the care of the office, my daughter and me were ſitting in the kitchen very ſerious, and I heard the parlour door ſcreech, and I ſent up my daughter to ſee who was in the parlour, and if it was a thief to call Mr. Brown down, and I followed her up for fear he ſhould knock her down, and that man came out of the parlour with the coat and the hat covered with that coat he has on, he ſaid your ſervant; we took him, and he ſlipped the coat between the parlour door and the ſtairs, he brought it out of the parlour, and my daughter held him by the cuff of his coat till Mr. Brown came down. *(A paper handed to the Court.)* The priſoner cannot ſpeak good Engliſh, he is a Venetian, he is aged eighty-four.

GUILTY.

To be confined to hard labour twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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710. **HUGH MARS** was indicted for feloniouſly ſtealing, on the 29th of June, two linen ſheets, value 2s. the property of Iſaac Iſrael.

Mrs. ISRAEL *ſworn.*

I was going into my paſſage with my little girl, and I ſaw this man coming down ſtairs.

Do you keep a lodging houſe?——I have two men and their wives, and I ſaw his right-hand pocket of his jacket ſtick out, I aſked him what he had in his pocket, he made me no anſwer, I deſired him to ſhew me, I ſent for a neighbour and a conſtable, they ſtripped him, and found one ſheet, which I took out of his jacket, that is my huſband's, I know it, I have had it in my poſſeſſion, I have marks plenty upon it.

PRISONER's DEFENCE.

I do not know the woman, I was ſo inſenſible I thought it was my own lodging, I came down with intent to change them, I lodge three doors higher up, I took them down to have them changed, it is the very ſame ſort of a houſe, and the room door was open.

Proſecutrix. The officer took another ſheet from him, which he had behind him.

Court to Jury. Gentlemen, if you have any doubt about it, I will examine the officer.

Jury. We have no doubt, my Lord.

GUILTY.

To be confined to hard labour twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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711. **MARY STRUTTON** was indicted for feloniouſly ſtealing, on the 15th of June laſt, one ſilk cloak, value 30s. the property of Ann Allen, widow.

ANN ALLEN *ſworn.*

I loſt my cloak, it hung acroſs a horſe, the priſoner came up ſtairs while I went down with a pail of dirty water, ſeeing ſhe was a ſtranger, I hurried up, and ſaw her make into my room, I called out to know where ſhe was going, ſhe ſaid ſhe wanted the gentlewoman in the one pair of ſtairs, ſhe aſked me if I took in waſhing, I ſaid yes, ſhe aſked me if it would be agreeable to me to take in the waſhing of a family in St. Martin's-lane, and ſhe would give me a direction if I would get a pen and ink, I went to borrow one, and while I was gone ſhe robbed me of my cloak, and concealed it under her petticoat; after ſhe had wrote me a direction ſhe went away, and I miſſed my cloak about twenty minutes after ſhe was gone, and I went to ſee after her, I ſaw her coming out of a pawnbroker's in Long-acre, I caught hold of her arm, and ſaid ſhe had robbed me, ſhe ſaid of what, I ſaid of a black mode cloak, it is new, it is not finiſhed making, ſhe immediately pulled out the cloak and gave it me, and ſaid, now you may be damned, you have got your property, you cannot hurt me, I will proſecute you; ſays I, perhaps you may be proſecuted firſt, I will take you before a magiſtrate, ſhe ſaid ſhe would be damned if ſhe went, ſhe clawed me all over my hands, and I took her to Litchfield-ſtreet, ſhe there owned that ſhe took the cloak, but ſhe left another in the ſtead of it, and ſhe begged when I came to proſecute her I would be favourable, ſhe ſaid ſhe had children; ſhe ſaid ſhe had been a notorious thief, but if I would let her have her liberty, ſhe would not wrong any body again, but would go to the workhouſe.

PRISONER's DEFENCE.

I was diſtreſſed with two children, and I went to a relation to borrow five ſhillings, and ſhe lent me a cloak to pawn for the five ſhillings; I went to the pawnbroker's, ſhe ſaw me, and ſhe ſtruck me and fetched blood of me, and took my bonnet off my head in the ſtreet, ſhe ſaid ſhe would value her cloak at as much as it was when it was new; I took it up by miſtake for the cloak which my relation lent me to pawn for five ſhillings.

(The cloak depoſed to.)

GUILTY.

Confined to hard labour in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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712. THOMAS PORTER was indicted for feloniouſly ſtealing on the 18th of June laſt, fourteen pounds weight of loaf ſugar, value 8s. the property of John Todd.

SARAH CARR *ſworn.*

I live oppoſite to the proſecutor, I know nothing of him, I obſerved three men in company near the ſhop on the 18th of June laſt, and one out of the three went into the proſecutor's ſhop, and took out a large lump of ſugar, one put his hand into his pocket and gave the other ſomething ſeemingly to go and buy ſomething. I called to the proſecutor and told him, he purſued the man, I do not know that the priſoner was one of the three men I ſaw, Mr. Todd returned with the priſoner, I gave the alarm directly.

JOHN TODD *ſworn.*

The laſt witneſs informing me, I followed them and overtook them, there were three of them, they were walking, I ſaw a lump of ſugar in his hand, and I took him, that is the priſoner, he told me he was hired to carry the ſugar, and the man that hired him was to give him ſix-pence.

PRISONER's DEFENCE.

When the gentleman laid hold of me, I told him there goes the man in black that hired me to carry it, I ſhewed him the man.

Proſecutor. He wanted me to let him

go, and go after the other, but I thought it was better to hold him that I had got.

GUILTY

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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713. ELEANOR M'CARTY was indicted for ſtealing on the 19th of June laſt, one japanned tea board, value 4s. the property of Mary Lawrence.

MARY LAWRENCE *ſworn.*

I loſt a teaboard, I ſaw the priſoner go into my ſhop on the 19th of June, I ſet a young woman to watch her, and ſhe came out of my ſhop with the tea board under her arm, nobody was in the ſhop at the time, I went and ſtopped her, I ſtood at the door to watch her coming out (*The tea board depoſed to*) there is a private mark on it.

JOSEPH GREEN *ſworn.*

I took the tea board from the priſoner in the preſence of the proſecutor, I have had it in my cuſtody ever ſince.

Proſecutor. The tea board was in the ſhop when I went out, and when I returned it was taken out of its place.

Mr. Peatt, Priſoner's Counſel. What part of the ſhop was that tea board in?—The middle of the ſhop, I have ſold ſeveral of them, it was the only one left.

Did the priſoner aſk you the price of the tea board?——No.

PRISONER's DEFENCE.

I went in with intent to buy this tea board for an acquaintance in the country, who ſent me a guinea to buy a tea board and a ſet of china, I went into the ſhop and laid hold of the tea board and brought it to the door, they laid hold of me and pulled and hauled me about to that degree as if I was a dog.

Court to Proſecutor. What hour was it that you loſt this tea board?—I believe it was about two.

Was this woman in her ſenſes?—She was ſometimes in liquor, but I never took her to be in her right ſenſes ſince ſhe buried her ſon.

The priſoner called two witneſſes, who gave her a good character.

GUILTY.

To be impriſoned in Newgate ſix months.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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714. EDWARD CUNNINGHAM was indicted for feloniouſly ſtealing, on the 11th of June, one ſilver pint mug, value 20s. the property of John Aubrey, Eſq;

CHARLES READ *ſworn.*

I am ſervant to Mr. Aubrey, on the 11th of June I had juſt brought the tray up to lay the cloth, and I ſaw the man go down the area ſteps, and this other witneſs came up to me and I went to the window, and I ſaw him come up in half a minute and leſs, I purſued him and took him, I found nothing upon him, he ſaid he was not the party, he had been on a meſſage.

Are you ſure the priſoner is the ſame man?——Yes, I am ſure he was the man that went down the area ſteps.

Was the mug ever found?—No, I ſaw it not a minute before ſtand on the table in the ſervants hall, when I took him he ſaid he had been on a meſſage, and had ſtopped to drink a pint of porter which made him run ſo, and if I would go to his maſter, his maſter would come back with me, ſo I conſented to go with him to Drury-lane to his maſter, and when I came there I ſaid where does your maſter live, he ſaid oh juſt here a little further, and then he attempted to get away from me, and he went down a little bit of a court, he ſaid his maſter lived at the corner, and he went down and he turned round and ſays to a man that ſtood there, here Tom I want to ſpeak to you, I ſaid he ſhould not, he ſaid he would, and he went into a door and there was a woman laid in bed, and he began putting his hands into the bed, I ſaid you ſhall not; and when he came out he run away, and there came ten or fifteen dirty women about me, and no body came to my aſſiſtance but one of the runners to Litchfield-ſtreet came and took him, and found nothing upon him.

Mr. Peatt, Priſoner's Counſel. Did you ever ſee the priſoner before?—No.

You was laying the cloth?—Yes.

You was very attentive I ſuppoſe?—No, I was preparing the cloth, I ſaw his face when he went down and when he came up.

How long had the area door been open?——All the day.

How long was he out of your ſight before you caught hold of him?—About five or ſix minutes.

Then you went out and purſued a man that was making ſpeed on his buſineſs?—Yes, I took that man.

He was very deſirous of getting rid of you?—Yes.

FRANCIS ATKINS *ſworn.*

I am ſervant to the Rev. Mr. Roſenhaſen, I ſaw the priſoner come up the ſteps of the area, and put his hand into his right hand coat pocket, that was the priſoner, I ſaw him perfectly, he turned his face and run away.

Mr. Peatt. Did you ever ſee the priſoner before?—No.

Was not you ſervant once to a certain houſe in the vicinity of Covent-Garden?—I was a ſervant at Scott's hotel.

Priſoner. Was not you at the Seſſions Houſe Clerkenwell-green laſt Monday, and ſaw a young man there, and ſaid he was the young man that robbed his maſter, and he was bailed out.

Court. Did you ever charge another man with the fact?—No, my Lord, I ſaid in a joke, I believe that man is like ours.

Court. Have you any friends?—Yes.

The Priſoner called one witneſs to his character.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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715. WILLIAM MARNEY was indicted for feloniouſly ſtealing, on the 2d of June laſt, one woollen apron, value 6d. one pair of ſtays, value 4s. one linen handkerchief, value 6d. and 17s. 6d. in monies numbered, the property of Ann Haley.

ANN HALEY *ſworn.*

I am a poor lame woman, I cannot pull on my ſtockings or pull them off; on the 2d of June in the morning the priſoner came up and took the key from under my room door, and took the things mentioned in the indictment, the key was put under the door for a young woman to come in and put on my things for me; I ſaw the priſoner a going, and I begged him for God's ſake not to take them, for I was a poor lame woman; he ſaid ſomething, I cannot tell what; I cried ſtop thief! this young woman that puts on my ſtockings found him, I ſaw his face very plain in the room when he was going out, with the things under his arm, I am ſure of the priſoner; the ſtays, and the apron and handkerchief were produced; I never found the money that was in my pocket, 17s. 6d. the pocket was upon the table with the other things, the pocket was gone alſo.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 7th of JULY, 1784, and the following Days;
Being the SIXTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
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THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

The Continuation of the Trial of William Marney.

JOHN POUND *ſworn.*

I took the priſoner, I went into the public houſe after my duty was over at four o'clock, and while I was drinking I heard the outcry, I ran out, and I ſaw the priſoner and another man with a bundle, the other man had the bundle, I took them both into cuſtody, they ſtood talking together in the ſtreet, I immediately ſaw this bundle under the other man's coat, I took them both and called for aſſiſtance, we took them into the houſe, and the priſoner owned he had given the other man the bundle to put by for him; the bundle is here, I have had the things ever ſince; they aſked him to own to it upon the other being cleared, they aſked him whether he did give the bundle to the other man; there was no promiſe made that I heard.

(The things depoſed to.)

——— SIMPSON *ſworn.*

I am a watchman alſo, and I was taking a little refreſhment, and I heard a cry of ſtop that man with the bundle, and I went out and ſtopped him.

AUGUSTUS WADE *ſworn.*

I live at the White Horſe, I ſaw this man between four and five go through our houſe, in a little while after come this woman's acquaintance, and ſaid my *aunto*, as they call her ſometimes, was robbed of all ſhe had; he came through, and then came back again ſome time afterwards.

Court. What after you had heard the woman was robbed?—I heard it after I ſaw him the firſt time.

Had he a bundle both times when he went through the houſe?——He had the bundle the firſt time.

ANN GEEMES *ſworn.*

When the proſecutrix was robbed ſhe called ſtop thief immediately; I got out o bed, I did not ſee the man, he was run ou of doors, I juſt ſaw his back, I put on my petticoat and bedgown and went out o doors and enquired after him.

PRISONER's DEFENCE.

About five in the morning I happened t go a journey as far as Deptford, I went t go out with intent to have a glaſs of gin, an a man came in and deſired me to take th bundle, and I went in and had half a qua tern of gin, and the landlord ſaw the ma ſtand, and the man was gone when I ca o out, I gave a man that was there the bundle, and the watchman ſtopped the man, and aſked him where he got the bundle, the man that was with me was not the man that gave me the bundle firſt, but he came to me and ſaid, that man had ſent for the bundle, and I gave it to him; I have no witneſſes.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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716. DANIEL GILFOY was indicted for feloniouſly ſtealing, on the 26th of June, one cotton window curtain, value 10s. the property of Thomas Miller.

MARY MILLER *ſworn.*

I live in Great Wild-ſtreet, the 26th of laſt month I hung a window curtain out at the door at three in the afternoon, in a ſtable yard at the back of the houſe.

What became of it afterwards?—I went to take it in between ſeven and eight, and it was gone; I heard of it the next day.

JOHN BEAMISH *ſworn.*

On the 26th of June, I was coming up Great Queen-ſtreet, about a quarter after ſeven in the evening, I was on the left-hand ſide, I ſaw the priſoner on the right-hand, and knowing him for ſome time, and ſeeing a curtain under his arm, I ran after him, he ran away, he ran through a court that goes out of Queen-ſtreet about the middle of the court, I called to him to ſtop, and he dropped the curtain immediately; I picked up the curtain and followed him, but I loſt ſight of him ſomewhere about there, I knew his perſon well, I have known him for twelve or fourteen years, I have not the leaſt doubt; I took the curtain to Bow-ſtreet, I took the priſoner afterwards.

(The curtain depoſed to.)

PRISONER's DEFENCE.

Beamiſh came in with that curtain over his arm, and he ſaid nothing to me; I never had the curtain in my poſſeſſion at all; he has known me ſome years; I have no witneſſes, I had yeſterday.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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717. MARY HAWKINS was indicted for feloniouſly ſtealing, on the 5th of June one guinea, value 1l. 1s. and one half guinea, value 10s. 6d. and two ſhillings in monies numbered, the monies of Thomas Bradford.

THOMAS BRADFORD *ſworn.*

I am a profeſſor of muſic; on the 5th of June the priſoner followed me from Temple-bar to Butcher-row, I took no notice of her, at the turning of the corner ſhe faced me, and put her hand inſtantly into my left hand breeches pocket, and ſhe took out a guinea and half and two ſhillings, I ſeized her hand as it came out of my pocket which was at that time clinched, I did not ſee the money, I was in doubt, ſhe availed herſelf of that and ſnatched away her hand and run away, I had ſeen the money not half an hour before, I purſued her the firſt time about twenty yards, I apprehended her, and ſhe was reſcued by a parcel of women and men that frequent that quarter I believe, I took her again in a few minutes, and a gentleman helped me, I am poſitive the priſoner is the perſon.

Priſoner. I wiſh to aſk him whether he ſaw me, I was coming from Drury-lane, I had been to my brother's, and as I was returning to make the beſt of my way home this gentleman caught me, and ſaid I muſt go with him for I had robbed him of two guineas, and immediately called out to the watchman and I was taken, and the Gentleman ſaid he was robbed of five guineas, on the Monday he ſaid if I would ſend him up two guineas he would not come down for me, and when he came up he ſaid that he loſt one guinea and a half and two ſhillings, and that it was either me or the other women that robbed him.

Court to Proſecutor. Was you in liquor? ——No.

Are you ſure to the woman?—Yes, I told her at the watch-houſe that if ſhe would give me my property which is very natural, I would not hurt her; I ſaid I had loſt five guineas, for I miſſed the remaining part in the ſcuffle of ſecuring her.

Court to the Conſtable. Was there another woman taken up?—Another woman came into the watch-houſe with her, but the proſecutor did not give charge of her.

Jury. Might not you have dropped the money?—No.

The priſoner called one witneſs, who gave her a very good character.

Court to the witneſs. Has ſhe a brother? ——Yes.

JAMES TALBOYS *ſworn.*

I am a conſtable, the priſoner was brought in by the proſecutor and other aſſiſtance, he ſaid he had loſt five guineas, two the priſoner took out of his pocket, and three he loſt by being joſtled after he called out for aſſiſtance.

Did he appear to be in liquor?——The gentleman appeared much in the ſame ſtate he is now.

Court. Have you often ſeen the priſoner at this time of the night thereabout?——I never ſaw her before, I ſearched her very minutely when I took her, I found only one ſix-pence.

Proſecutor. It was when I was at home that I miſſed the three guineas.

Not Guilty.

Tried by the firſt Middleſex Jury before Mr. Juſtice Heath.

718. JOHN GLOVEN was indicted for feloniouſly ſtealing, on the 5th of July, one mans ſaddle, value 4s. and four pounds weight of iron ſpike nails, value 6d. the property of John Trotter.

JOHN TROTTER *ſworn.*

I live in Goſwell-ſtreet, I am a Cow-keeper, on the 5th of July I miſſed a riding ſaddle, and ſome ſpike nails, I miſſed them about eight in the morning, I ſaw them about ſix, I ſaw the ſaddle in the hay-loſt, and the bag and the nails were upon ſome grains (*The things produced and depoſed to.*) I know the ſaddle by a place mended behind.

Court. How long have you had it?—I bought it laſt week, I loſt it on Monday laſt, one of the nails is very remarkable, it is a round headed one, I know this particularly, the nails were in this bag.

SAMUEL DAMFORD *ſworn.*

I ſaw the priſoner on Monday laſt, I was ſtanding at my own back gates, which look over into Goſwell-ſtreet, into the proſecutors premiſes, I ſaw the priſoner come out of the proſecutor's low yard door, which is very ſeldom open, with a ſack on his back, I called to the proſecutor's wife and told her, I purſued the priſoner and overtook him at Merlin's Cave, which is a mile diſtance, I aſked him what he had there, and he ſaid what was that to me, he ſaid he was going to Iſlington to have ſomething mended, I told him he ſhould go back with me; I examined him and found this ſack of nails and ſaddle in the ſack, I have had the cuſtody of them ever ſince.

PRISONER's DEFENCE.

I was coming along to aſk for work, and coming along I found theſe things lay outſide not far from the gate, I took them, I knew there was a ſaddle, I did not know what there was beſides, this gentleman followed me unknown to me and brought me back.

GUILTY.

To be confined to hard labour twelve months in the Houſe of Correction.

Tried by the London Jury before Mr. ROSE.

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719. NATHANIEL LUCUS was indicted for feloniouſly ſtealing, on the 6th of July, one cotton apron, value 4s. one towel, value 2d. ſix muſlin aprons, value 12s. nine muſlin handkerchiefs, value 18s. three muſlin caps, value 3s. a muſlin ſhawl, value 5s. the property of Mary Davis, ſpinſter.

MARY DAVIS *ſworn.*

I am a ſingle woman, I live in Red-lion ſtreet, Holborn, with my father; on Tueſday laſt I loſt the things mentioned in the indictment from my father's houſe, I went out about five in the evening, I went to the drawer in the garret for an apron, and the drawer was full as uſual, the caſement was left open by neglect, when I returned about eleven I went to put the ſame apron back, and the drawer was forced open and all the things gone, they were all in this drawer but the cotton apron and old towel, I am ſure I left it locked.

Court. Can you ſpeak with preciſion to theſe identical things?—I am ſure I miſſed them all, as ſoon as I found I was robbed my father went to the next door, and I immediately recollected the things I had loſt, and upon that recollection I now ſpeak *(The things produced and depoſed to)* all the handkerchiefs are marked except one that is worked by my ſiſter, I am ſure it is mine, and this ſhawl my ſiſter worked, the cotton apron I marked, and one of the muſlin ones, the others are worked ones, I know them particularly, the towel is not marked, I cannot ſpeak ſo poſitively to that as the reſt, I know nothing of the priſoner.

JOHN DAVIS *ſworn.*

I am a painter, I ſuſpected the priſoner, who lodged at the next door, at a public houſe, I got a conſtable and beadle, and went up into the priſoner's room along with the publican, the priſoner was in bed, we looked about the room and could ſee nothing, and we at laſt made him get up, and between the ſacking and the feather bed there was this cotton apron, and the towel, I found nothing elſe in that room, and in the adjoining room, the door of which was latched not locked, and which was an empty room, we found all the reſt of the things doubled up in a feather bed, I knew the ſhawl particularly, becauſe I drew the pattern for my daughter to work it; I took the priſoner next day to the Juſtice, the things have been in my poſſeſſion ever ſince.

Court. Is there a poſſibilty of getting out of one garret window into another?——By going along the parapet wall it is very eaſy, the parapet is even.

Could a man get in at that caſement?—Very eaſy.

WALTER CARWARDINE *ſworn.*

I keep a public houſe in Red-lion-ſtreet, I have more lodgers beſides the priſoner, and upon the ſame floor, I have an infirm old lady in the back room about eighty.

Court. Have you any other lodgers in the houſe?—Yes, in the two pair of ſtairs; I went up with Mr. Davis, he came in and aſked me what lodgers I had; I ſaid all were good but one that I did not know, that my wife took in.

Is this old lady very active?—No, Sir, ſhe goes double, ſhe is three-quarters of an hour going from the top of the houſe to the bottom.

Did the priſoner ſay any thing about the things?——He ſaid he did not know any thing of any of the things; them are the things we found which are produced.

Priſoner. Why did not he like me?

Court. That is not evidence, unleſs you chuſe to have it ſo, unleſs you chuſe to put the queſtion.

Priſoner. I chuſe to put the queſtion?—Becauſe he had no box nor any thing there, and I did not go after his character, and he ſeemed rather a ſurly kind of a man.

Priſoner. Becauſe I did not go to his houſe to get drunk, I always went to bed by nine o'clock, he did not like me for that, and his wife aſked me for the money before it was due, and I was rather ſurly to her.

JOHN FREEMAN *ſworn.*

It was my night to ſit up at the watch-houſe, I went up ſtairs with Mr. Davis; Mr. Davis looked upon the wall to ſee if he could ſee any marks of foot-ſteps, but we did not, it was very dry weather; I made the man get up up, and between the ſacking and the bed there was this apron and towel, and I found the other things in the empty room, as they have been deſcribed; the priſoner ſaid he knew nothing of them, but his countenance changed very much; he was not in bed though he pretended to be.

Was he or not aſleep?—He pretended to be aſleep, but it is a thing impoſſible for him to be aſleep, becauſe there was ſo much noiſe in the room.

How long was it before you awoke him?——About five minutes.

Did he appear to be in ſleep during that time?——Yes, we took him to the watch-houſe.

Court to Miſs Davis. Are you ſure the cotton apron is your's?——Yes, my Lord, it is marked.

PRISONER's DEFENCE.

I am very innocent, another perſon is as likely to go into the room where I ſlept as I was myſelf, the room was always open; there was one man ſlept with me at times.

Court to Mr. Davis. When you went up, did you find his room locked?——No, the door was open.

Court to the Publican. What time did he go to bed?—About nine, I did not ſee him after.

Court to Priſoner. Have you any witneſſes?——No.

What are you?——A joiner and carpenter.

Have not you a maſter to ſpeak for you?—My maſter ſaid he would come to ſpeak for me at the Juſtices unknown to me, this gentlemen here heard what character he gave me; there was a man ſlept with me at times.

Mr. Carwardine. The man had not ſlept with him for two nights, and nobody was in bed in the room but the priſoner when I went up.

GUILTY.

Tanſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

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720. MARGARET JOHNSON was indicted for feloniouſly ſtealing, on the 26th of June, one ſilk gown, value 10s. and one Marſeilles petticoat, value 6s. the property of William Walker.

ELIZABETH WALKER *ſworn.*

I am wife to William Walker, he is at ſea; on Saturday the 26th of June, about two at noon, I loſt the things mentioned in the indictment, they were in my box which was locked when I went out, which was about ten in the morning, they were in the room which I rent on the ground floor, there is no lock to the room, but a lock to the box, there is a button to button it with-inſide; I found my things upon the pri-ſoner when I returned about two, wh came on the Monday night to lodge in th houſe; I left her in the houſe by herſelf ſhe ſaid ſhe was going a waſhing, and whe I returned ſhe was talking with ſome peo ple, I ſaw ſhe had my petticoat on unde another, it hung below her's.

Is that a Marſeilles petticoat?——It i what they call a mock Marſeilles, it is n a right Marſeilles.

Is it what is generally called Marſeilles ——Yes; I did not challenge it then, went to ſee whether it was in my box, a I found my box open, the nails were draw up, and the gown was gone; when I came out of my room and ſaid my box was open, ſhe was gone, and a witneſs went in purſuit of her, and found her; I know the petticoat, I have had it three months, there is no mark on it.

Priſoner. Did not you lend me the gown and coat to go to the tower?——I did not.

Will you ſwear that poſitively?——I will.

Court to Proſecutrix. Have you heard from your huſband lately?——I have heard from him about nine months ago.

You have no reaſon but to think he is alive?——No, I hope ſo.

EDWARD HOLT *ſworn.*

I am a carpenter, on Saturday laſt was a fortnight I purſued the priſoner, and I found her in the houſe of Mr. Cooper, a painter, in Shakeſpear's walk, I went in there by information, I went into the yard and found her in the neceſſary.

Court. Are there many ſtreets between?—Only one, I firſt ſaw her in the neceſſary with the door wide open, and I ſaw her turn round from the ſeat, I ſaid you have got Bet Walter's petticoat, ſays ſhe you may ſearch me I have not got any thing, I looked down the vault and this gown was there and I took it up, I ſaw her hand over the vault, but I did not ſee it go from her hand, this is the gown I took out of the vault, I know it by being all ſoiled, I took charge of the priſoner, and gave her to the conſtable, ſhe ſaid we might hang her if we pleaſed, the gown was left with the conſtable, (*Mrs. Walker depoſed to the gown*) the priſoner left theſe cuffs behind her which I have in my pocket.

WILLIAM ELBY *ſworn.*

I apprehended the priſoner, this gown and petticoat were given me by the laſt witneſs, the petticoat I took off of her, I had them till Saturday night, and then I left them with Mrs. Walker, over the way at the Pitt's-head; I went yeſterday morning to her and got them again, but the gown I can ſwear to, I ſtaid to hear a trial and ſhe went home without me.

Mrs. Walker. Theſe things have never been in anybody's cuſtody but mine and Mr. Elby's.

PRISONER's DEFENCE.

I have been about ten days from Scotland, and I took a room from this man, and this girl lent me the gown and petticoat to put on, and I was to give her ſix ſhillings, and if I got money I was to give her more; ſhe ſaid if I was hanged ſhe would get forty pounds by me, becauſe I was a ſtranger, ſhe has been a common proſtitute for many years.

Court to Proſecutrix. Are you a married woman?—I really am, I was married five years laſt Auguſt.

GUILTY.

To be confined to hard labour twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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721. JOHN WOOTTON was indicted for feloniouſly ſtealing, on the 11th of May laſt, one hempen bag, value 2d. one hundred and ſixty-eight pounds weight of iron nails, value 40s. five iron keys, value 12d. the property of James Meriton, the elder.

Priſoner. My Lord, I was here laſt ſeſſions, and was diſcharged for this offence, becauſe there was no evidence.

Court. You was not tried for this offence, if you had been you might have pleaded that.

Priſoner. Pleaſe to examine my witneſſes one at a time.

JOSEPH MERITON, the younger, *ſworn.*

I am a ſhipwright; the property mentioned in the indictment is my father's property, he lives at Limehouſe, the buſineſs is his, and I manage it for him; we found the priſoner in the iron houſe, I was preſent,

ſent, about half paſt nine in the evening, on a Monday; when I went in John Williams had got the priſoner by the collar, I aſked the priſoner what he wanted there, he told me he came there to ſleep, I told Williams to take him to the watch-houſe, and I found this key of the iron houſe, I have had it ever ſince.

Court. Where was it?——About three or four yards from the door of the iron houſe, under the knee of the head of a ſhip; then I got a light, and went into the houſe and found the other keys, there is a partition, the padlock was unlocked, and the keys were thrown among the nails; I think this is the key of the padlock; theſe keys are locked up in the foreman's counting-houſe every night, of which this is the key, and the labourer goes round to ſee that they are all locked; I then went to the counting houſe, which is on the other ſide the yard, ſeparate from the iron houſe, and I found the lock ſtrained off from the door; this hempen bag I found full of nails, I know it to be my father's property; I have no ſhare in the houſe.

Court. How many bags were there in the counting houſe full of nails?——Six or ſeven.

Is there any mark on the ſack?—No.

JOHN WILLIAMS *ſworn.*

I took the priſoner in the iron-houſe, I heard a noiſe in the houſe, and I called out who is there, but no body made me any anſwer, I ſecured the door with ſome large paving ſtones which happened to be by, and got a light, I heard a perſon run to the other end of the loft when I called out, I heard the nails rattle under his feet, and I heard the bag moved.

Court. Might not it be moved by the running?——No, my Lord, it was ſo heavy.

Can you ſay what bag of nails he moved?——One bag was moved from all the reſt, I was in the loft that afternoon, and ſecured the loft door, I found the keys of the counting-houſe and of the nail loft laying down near the door at the bottom, theſe are the keys of the nail loft which I ſecured in the counting-houſe, which I carried into the counting-houſe, that evening, they were near the end of the head of the ſhip, the key of the padlock was there that opens the inner loft, I am poſitive ſure I heard him in the loft trying to make his eſcape.

Had any body been in beſides yourſelf?—No, I locked the door all the evening.

Had you the key of the door all that time?——No, they are carried into the counting-houſe to the foreman at ſix o'clock who carried them home to his houſe, he is here.

What difference was there between the ſituation of this ſack of nails and the reſt?—The foreman had that day ordered me to ſeparate the nails which I did, there were two bags of them they weighed 168 pounds at leaſt or more, when I went away I ſet them up an end one bag againſt the other, when I found them the bag was thrown down, it was moved about the length of the bag, by turning it down he had rolled it over.

Court. If a man was to run with great violence againſt the bag might not he knock it down?——A man would fall before the bag.

You are quite ſure of that?—Yes.

But if it was poſſible for a man to knock it down would it not fall in the ſame poſition?——Yes.

This was the door he was trying to get out at?—Yes, but I heard them fall before I attacked him, I was about five or ſix yards diſtance, I was going paſt the loft at the time.

What did he ſay to you?——He made no defence in the world, but ſaid he knew nothing about it, and he came there to ſleep.

Do you know whether Mr. Meriton the elder had any bags there that were not his own?—Not that I know off.

Court to Mr. Meriton. I aſk you the ſame queſtion?—No, Sir, I am ſure of it, the nails were never opened, the bags were all filled with iron nails.

PETER

Court to Williams. Do you know whether on that day theſe bags were filled with nails and that bag in particular?——Yes.

Priſoner. Whether the nails were not in the middle of the loft?—No they were ſupported by the loft ſide.

PETER BRADY *ſworn.*

I am foreman to the proſecutor, I had the care of the keys, and locked them up in the counting-houſe about half paſt ſix.

Court. Who knows the counting-houſe door was broke open.

Proſecutor. I do, the lock was ſtrained, I ſaw the priſoner in the iron-houſe.

PRISONER's DEFENCE.

About nine o'clock a girl aſked me to go with her, ſhe took me to this place, I laid down, I was aſleep when this man came, I awoke and ſaw nothing of the girl, and when I awoke I told this man I did not know where I was, ſays he you want to rob the place, and they came and took me.

Proſecutor. The gates of our yard were locked, and there is a poſſibility of a man's coming through the ruins of a fire that we had about three months ago.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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722. JOHN HINXMAN was indicted for feloniouſly ſtealing on the 1ſt of June laſt, two yards of black florentine ſilk, value 17s. three yards and a half of Iriſh linen cloth, value 10s. three pair of thread ſtockings, value 12s. two pair of ſilk ſtockings, value 12s. two pain of cotton ſtockings, value 7s. one handkerchief, value 2s. the property of William Wood and Richard Harvey.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Council.

WILLIAM WOOD *ſworn.*

The priſoner was ſervant to me, I was going to diſcharge him, I was willing to ſee his box before he went, and he ſaid he had loſt his key, and conſented to have his box opened, where the things mentioned in the indictment were found, the things are here; I have had them in my poſſeſſion ever ſince, they are the property of me and my partner Richard Harvey, the priſoner confeſſed to me that they were all our property.

Mr. Garrow, Priſoner's Counſel. Was that confeſſion reduced into writing?——I fancy it was.

Then you muſt not talk about it?—I do not know.

Do not you believe about it?—I believe nothing at all about it.

Mr. Garrow. Your Lordſhip I humbly ſubmit will not hear any thing about that confeſſion.

Court to Proſecutor. Can you or can you not ſay from your own knowledge, whether it was taken down?——I cannot ſay, it poſſibly might.

Mr. Garrow. Was there any examination of the priſoner reduced into writing?—I do not know.

You have no belief about it perhaps?—That I have no reaſon to tell.

Mr. Garrow. My Lord, this was a ſubject diſcuſſed very much at length the laſt ſeſſions, and I underſtood the Court expected it in all caſes.

Mr. Reynolds. The examinations of proſecutors, but not the confeſſions of the priſoners.

Mr. Garrow. The act of Philip and Mary underſtands it ſhould.

Court. No, not confeſſions.

Mr. Garrow. I do not know whether I ſtate correctly what was the direction of the Court laſt ſeſſions, it was very much diſcuſſed here, whether any thing ſaid before a Juſtice of Peace could be received in evidence that was not reduced into writing; and I underſtood the Court to ſay, for the information of Juſtices, that it was the duty of a Juſtice to reduce every thing into writing, for that the neglect of the magiſtrate ſhould not operate againſt the priſoner at the bar, who may have ſaid ſomething, which, if reduced into writing, might appear in a different light, but which the witneſs keeps back, or part of it, and therefore monſtrous miſchief to priſoners might happen if part is to be kept back, and a witneſs who is unwilling to diſcloſe the whole truth ſhould come and give an oral evidence in part.

Court. The Juſtices have no right to aſk a priſoner to confeſs, but if the priſoner does confeſs, it ſhould be taken down no doubt of it.

Mr. Reynolds. Here is no confeſſion returned.

Mr. Garrow. Was Mr. Harvey by at this time?——He was.

Do not you know that there have been ſome promiſes made to this young man if he would make confeſſions?——Not that I know of, I did not, and I did not hear Mr. Harvey; he is not here, I never heard from Mr. Harvey that he made any promiſe; I do not know or believe that he did. Here is a pair of ſtockings that I can ſwear to, there were ſo many in the paper of the ſame ſort, and one pair is gone, which I am ſure and poſitive are my own property, they were bought of a perſon that buys his goods at a public ſale, and I bought what he had of him.

Mr. Garrow. I aſk you whether theſe ſtockings might not be matched?—I do not ſuppoſe they might.

Do you believe upon your oath that they could not?—I never ſaw any more of the ſame, I will ſwear upon my oath they are my property.

I ſhall repeat my queſtion till I get an anſwer; upon your oath do you believe there is a poſſibility they might be matched?——They poſſibly might, I do not know that they might, I never ſaw any like them I will not ſwear that there are none of the ſame ſort, but the perſon I bought them of had no more.

He may have had ſome ſcores of the ſame kind of ſtockings?—I am very ſure he has not had any of the kind.

Give a reaſon for your certainty, as that will go to your credit?—He very poſſibly might.

Then very poſſibly the priſoner might have purchaſed ſome?——It is rather unlikely; this is my own writing on the outſide handkerchief.

Is there the ſame ſort of writing on other outſide handkerchiefs like that?——Yes.

Then you have ſold ſome like that?——I never ſold a handkerchief off that piece.

But off other pieces of the ſame pattern have not you ſold?—No, I never ſold one of them.

But your people have?—I do not know that they ever ſold one.

That is a ſhuffle, that will not ſerve you?——Yes it will, I do not know that they have.

How many were there at firſt?—There was only twelve of them in the firſt place, and I believe I have nine, and this makes the tenth.

Who ſold the other two?—I cannot ſay.

Then there are two that are otherwiſe diſpoſed of than you know of?——They might, my ſervants never ſold theſe to the priſoner.

That you do not know?—Yes, I do.

For God's ſake, Sir, have a little regard to your oath and character?—I do, I have as much regard to my oath and character as you have.

Court. Do you put private marks on every handkerchief?——On every outſide handkerchief, this is the outſide handkerchief.

Was there any mark on any other?——No.

Will you venture to ſwear that that handkerchief was not ſold by any of the other ſervants of the houſe, or by the priſoner?—I will not.

Mr. Garrow. The priſoner was entruſted to ſell handkerchiefs?——Yes.

Will you venture to ſwear this, that he never ſold this handkerchief and put the price of it into the till?——I think it is very unlikely, it is not poſſible I think.

You mean to ſwear, that a man entruſted to ſell handkerchiefs to himſelf or any body elſe could not have done ſo?——It is not poſſible for a man to ſell goods to himſelf.

No!—He does not do it without giving ſome knowledge of it to ſome perſon in the ſhop, it is not right.

Court. It is very odd that he ſhould.

Mr. Garrow. But it is no theft, it may perhaps be an impeachment of the prudence of the priſoner, but not of his honeſty; you cannot ſwear, however, that the price of this handkerchief has not been paid into your till?—I will ſwear it was not paid to me, and I will bring my partner and my ſervants to ſwear that it was not paid to them.

Whoſe hand writing is that?—That is my partner's.

What is it?—It is one of my ſhop bills, it is a bill of parcels.

For what?——For the goods that are mentioned in it; two yards and one-eighth of Florentine, and five weeks wages at twenty pounds a year.

Then he has purchaſed that?——Yes, it was booked, and allowed in his wages.

Do you know of his buying any ſtockings of you?——I believe he had a pair or two of my partner; I am ſure he had not this handkerchief of my partner.

Explain the cauſe of your certainty?—My partner told me ſo.

That is all you know it by?——Yes.

JOSEPH KING *ſworn.*

This gentleman, Mr. Wood, my maſter that I now live with, came over for me from the ſhop, I was in the ſhop, he wiſhed me to go over the way, I went and ſaw ſome part of theſe goods taken out of the priſoner's box, but what part I cannot ſwear to; *(looks a long time for the mark on the handkerchief)* I cannot find it; theſe things I ſaw taken out of his box, and he ſaid they belonged to Mr. Wood.

Did you hear him ſay ſo?——He ſaid he had done the thing that was wrong, and he hoped they would be merciful.

What had Harvey ſaid before that, recollect?——I was not there at the opening of the box, I never heard from Mr. Harvey that he promiſed him; Mr. Harvey is ill in bed, he has been ill three or four days, he was taken ill on Monday, he is out of his buſineſs now.

The priſoner called four witneſſes who gave him a very good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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728. EDWARD PARRY was indicted for feloniouſly ſtealing, on the 27th of June laſt, three cheſts of lemons, value 4l. the property of Edward Smith, then and there being in a certain lighter called the George, on the navigable River of Thames.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Counſel.

EDWARD SMITH *ſworn.*

Between one and two on the 27th of June laſt, I had ſome lemons in a craft called the George, in a lighter.

DENNIS BARRET *ſworn.*

Between one and two in the morning, I came upon deck on board the ſhip Staniſlaus, to ſee if there was a good watch, and I ſpoke to the watch then on the gangway, and deſired him to keep a good look out on the craft; I went to my cabin, pulled off my ſhoes, and went to bed, I laid down for the ſpace of ſix or ſeven minutes, when I heard a man very diſtinctly aſk where is Mr. Barrett, the mate, I came out of my cabin, and ſaw the priſoner dreſſed in a blue jacket on the quarter deck, I aſked him who wanted the mate, he aſked me if my name was Barrett, and if I was the mate, I told him yes, he ſaid unleſs we kept a better look out our craft would be robbed along ſide, that was the priſoner, he was ſtanding between me and the craft, I thanked him and ſaid I was much obliged to him, but aſked him how they could rob the craft, when there was a watchman ſtanding in the gangway; during theſe words the watchman cried out, Mr. Barrett, the man that brought that man on board is robbing the craft of the fruit; I immediately left the priſoner on the quarter deck, I jumped down the gangway, and ſaw a man on the gunnel of the craft, handing a cheſt of lemons into the boat that was along ſide of the barge; immediately I got down into the craft, and cried out in a menacing manner to them to come back, or I would ſhoot one of them, but I had no fire arms; they ſhoved off the boat, and the two men jumped into the boat, and ſhe might have been about ten feet from the craft when I got on the gunnel, they ſaid to one another pull away, and they rowed a few ſtrokes, during this time the priſoner came to the gangway, and the watchman was there, and he cried out in a loud manner, George, put back and take me in; they made him ſome reply, but I was ſo confuſed I could not underſtand what it was; they then backed one of their oars or ſcullers, and they pulled back with all their might; I came on the gangway and met the Captain with the priſoner, I aſked him if that was not the boat that brought him off, he ſaid yes, did not you ſee the fruit in that boat, ſaid I, he did he ſaid, I aſked who this George was that he called, he ſaid he called no George, he called Jem; I aſked him who Jem was, and he ſaid he did not know; I aſked him if he knew me or had any buſineſs with me, he ſaid he had no buſineſs with me, neither did he know me; he was then in cuſtody with the Captain, and I had no more buſineſs with him.

Mr. Garrow, Priſoner's Council. When you had got up and directed the man to keep a good watch, you had not obſerved any miſchief going forward?——No.

The firſt you heard was from the priſoner that came on board your ſhip?——Yes.

It ſeems to have been very eaſy, if it had been his deſign, for him to have gone off without giving you notice?—No, Sir, the watch was on board.

The watch had not given you any alarm? ——No.

Did you never hear him tell this ſtory, That he was going on board another ſhip, for ſome purpoſe of ſmuggling, and that theſe watermen had forced him to this ſhip, and that he ſuſpected them, and came to give you the alarm?——No, Sir, he ſaid he came on board to know what them boats were rowing about for, and that his intention was to go on board ſome ſhip to deal, but he came voluntarily along ſide us, againſt the the watch's will.

Did you never hear him ſay that he was forced on board your ſhip?——I do not recollect any ſuch thing,

The miſchief was done after he had given you the alarm?—No, Sir, I ſaw one cheſt after, but there were cheſts in it before.

He gave you timely notice to prevent it?—I cannot ſay he did, he gave me notice before all was in.

You had timely notice to prevent that cheſt being lowered down into the boat?—I had not, I uſed my diligence and could not ſtop it; I never ſaw the other two afterwards, nor our fruit, I immediately miſſed three cheſts, I ſaw one ſhoving into the boat the moment he ſpoke to me.

CHRISTIAN OLDRUP *ſworn.*

I was the watchman on board that ſhip, it was paſt one o'clock in the night, a wherry came along ſide the craft, and I hailed the wherry and told them to put off and not come in the night time, they told me they wanted to come on board; I hailed them a ſecond time not to come on board in the night, he told me it was nothing at all to me what he wanted, he wanted to come on board and ſpeak to the mate.

Court. Did he name his name?——He ſaid I want to ſpeak to Mr. Barrett, the mate, I told him he was aſleep, he was not on deck, he told me you muſt ſhow him me, I want to ſpeak to Mr. Barrett, the mate.

Was this before he came on board or after?——When he was getting up the ſhip's gangway; then he came upon deck, and I went along the gangway and ſhewed the priſoner the mate; when I was going to ſhew him the mate, the priſoner walked to the gangway, and he ſpoke to Mr. Barrett on board, and I ſaw the ſame wherry take the lemons; this was the time that I ſhewed him the mate that they took the lemons; ſo I ſaid to Mr. Barrett, there is the ſame wherry that brought Mr. Parry on board is taking the lemons out of the lighter, upon which I and Mr. Barrett jumped down from the ſhip's gangway into the lighter, and the wherry puſhed off with one ſculler; I ſaw three cheſts; when Mr. Parry ſaw that the boat puſhed off, he called out George, come back and take me in.

Court. What is the value of the lemons? ——Four pounds the three cheſts.

Mr. Garrow to Smith. Have you examined theſe cheſts of lemons accurately? ——No, Sir, they were with the reſt.

Does not the length of a voyage often make a very material difference in the value of the fruit?——Sometimes.

Were they not common fruit?——They were not picked cheſts, they were common fruit, but many of them were green; I ſaw them packed in Liſbon, and they had been a very ſhort time on board, they are valued by the fruit merchants at that value.

Then you do not know of your own knowledge?——Only as I have been informed.

Mr. Garrow to Oldrup. Did you know Mr. Parry?—No, that was the firſt time I ſaw him.

How did you know his name was Parry? —I ſaid there is a man, I heard his name.

It was your duty to keep a good watch? —To be ſure, I do, I told him not to come on board, he ſaid I want to come and ſpeak with the mate, Mr. Barrett: the fruit was in the craft, he ſaid I muſt ſhew him the man.

You never ſaw him before?——Never.

Was he never on board any ſhip that you watched ſmuggling?——Never.

You are frequently watchman?—No.

You never ſaw ſmugglers come on board in the night time, I dare ſay?——Never.

Priſoner. I leave my caſe to my Council.

Mr. Garrow to Smith. Did not the priſoner tell you he came to ſmuggle?—After the alarm was made, I came on the quarter deck, I there ſaw the priſoner ſtanding on the quarter deck, I called to the watchman and aſked what noiſe that was, he informed me the priſoner had come out of the boat alongſide, and the people were taking away the fruit out of the craft, I told him not to let him go till I came out and converſed with him, I put on my ſlippers, and went on the quarter deck in my ſhirt, and called for a a pair of piſtols, but none were brought me; I called for my great coat, which was immediately brought me by one of the boys, I then addreſſed myſelf to the priſoner, and aſked him his buſineſs on board the ſhip at that hour of the morning, he informed me that he knew his buſineſs if I did not; I inſiſted on knowing, and he informed me that he came to ſee if he could deal, and not to thieve; then the fruit was taken away, and I inſiſted on taking the priſoner; he made no reſiſtance, and told me his name, which he ſaid he was not aſhamed of; he ſaid he did not rob the craft or deſign to rob it; I told him if he did not his confederates did, and it was his artfulneſs to keep the mate in diſpute. I ſent for a mate of another ſhip that he applied to, and he came on board, but he could ſay nothing in his favour, any farther than he had ſold him ſome things, and he paid for them; I told him I ſhould detain him, and would bring him to juſtice, he threatened me with making me pay five pounds per hour for detention and falſe impriſonment; he mentioned one Mr. Wallis that would be bondſman for him for his appearance on Monday morning, I ſent for him, and he would not be bound for him, nor knew any thing of him, any farther than his name was Parry, ſo I took him to the watch-houſe.

PRISONER's DEFENCE.

The way that I came to go on board this ſhip was this, a man that deals in ſmuggled goods came to me that night, we went into the Two Brewers, he aſked me to go on board the Nonſuch, I could not get my own boat off, I went to Limehouſe look for a boat and I ſaw two boats, one was a pair of oars, and the other was a pair of ſcullers rowing another man, I called ſcullers, they came on ſhore directly, I ſaid I wanted to go outſide that tier of ſhips, the tier Captain Smith's ſhip lay; they kept ſhoving aſtern, and when they put off along ſide the lighter, now, ſays they, damn your eyes, if you do not jump out we will heave you over-board; I went directly and called for the mate, and told him, and I ſent for the mate of this ſhip, who came on board, and ſaid he had no doubt but as I had bought goods of him, that I was come to buy goods that night of Captain Smith.

The priſoner called three witneſſes, who gave him a good character.

Jury. We do not think we need give your Lordſhip any farther trouble on this matter.

Court. Well, Gentlemen, it is for you to exerciſe your judgment upon this caſe; to be ſure the whole thing depends upon this, with what view he came on board this ſhip, if he came to put the men on their guard, he did a commendable thing, but if he only came to amuſe the men while the things were taken out of the ſhip, he was an acceſſary to the theft; now, to be ſure, it does not appear that he had any particular buſineſs on board that ſhip, nor was it very likely that at that time of night he ſhould come from on ſhore on purpoſe to give this information on board this ſhip.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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724. JOHN POWELL and WILLIAM HALL were indicted for feloniouſly aſſaulting William Harvey on the 3d of July, and putting him in fear and danger of his life, and taking from his perſon and againſt his will, one man's hat, value 10s. and two pounds weight of Hyſon tea, value 10s. his property.

WILLIAM HARVEY *ſworn.*

On Wedneſday laſt was a week, I came on ſhore at Deptford, I went out in the evening being late, I bought a hat of Mr. Chiſſel and deſired him to ſend it the next day to Dr. Monro's; on the Saturday I went into the Bedford arms and called for a pint of beer, I paid for it, and the landlady gave me two pounds of tea which ſhe had had of me before; I put it under my left arm, I brought the tea from the Eaſt-Indies, I only brought ten pounds of tea to oblige a few friends; coming out of the door the priſoners followed cloſe on my heels coming down the ſteps, the door was ſhut immediately; I ſaw no body in the ſtreet, the priſoner Powell called me a ſmuggling ſon of a bitch, and ſtruck me under the eye and knocked me down; they were in the tap room when I went in, as I was laying on my back I held him by the right hand collar by his waiſtcoat and ſhirt which gave a little way, I begged the favour he would let me go, not to uſe me ill, which he did; when I let go my hold I got up and perceived that my two pounds of tea, and my hat were gone, juſt as I got got up William Hall was coming up the Mews and he called out Jack lick him, lick him Jack! I begged of them to return me my hat, but the tea I did not mind; John Powell then ſaid to me, damn me my hat is gone too; the priſoner then walked away down the Mews, and I went into Dr. Monro's which is about ten yards from the place, my fellow ſervant came to the door, he was rather affrighted ſeeing I had ſome blows about my face and he went to call a watchman; the next morning I went to the public houſe and told them my misfortune, and the publican and his wife deſired me to make myſelf eaſy, for they knew the men very well, and in about an hour or two after they ſent for me, and the priſoners were in cuſtody.

——— BROCKET *ſworn.*

I am a conſtable, I took charge of the priſoners, I have one pound of the tea and a hat; the priſoner Powell ſaid he had ſent the other pound of tea on the Sunday morning down to Weybridge; and they told me if I would let them go, they would bring back the other pound on the Monday; the priſoners ſent for this hat and this pound of tea after they were brought into the public houſe; they were taken by Merry.

EDWARD MERRY *ſworn.*

I apprehended the priſoners, and brought them to this houſe.

JOHN FRAMILLON *ſworn.*

When we took the priſoners, one of them immediately owned to the property where he had left it, and I went back and fetched it. Hall ſaid it was in one of the ſtables in the Mews.

(The hat produced and depoſed to by the proſecutor.)

PRISONER POWELL's DEFENCE.

On Friday this man went to this public houſe and left two pounds of tea for ſale with the landlord; on Saturday night he came again and they could not agree for the price, I was there drinking I might be rather in liquor, the gentleman was rather affronted with the landlord, ſays I, it is rather bad times for ſmuggling now; ſays he you are a dirty fellow, and he walked out before me; he ſays he pulled his hat off and put the two pounds of tea in it, a ſcuffle enſued between us while we were at the door, and he loſt his hat and I loſt mine; we looked for them and when he came up again, ſays he this is the man that ran away with my property: on Sunday morning he met with me in the yard, and collared me, and ſaid I wanted my property which the man that was with you took, he ſaid I was the man that ſtruck him, and I ſaid if you do not let me go I will ſtrike you again; then he met this young fellow and aſked him for his hat: he forgave me every thing at the public houſe only to return him his hat again.

Merry. The proſecutor ſaid to Hall if he would let him have his hat again he would forgive him.

Court to Priſoners. What are you.

Powell. I am a coachman, but I have been out of place; I have helped all the coachmen thereabouts.

Hall. I have been in town three months, I draw beer at Mr. Beard's where I was taken.

BOTH NOT GUILTY.

Court to Priſoners. I hope you will take care and follow an honeſt courſe of life, or elſe the next time you may not come off ſo well.

Powell. You will never catch me here again upon any ſuch thing, my Lord.

Court. I hope not.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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725. WILLIAM STONE was indicted for feloniouſly ſtealing, on the 10th day of June laſt, one metal watch, value 3l. the property of Sir Robert Heſcott, privily in the ſhop of John Alcock.

JOHN ALCOCK *ſworn.*

I am a Watchmaker in St. Martin's-lane, I had a watch in my cuſtody, the property of Sir Robert Heſcott for the purpoſe of being mended: on the 10th of June laſt, two men came into my ſhop to have a glaſs fitted to a watch, while I was fitting the glaſs there came another to have a minute hand fitted, I told him to wait a minute, I fitted the glaſs for the other two and away they went; while I was fitting the minute hand the priſoner came in, he placed himſelf cloſe by a ſhew glaſs where hung this watch; he came to aſk me the price of ſome time pieces that were in the window, he wanted the furthermoſt; I told him they were not to be ſold but in pairs, he ſaid thoſe were not pairs, when he pointed to the furthermoſt I had then no ſight of the ſhew glaſs.

Court. Are you ſure and poſitive that you ſaw this watch belonging to Sir Robert Heſcott while the priſoner was in the ſhop, after the two men were gone out?—I am poſitive the watch was in the ſhew glaſs when the priſoner came in; when the other, who I ſince underſtand was his brother, was gone, I followed the priſoner to the door, and immediately miſſed the watch, and concluded this man I had fitted the minute hand for, muſt be a confederate of his, as he never was within the reach of it.

Do you ſwear poſitively that this man for whom you fitted the minute hand was not in reach of the watch?——Yes, I do ſwear poſitively that he was on the right hand of me, therefore he could not be within reach of it, I ſtood betwen him and the ſhew glaſs.

Did you ſee the watch after the two men left the ſhop?——Yes, I did, and it was in the glaſs caſe after the two men had left it, and when the priſoner came in when I miſſed the watch I ſuſpected the man as being a confederate of the priſoner, becauſe he muſt ſee him take it as he ſtood oppoſite the ſhew glaſs, I followed him, and in going through the courts to May's-buildings and Bedford-court I loſt him; I then went into Maiden-lane, and in a paſſage that leads into the Strand I ſaw the four, the priſoner and the three men that had been in the ſhop ſtanding cloſe together as if viewing their booty; immediately upon the ſight of me they all ran away, ſome one way ſome the other, I followed them, the priſoner ran into Maiden-lane, I followed him, and he ran down another court into the Strand, I ſtill followed him, and in croſſing the Strand he by accident I ſuppoſe fell down, by which means I took him, but I cannot recollect what he ſaid.

Mr. Chetwood Priſoner's Counſel. You did not find any thing upon him?—No, Sir.

He was ſearched?——Yes.

This watch is not laid in the indictment as being your own?—It is not my own.

Whoſe watch was it?—It is Sir Robert Heſcott's.

Is he a Knight or a Baronet?—I cannot tell, he is a ſtranger to me.

PRISONER's DEFENCE.

My Lord, I leave it all to my Counſel, when I was apprehended I was at the end of the alley making water, and as ſoon as this man came up he laid hold of me and accuſed me, I told him I wanted no officer, I went with him immediately.

Court to Proſecutor. Had you any converſation with that man in the ſhop?—Yes.

Did he ſtammer as this man does?—Yes.

What is the value of this watch?——I allowed him three guineas for it.

Have you bought it?—He had a watch in exchange for it upon the loſs of it.

Jury to Proſecutor. Was he making water?—No, he was upon the run and I after him, I never ſaw him make water.

Mr. Chetwood. My Lord, I beg leave to object in this caſe, that this ſtatute under which this indictment is framed for privately ſtealing, does not extend to ſhops that are made warehouſes.

Court. Look in Foſter under the title Warehouſe; John Howard's caſe, "By the word *warehouſe* in the ſtatute is meant not merely repoſitories for goods, but ſuch places as are in the nature of ſhops; though the goods might with propriety enough be called the property of the proſecutor, yet his warehouſe was not a place for ſale; the meaning of this act with reſpect to ſhop-lifting muſt be ſuch goods as are uſually expoſed to ſale in the ſhop; I think your are right Mr. Chetwood in your objection.

The Priſoner called one witneſs to his character.

Court to Jury. Gentlemen, this is laid as a capital offence, but the counſel for the priſoner has taken very properly an objection in reſpect to that part which capitally affects the priſoner, for this was not the property of Alcock, and was not left there for ſale, but for another purpoſe; therefore you muſt acquit the priſoner of the capital part of the charge.

GUILTY.

Of ſtealing but not privately.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

726. RICHARD POWELL was indicted for feloniouſly ſtealing, on the 24th day of February laſt, 762lb. weight of lead, value 4l. 10s. belonging to the Right Honourable Vere Paulett, Earl Paulett, and affixed to a certain building in his garden belonging to his dwelling houſe, againſt the ſtatute.

CHARLES HUME *ſworn.*

I belong to Earl Paulet's family, I am gardener, I miſſed this lead on the 24th of February laſt, from a building in the pleaſure garden; there was about 762lb. value four pounds ten ſhillings; we had a ſearch warrant, and found the lead in the priſoner's houſe, in the garret, I tried part of it to the place where it had been taken from, and the plumber tried part, and it tallied exactly.

Court. Did it match exactly?——*Within a very little trifle*, as near as can be.

Mr. Garrow, Priſoner's Council. But you know if it was cut from the place, it ought to match exactly?—I have a piece here, the ſheet was cut in two, one piece we fitted on, and brought a piece off the place where it is cut through in the middle; one ſide of this correſponds with the other; it was all found at the priſoner's.

THOMAS GOODWIN *ſworn.*

I am the plumber, I examined this lead with the building, I found it anſwered *nigh* upon the meaſurement.

Court. But you know they ought to tally exactly?—They matched to the ſeam.

Was that ſeam cut through?—It was cut through by a ſaw.

Can you take upon yourſelf with preciſion to ſay, that that lead belonged to the houſe of Lord Paulet?——No, my Lord, I will not pretend to ſay that.

Court. Then all that you ſpeak from is its being about the ſame ſize?—Yes.

Court to Jury. Gentlemen, as this is the caſe, there is no evidence that applies home to the priſoner.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

727. JOHN GRAY was indicted for feloniouſly ſtealing, on the 11th day of June laſt, four weather ſheep, price 4l. the property of George Brownſworth.

GEORGE BROWNSWORTH *ſworn.*

I am a ſaleſman, I live at Iſlington, on Thurſday the 10th of June, about ſeven in the evening, I ſaw my four ſheep in the field, which is incloſed with a pale fence all round, the next morning my ſervant told me the ſtaple of the lock was broke, and the ſheep gone, then I went and found my ſheep in Bethnal-green church-yard, and the priſoner was in the watch-houſe; I knew the ſheep by a mark that was upon them when I bought them, and a mark which I put on them afterwards; the mark that was on them when I bought them was a mark over the loin and down the rump, and one of the four ſheep had a broken horn: I have no doubt of the ſheep.

MALACHI CHANNON *ſworn.*

I am a conſtable, I apprehended the priſoner on the 11th of June, between twelve and one in the morning, at the corner of Bethnal green pariſh, I heard a noiſe that I thought was the noiſe of horſes, I drew myſelf up a court, and two men came along with four ſheep, I ſuſpected them to be ſtolen; when they paſſed me I walked after them, and I ſeized the priſoner, and aſked him where he was going, the ſheep were walking before him, and he following them; I aſked him where he was going with them ſheep, his anſwer was, damn your eyes, what ſheep; ſays I, the ſheep you had in cuſtody juſt now.

Court. Were the ſheep in view when you had this converſation?—I did not ſee the ſheep that inſtant, my eye was too much upon the two men.

Are you very ſure this man was driving the ſheep?—He was not out of my ſight, the ſheep were walking before him, there was a word ſpoken from one to the other, and then a blow, damn your eyes, ſays they, hit them, they will run faſt enough by and bye, but which of the men ſaid ſo I cannot yell, whether it was the priſoner or the other man I cannot ſay.

And did they hit the ſheep in conſequence?—There was a blow.

Had the priſoner or the other man any thing in his hand at that time?—I did not perceive any thing.

What prevented you, darkneſs?—No, it was light enough; I heard the blow and the words, but which ſpoke the words or ſtruck the blow I cannot ſay.

You are very ſure this is one of the two men that was driving?—Yes.

Priſoner. Was not you in liquor?—I had been drinking, but I was not in liquor, it is a thing I am not addicted to, I was as ſober as I am now.

Court. Was you preſent when the proſecutor firſt ſaw the ſheep?—No, I was ſent for.

Were the ſheep the proſecutor ſaw the ſheep that that man drove?—That I cannot ſay.

What ſort of light was it?—It was not very dark nor very light.

WILLIAM YARDLEY *ſworn.*

I am a watchman, going our beat, we met with theſe four ſheep in Brick-lane, nobody was with them at all, I ran after the ſheep, I ſaid it will be the beſt way to take them to the watch-houſe; the priſoner was there, and ſaying ſomething I do not know what; I put the ſheep in the church yard, the next morning they were owned.

Court. How far is this Brick-lane from the place where you ſtopped the man?—About ten yards.

PRISONER's DEFENCE.

I was a drinking on this night till half paſt twelve, at the corner of Cock-lane, the White Horſe, going home a young woman was in company with me, and I went to ſee her home; returning home I was aſking for ſome gin, this man followed me, and aſked me if I ſaw any ſheep, I ſaid no; ſays he I will be damned if you are not a liar, for I ſaw them; I ſaw he was in liquor, and I ſaid you are drunk, and he took me into cuſtody.

Court to Yardley. Did that man appear to be in liquor?——As much as I am now.

Priſoner. Then he took another man and let him go: I never offered to get away; ſays he, you damned raſcal, I ſhould not be afraid of taking fifty ſuch fellows as you! ſays he, *you have no call to pitch none of your gammon to me, becauſe you know I am up to every thing of that ſort*; ſays he, have you any money, can you call for a gallon of beer, I ſaid I had not, ſays he you are a pretty fellow. Then he told me if he got the reward for the ſheep that he would *turn me up* at the Old Bailey, and if not, he meant to take my life away. I had ſome witneſſes yeſterday, but they would not ſtay any longer on their own expences.

NOT GUILTY.

Court. Priſoner at the bar, the Jury have been very merciful to you, I hope this will be a warning to you.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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728. THOMAS HOLLAND and MARGARET HEWITT were indicted for feloniouſly ſtealing, on the 17th of June laſt, one woman's cotton gown, value 5s. one pair of woman's ſtays, value 5s. one linen apron, value 12d. one pair of cotton ſtockings, value 2d. one pair of ſtuff ſhoes, value 6d. and one pair of ſhoe buckles, value 4s. the property of Mary Engliſh.

MARY ENGLISH *ſworn.*

I live in Great St. Anne's-lane, I am a ſervant out of place; on Friday morning about ſeven, I loſt the things mentioned in the indictment, the priſoner Hewitt aſked me to lend her the gown, I refuſed, ſhe being a ſtranger; ſhe immediately put it on, I did not attempt to ſtop her, ſhe was five minutes putting it on; ſhe went out and locked the door, and left an old bedgown;

nobody was in the ſame room; I did not ſee her take the other things; the priſoner Holland took me to lodge with Hewitt.

ANN READ *ſworn.*

I ſaw Holland go out in the morning, he had nothing with him; I ſaw Hewitt go out afterwards, with a pair of ſtairs under her arm, covered with a regimental waiſtcoat.

Court. Are the priſoners man and wife, or do they live together as man and wife? —They live together as man and wife; I have not known them above a month.

JANE ELDRIDGE *ſworn.*

I am a pawnbroker in old Pye-ſtreet, a witneſs, Sarah Sells, brought a white cloth apron to me, it was on Friday morning to the beſt of my remembrance; I lent her nine-pence on it.

(The apron depoſed to by the Proſecutrix.)

SARAH SELLS *ſworn,*

Produced an apron brought by Holland on the Friday about half paſt ſeven to her carry to pawn.

PRISONER HOLLAND's DEFENCE.

I was going home on Thurſday night, and I ſaw the proſecutrix about the Treaſury, ſhe told me ſhe was locked out of her lodging, and ſhe was crying, I took compaſſion on her, and gave her half my bed, and laid on the bedſide myſelf; I was going out on guard in the morning, and this other priſoner followed me, and ſaid take this apron and pawn it for nine-pence; I aſked her who ſhe had it from; ſhe ſaid from Mary Engliſh, and I gave it to Sarah Sells to pawn; I left them both in bed together, I went to get my hair tied, when I came from my guard this girl was gone and all the things.

PRISONER HEWITT's DEFENCE.

I do not know what to ſay about it, he fetched this woman home, and ſaid he had brought her home to give her a night's lodging, in the morning he got up and went out, and I aſked the proſecutrix leave for the *lent* of the gown, which ſhe gave me; as for the ſhoes, and ſtocking, and buckles, I know nothing of them.

Court to Proſecutrix. Did you give the things to be pawned or not?——I did not upon my oath.

THOMAS HOLLAND, NOT GUILTY.
MARGARET HEWITT, GUILTY.

To be confined to hard labour ſix months in the houſe of correction.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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729. JOHN SHAW was indicted for feloniouſly ſtealing, on the 28th of May laſt, two ſilver tea ſpoons, value 3s. three linen ſheets, value 7s. and one pillow, value 6d. the property of Jane Ives, widow.

The witneſſes examined apart at the requeſt of the priſoners.

JANE IVES *ſworn.*

I am a lodger, I went to work and locked the door, and left the key with my landlord, one Turnſtile, he is not here; I was fetched from the place where I worked about four, on account of ſome of my things being taken, when I came home, I found the door open and the things gone that are mentioned in the indictment. I left the ſheets on the bed, and the two ſpoons in the tea cheſt on the drawers; I ſaw the things at the conſtable's, one of the tea ſpoons is marked with a P. and the other with an I.

HENRY MOTT *ſworn.*

I ſaw the priſoner in Thames-ſtreet, in company with another man, on Friday the 28th of May between three and four, I watched them loitering about ſometime, I ſaw them go along the ſtreet with a bundle under their arm, I do not know where they got it, I took notice of them they had nothing before, and I ſaw them after with a bundle, they were out of my ſight about ten minutes; I called to him and he ran away and the other ran after him, I purſued him and cried ſtop thief! when he was ſtopped he had no bundle, he was out of my ſight turning the corner; I am ſure he was the ſame man I ſaw with the bundle.

ROBERT DAWSON *ſworn.*

On Friday the 28th of May, I was ſtanding at my door in Diſtaff-lane, I ſaw two men paſs, and ſoon after heard the cry of ſtop thief, and I caught the priſoner by his ſide at the corner of Diſtaff-lane, he then made a fall down down in the kennel, and I ſaw in his hand a key without a ward, which I am informed was a picklock key, he leaned down and put his hand in the kennel.

Did you ſee him have any bundle at all?——No, a number of people came up, and Mr. Spawton came up; there was a bundle found at a houſe in Friday-ſtreet, but who found it I do not know.

Priſoner. Did you pick up the key?—I did not, I was engaged in taking care of you.

ROBERT ROWLEY *ſworn.*

I ſaw a man taken up the corner of Friday-ſtreet, and I ſaw him put his hand in the kennel which was pretty full of water, and I immediately went after he was taken away, and took out of the kennel two ſilver ſpoons and ſome keys, that was the ſame place where I ſaw him ſtop, I do not know the perſon I gave the ſpoons to.

WILLIAM SPAWTON *ſworn.*

I produce ſome picklock keys and ſpoons that were delivered to me when the man was ſtopped by a Mr. Willetts, he is not here.

Mr. Willetts was ſent for but was not at home.

PRISONER's DEFENCE.

I had not reached ſo far by a quarter of a mile as where the keys and ſpoons were found.

The priſoner called four witneſſes to his character.

Court. Gentlemen of the Jury, here is a defect in the evidence, for there is no proof that theſe tea ſpoons were dropped by the priſoner.

NOT GUILTY.

Court to Priſoner. You have at preſent eſcaped, merely through defect of evidence, therefore take care of your future conduct.

Tried by the London Jury before Mr. RECORDER.

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730. MARY WALL was indicted for feloniouſly ſtealing, on the 10th day of June laſt, one pint pewter pot, value 8d. the property of Samuel Price.

SAMUEL PRICE *ſworn.*

I keep the Black-horſe in Barbican, I know the priſoner, on the tenth of June, about ten o'clock in the evening, ſhe came to my houſe and called for a glaſs of gin, I was at ſupper in the bar, and the boy brought me ſome beer in a pint pot and put it on the bar, and while my wife was ſerving her with a glaſs of gin I ſaw the pot move, and in about half a minute I went after, and took hold of her, and ſhe let the pint pot fall with the beer, I ſaw her drop it, ſhe had it under her cloak, under her arm, with the beer in it; ſhe ſaid ſhe was not going to take it away; it was my property.

PRISONER's DEFENCE.

I went into the gentleman's houſe, I was dry and drank the beer, I never did any other or meant any other; I have five children.

GUILTY.

To be privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

THE WHOLE
PROCEEDINGS
ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*;
HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 7th of JULY, 1784, and the following Days;
Being the SIXTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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M DCC LXXXIV.

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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731. MARY SMITH was indicted for feloniouſly ſtealing, on the 24th day of June laſt, two women's leather ſhoes, value 2s. the property of John Langdon.

The Proſecutor and witneſſes not appearing, the priſoner was

ACQUITTED.

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732. JOHN HOGAN was indicted for feloniouſly ſtealing, on the 10th day of June laſt, 2s. the monies of John Briggs, and Henry Sutton.

HENRY SUTTON *ſworn.*

I am partner with John Briggs, on the 10th of June laſt, and ſeveral times before, we loſt money, and I ſuſpected the priſoner, who lived with us, and I ordered ſome money to be marked in the petty caſh, which was done ſo, and on the 9th of June one ſhilling was wanting, and on the 9th and 10th of June I ordered more money to be marked, not thinking one ſhilling a ſufficient proof, and in the morning there were two ſhillings wanting; I ſent for a conſtable, and the priſoner was ſearched, and the two ſhillings found upon him.

(The two ſhillings produced and depoſed to.)

HENRY PIGH *ſworn.*

The priſoner was ſearched, and two ſhilligs were found on him, marked number 8, and 14.

JOHN KING *ſworn.*

I marked them from 1, to 21, and in the morning when I examined the till, two ſhillings were miſſing, number 8 and 14, which I ſaw found on the priſoner the next morning.

Court. Will you ſwear thoſe two ſhillings were the ſame that you marked?—Yes, I will.

Will you ſwear they were the two that were taken from the priſoner?—Yes, I can, I told the conſtable that ſearched him that he would find number 8 and 14, and ſo they proved, beſides I took the particulars of them whether the mark was on the head or the tail ſide, and the dates, and I am ſure they are the ſame, I marked them myſelf.

PRISONER's DEFENCE.

I cannot ſpeak very plain Engliſh, but I will tell you, pleaſe you my Lord; they told me me to take out the bolts of the window, there was nobody in the ſhop, and

I thought ſomething fell, and I looked down, and there were the two ſhillings on the floor, and I put it into my pocket, and *I would not chuſe* to give it to any body except my maſter that I get my bread by. My Lord, I beg the favour to know if any body can ſpeak Portugueſe with me.

Court. You ſpeak Engliſh very well.

Priſoner. Perhaps they put the money there in order to entice me to pick it up.

GUILTY.

Whipped.

Tried by the London Jury before Mr. Juſtice ASHURST.

733. THOMAS ANDERSON was indicted for feloniouſly ſtealing, on the 29th of May laſt, one pair of buckles, plated with ſilver, value 2s. the property of Edward Goodleigh.

The Proſecutor and Witneſſes not appearing, the priſoner was

ACQUITTED.

734. THOMAS ISHAM and JOSEPH TALBOT were indicted for feloniouſly ſtealing, on the 1ſt day of July laſt, four ſacks of coals, containing twelve buſhels, value 11s. 6d. the property of William Wilſon.

And WILLIAM STONELEY was indicted for feloniouſly receiving the ſame, knowing them to have been ſtolen.

JOHN WINDSOR *ſworn.*

I am ſervant to Mr. William Wilſon, I remember his loſing four ſacks of coals this day ſevennight, there were four ſacks deficient in four loads, a ſack in every load: the priſoners Iſham and Talbot told me they took the coals for a draught of beer.

Court. How did the converſation begin?—They did it for the ſake of a draught of beer.

But tell us how the converſation begun; did they tell you of their own accord before you accuſed them?——Yes, I ſhould not have known it if they had not told me.

Court. What they came and told you for fear you ſhould not find it out?——Yes.

Jury. Was you the filler of theſe coals?——Yes.

Did you ſee them put into the cart?—Not till they were in, they were meaſured from the lighters, three buſhels in a ſack.

TIMOTHY YEATS *ſworn.*

I am a ſoldier, I went with them to trim theſe coals, and I ſaw them take one ſack out of the cart; the priſoner Talbot took the firſt ſack, and took it into Mr. Stonely's houſe.

Was you preſent when the ſacks were counted over out of which it was taken?—No.

Was Stoneley at home when it was taken there?——I did not ſee him.

What is Stoneley?—I do not know.

How do you know it was his houſe?—I did not know, only as they tell me.

Were you at the houſe this morning to which you ſaw the ſack carried?——*I were o'er anenſt it.*

MARY ARNOLD *ſworn.*

Mr. Deſimore bought ſome coals, but who of I did not know; I ſaw a ſack of coals taken out of the cart, but I know none of the priſoners.

THOMAS PEARSON *ſworn.*

I am a peace officer of Chriſt Church, Spitalfields; when the gentleman to whom the coals were conſigned, which was a Mr. Deſimore——

Mr. Garrow, Priſoner Stoneley's Counſel. Do you know any thing now of that of your own knowledge, Mr. Conſtable?—*Of what Mr. Counſellor?*

Why, Mr. Conſtable, of the coals being conſigned to this Mr. Deſimore?——I only know by hearſay.

Then do not tell us it.——My Lord, when I was fetched, which was by Mr.

Deſimore, the gentleman to whom *I am not to ſay* the coals were conſigned——

Court. True, becauſe you do not know it.

Pearſon. I found Windſor the evidence, you have heard, and Iſham one of the priſoners, and one or two other, and they were interogated by this Mr. Deſimore on the buſineſs of theſe coals being miſſing, and Iſham ſaid that coals had been delivered at Stoneley's, but he did not ſay by whom; then we went to Stoneley's houſe to aſk him, and he firſt ſaid he had received one ſack, and afterwards two ſacks, and bought them of the priſoner Talbot, and gave five ſhillings for the two ſacks, and upon being further interrogated, he had received four.

What is Stoneley?——I believe he is a ſilk-throwſter, he lives in my neighbourhood; I have known him ſome time.

LAURENCE NEALE *ſworn.*

On Thurſday night I was ſtanding near Stoneley's, and I ſaw a cart load of coals ſtopping at Mr. Stoneley's door, and one ſack was taken out and carried into Mr. Stoneley's houſe, and then the man came out and drove off with the remainder.

Court. Did you ſee where the remaining part of the load went to?—No, I did not, I ſaw them go into Stoneley's ſtreet door.

Jury. What was the name on the cart? I cannot ſay.

Mr. Garrow. Priſoners, if you take my advice, I adviſe you to leave the caſe where it is, it is in perfect good hands.

ALL THREE NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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735. WILLIAM HOLMES was indicted for feloniouſly ſtealing, on the 16th of June laſt, one linen handkerchief, value 2s. the property of Thomas Woodcock.

THOMAS WOODCOCK *ſworn.*

On the 16th of June, about half paſt twelve in the middle of the day, in the Poultry, I loſt a cambrick handkerchief; who took it I do not know: I was informed the priſoner had picked my pocket, and he was taken in the Poultry, and there we found the handkerchief, I knew it to be mine by the mark, which is T. W.

BENJAMIN DIXON *ſworn.*

I am a ticket-porter; on the 16th of June, about half paſt eleven, I ſaw the priſoner with another in company with him, both their hands were together near the gentleman's pocket, they were cloſe behind; I ſaw one of them take it out of the gentleman's pocket, but which it was I cannot ſay, I think it was out of this gentleman's pocket; I immediately ſaw the priſoner take the handkerchief in his left hand, he clapped it in the ſide of his waiſtcoat, in his boſom, and he went off, I followed him and laid hold of him, and pinned his hands down, ſo that he could not very well get it, but he ſome how or other dropped it between his legs.

JAMES STUBBS *ſworn.*

I am a hair dreſſer, I was coming by the Poultry, and ſaw the priſoner with the handkerchief in his boſom, it was a white one, the mark was T. W. I ſaw him drop it, and I took it up and gave it to the conſtable.

(The handkerchief produced and depoſed to.)

PRISONER's DEFENCE.

I was walking acroſs the way, and the other lad dropped it, and this good man took me and ſaid I had it.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

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736. ISABELLA VERE was indicted for feloniouſly ſtealing on the 15th of June laſt, one pair of white cotton ſtockings, value 6d. one linen ſtock, value 2s. one

pair of ſmall curtains, value 6d. two pillow caſes, value 1s. one apron, value 1s. one towel value 8d. four clouts, value 1s. one ſmall dimity coat, value 6d. the property of John Strutt.

JOHN STRUTT *ſworn.*

I live at No. 3. Newgate-ſtreet, the priſoner at the bar was one of my maid ſervants, ſhe came into my houſe in April, I had reaſon to ſuſpect her, and I diſcharged her on the 15th of June between ten and eleven, and a porter fetched the boxes down which were ſearched, and part of the things in the indictment were there, and ſome in her pocket; we taxed her with theſe things and ſhe denied every thing in a moſt ſerious manner.

Mr. Tomlins Priſoner's Counſel. Did the priſoner live in your houſe during all the time that you mention?——As far as I know.

Was not your houſe repairing at that time?——It had been repairing, I do not know that the priſoner ſlept out.

By whoſe deſire was it that the priſoner was diſcharged, did not ſhe herſelf deſire ſhe might be diſcharged?—She did not.

What character had you with her?——I wiſh not to enter into that.

Court. How many boxes did you ſee of her's?——I think it was three, every one was locked and one was a very large trunk.

Mr. Tomlins. Did the priſoner hear you give any orders to have the boxes fetched down by the porter?—I believe ſhe did.

What did ſhe ſay?——She made no reſiſtance, it was ſo heavy a thing a woman could not bring it down.

Did you know that any other perſon in your houſe beſides the priſoner had the key of her box?—I never heard of it.

ELIZABETH BRIDGEN *ſworn.*

I lived with Mr. Strutt in June laſt, I have lived there two years and a half.

In what capacity?—I was in a place of all work when ſhe came, my miſtreſs deſired me to put ſome blankets and things into a box, and I was putting them ſtrait and there was a pair of curtains, and I ſaid to her Bella what is that, and ſhe deſired me to let her look at them, and ſhe ſaid they were a pair of cradle curtains and my miſtreſs ſhould never ſee them again, this was in the garret.

Did you ſee any curtains on the ſtairs?—I did.

Are they they the ſame curtains that you had converſation about with the priſoner?—They are.

Did you ſee the box open?—No. *(The things produced.)* Here is a petticoat which belonged to Miſs Strutt, it is a dimity petticoat, here are two petticoats, two frocks, theſe are a pair of ſtockings of my miſtreſs's which I have mended for her ſeveral times; they are marked No. 3. with black ſilk; my miſtreſs has many of theſe clouts, this is one, this ſtock is new, I have ſeen it ſeveral times in my maſter's drawer, they are marked I and a dot.

Mr. Tomlins. When you ſaw theſe curtains in your miſtreſs's room, did you know they were your miſtreſs's?—Yes.

Did you ever tell your miſtreſs?—No.

How came you not?—I did not like to make a diſturbance, I know the curtains by ſewing one of the loops.

JOHN PROCTOR *ſworn.*

I am a conſtable, I took the priſoner into cuſtody, the things lay there when I came.

MARK DOUD *ſworn.*

I have lived at Mr. Strutt's about ſix years a porter, the priſoner lived there, I carried three boxes down ſtairs by my maſter's order, belonging to the priſoner, they were brought from her room, the boxes were open at the time I went up, I cannot ſay the priſoner was preſent at any time when theſe boxes were opened, ſhe juſt went up before me, I cannot ſay the boxes were her's, the priſoner ſaid nothing to me about it.

What was found in theſe boxes?—She took them out herſelf in the ſhop below ſtairs, the boxes were carried down ſtairs into the ſhop, ſhe told me they were her boxes, I do not know what things were taken out, my maſter was in the ſhop all the while, and alſo when I brought down the boxes.

Proſecutor. One was a very little box which was brought down ſtairs firſt, the large box was opened firſt, I was not preſent when it was opened, though I came almoſt at the moment; but the things that have been produced, were taken out of the large box in my preſence, and a part out of her pocket in my preſence.

Priſoner. I leave it to my counſel.

The priſoner called three witneſſes, who gave her a good character.

GUILTY.

To be privately whipped and confined to hard labour twelve months in the Houſe of Correction.

Tried by the London Jury before Mr. ROSE.

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735. WILLIAM HORTON (aged 11) was indicted for feloniouſly ſtealing, on the 10th day of June laſt, four table cloths, value 4s. two towels, value 12d. three children's linen ſhirts, value 3s. one ſhift, value 12d. one jacket, value 12d. one linen coat, value 6d. two frocks, value 12d. one waiſtcoat, value 6d. one apron, value 6d. one pair of ſtockings, value 4d. one handkerchief, value 1d. and one night cap, value 1d. the property of Thomas Ball.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Counſel.

JOHN BIRDSEY *ſworn.*

I am a watchman, on the 10th of June after I had called two o'clock, this priſoner and two more paſſed me and bid me good morning, and when the clock ſtruck three they all came paſt me loaded, I ſaw ſomething under their clothes, I purſued them, and they dropped a bundle, two of them ran away and I took this one; they paſſed me three or four times altogether and came back altogether; one of them dropped a leg of mutton; this is the bundle and the priſoner is the boy, I took him to the roundhouſe, and I afterwards found Mr. Ball's back gate open, and the door open, and two copper boilers ſet at the door ready, and in the hen-houſe there was a cock and hen without their heads, Mr. Ball's people owned the things in the bundle.

Mr. Garrow, Priſoner's Counſel. How far were you from any other watchman?—A quarter of a mile.

Had not you a rattle?—Yes, but it is a great chance if it is heard.

But the purpoſe of it is to be heard?—Yes.

There was nothing in the conduct of theſe three perſons that drew your attention to them?—No, not at firſt.

So that you ſhould not have known them again?——Yes I ſhould, I ſee them frequently of a Ranelagh night.

This poor child was not loaded at all?——No.

The other two were ſtouter than this boy?—Yes.

ISAAC BARNEY *ſworn.*

I never ſaw the boy till the watchman brought him to me, and a bundle of linen and things tied up in a handkerchief, and a leg of mutton, the boy fell a crying and ſaid there had been two men along with him, and he was to watch the patroles and the watchmen while they got into the houſe; then we went round and found where the houſe was broke open, there was a window broke open, and a glaſs ſhutter.

Mr. Garrow. You had frighted this poor child out of his ſenſes?——I do not think he was afraid at all.

Do you know what reward there is for the conviction of this poor infant?—Upon my oath I do not know.

Do you mean to ſay that you, a patrol, do not know?——I am ſure it is a thing I never had.

You ſhall not ſlip through my fingers ſo?—Upon my word and honour I do not know.

Upon your oath, Sir?—I do not.

Did you never hear there was a reward of forty pounds upon the conviction of that child?—I never knew knew any ſuch thing.

But you have heard it?——I never heard any ſuch thing.

Come, come Sir, it is a fair queſtion, and the Jury ſee you and hear you; upon your oath did you never hear that you ſhould be entitled to forty pounds as the price of that poor infant's blood?——Your honour, I cannot ſay.

But you ſhall ſay before you leave that place?—I have heard other people talking about ſuch things.

So I thought; and with that anſwer ſo given I leave your teſtimony with the Jury.

The things depoſed to by Mrs. Ball; the ſhirts are marked and the table cloths and ſhift with S. B. the ſhirts are my own mending; here is a towel that I marked with I. R. that was left with me by a gentleman that went abroad, one Robinſon; this ſtriped waiſtcoat is my child's.

Mr. Garrow. That ſtriped waiſtcoat is like ten thouſand more?——Very likely.

The old ſhirts that are not marked, are pretty much like all other old ſhirts that have patches, and that are a good deal worn?—There is but one that is unmarked.

Did you mark the others?——My child marked them, I certainly muſt know them.

Why is not the marking of overy other girl that learns to mark at the ſame time alike?—I loſt my property that morning, I muſt judge.

Is there any other thing you can ſwear to?—One of the table cloths has a fringe.

Do you know it by the fringe?—I cannot by that, I loſt a table cloth, and it is with the things that are marked; two of the table cloths are marked by myſelf.

Can you venture to ſwear to your own mark on theſe two table cloths?—I would do no ſuch thing.

Mrs. Ball it is true that there is nothing of that property that may not be mine or the property of any other man that is here; can you ſafely and conſciouſly upon your oath ſay, that that is your property, and not the property of any other perſon?——If you ſay it is not mine, I do not know whoſe it is, it is my huſband's, I certainly can ſwear to the linen that I marked.

Diſtinguiſh them?——Theſe two table cloths.

Court. You are ſure that theſe things which you have ſpoken of are your's?——I have not a doubt.

What age is the boy?—Eleven.

Court to Birdſey. When you followed theſe people two dropped the bundle and ran away, did the boy run away?—Yes.

Are you ſure of that?——Yes.

What did he ſay for himſelf?—He ſaid he did not belong to them, I aſked him if he did not bid me good morning before and he ſaid yes.

Court to Jury. Gentlemen, this is a boy of tender years, the circumſtance that preſſes upon him is, his being ſeen in company with two men who dropped the bundle, and firſt running away and then acknowledging that he was in company with them, and was to watch while theſe two men got into the houſe; if you believe he ſtaid without and watched while they got in and plundered the houſe, he is actually guilty with them. The law fixes no particular time for the age of diſcretion as to the criminality of the party, and under particular circumſtances Courts have gone very far in adjudging children of very tender years to be capable of committing even capital offences, ſo far back as even of the age of eight years in ſome caſes; in all caſes the queſtion is, whether the Jury are ſatisfied that the child, of whatever age, has ſufficient knowledge and diſcretion to underſtand that he is doing a criminal act? for if he has, he is anſwerable to the law for the conſequences; and whatever the feelings of Courts and Juries may be on ſuch occaſions, it would be highly detrimental to the public if any age was exempt, becauſe people of full years would employ children to commit crimes of almoſt every deſcription; therefore, if you believe that this child was conſcious he was breaking the laws of his country, and was doing a criminal act, you will find him guilty; if you either doubt the proof of the property, or the truth of the caſe, you will acquit him.

NOT GUILTY.

(The father of the child called.)

Court. What are you?—I am a plaiſterer's labourer.

Where do you live?——In Peter-ſtreet, Weſtminſter.

Why do not you take care of your child?——I work with Mr. Groves, he had his ſupper when I was at home, and I put the boy to bed, and theſe people enticed him out afterwards.

Court. You muſt take care of him, it is your duty, and if you do not, you will be anſwerable to God and to your country if he comes to an untimely end after this warning?——I will take care of him.

Court to Priſoner. Child, you have had a very narrow eſcape, therefore, take care how you come into ſuch company again.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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738. **THOMAS CHADWICK** was indicted, for that he, ſince the 2d of June 1766, to wit, on the 23d of June laſt, about the hour of two in the night with force and arms into a certain garden ground of one Samuel Sprang, unlawfully, wrongfully, maliciouſly, and injuriouſly did enter, and twelve cucumber plants, value 15s. then and there growing, ſtanding, and being, did pluck up, ſpoil, and deſtroy, againſt the form of the ſtatute.

SAMUEL SPRANG *ſworn.*

I am a gardener, I live at the Neat Houſes in St. George's pariſh, Hanover-ſquare, it is by the Thames ſide, below Lord Groſvenor's.

Court. Is that in the pariſh of St. George's?——Yes; on the 17th and 18th of June laſt I was robbed of a great many frame cucumbers, and a great many of my vines deſtroyed, which occaſioned me to ſet a watch, one of my men, and on the 23d of June my man came and called me about ten minutes paſt one, I took my gun in my hand and went down, and I ſaw the priſoner and another man, one on each ſide of the frame, holding up the lights and getting cucumbers; I looked at them ſometime, I went about ſix yards off them, and I told them if they did not ſurrender themſelves, I would ſhoot them; the man that was at the back of the frames made off immediately, and I took the priſoner by the collar, and as ſoon as I got hold of him he ſaid, you bloody thief, ſhoot away! I ſaid, no, I have no occaſion to ſhoot you, I have you ſafe enough; the other man made off, and my man ſhot at him as he went.

Did you find any thing taken away broken or deſtroyed?—The priſoner ſaid ſome little time after, ſays he, what do you want with me, ſays I to take care of you; ſays he I have loſt my ſhoe, I inſiſt on your finding my ſhoe; we brought him down to the watch-houſe, and when I came back there was a bag full of cucumbers and his ſhoe, I have his ſhoe here, they were laying at the frame and pretty near together.

Court. Could you obſerve whether a great number of cucumbers had been cut from your frames or not?—Yes, there had been a great number cut, they had ſtepped into the lights.

What did he ſay for himſelf?—He ſaid before the magiſtrate that he was drinking with a ſtrange man at Weſtminſter, and that this ſtrange man brought him into my ground, and gathered ſome onions and cucumbers, and gave them to him.

CHARLES TOWNLEY *ſworn.*

I am ſervant to Mr. Sprang, I watched that night, I ſaw theſe two men coming acroſs, when I firſt ſaw them they gave a bit of a look round, and went directly to the lights, and lifted up five or ſix; I went and called my maſter as he ordered me, I was with my maſter when he took this man; I ſaw them pull the vine up to them, but I could not ſee them cut the cucumbers off; it was rather dark, I was eighteen or twenty yards from them when I called my maſter.

PRISONER's DEFENCE.

I was in the ground, but as to the cucumbers I never ſaw nor touched them.

What buſineſs had you in the ground?—I was very much in liquor.

Court. Was he in liquor?

Sprang and Townley. He was not in liquor.

Priſoner. I have not a friend in the world, I rely on your Lordſhip's mercy, I was born in the Weſt Indies; I have been here ſeven months, I have been about ſix weeks from Portſmouth.

Court. What is the value of the cucumbers?

Sprang. I valued the fruit cut and damaged at ten pounds, what they trod upon and gathered I could not count.

Court. Is that a low valuation?——Yes, fifteen pounds would not make me amends.

Court to Jury. Gentlemen, the charge is under a particular act of parliament, which makes it felony to cut, pluck up, or deſtroy, any plants, roots, or ſhrubs, of the value of five ſhillings.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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739. JOHN RUFFLER was indicted for feloniouſly ſtealing, on the 16th day of June laſt, one gelding, price ten pounds, the property of Thomas Hitchman.

THOMAS HITCHMAN *ſworn.*

I live at Charlton, in the pariſh of Sunbury, I am a farmer, I loſt my horſe from the common on the 16th of June, about twelve I ſaw him, and I miſſed him before ſix, I have been in poſſeſſion of him five years, and I next ſaw him after I loſt him in poſſeſſion of the priſoner in Smithfield Market, two days after; it was a black gelding, with a white ſlip down his face, a white lip, a white foot and leg, and very bandy behind; he clambers very much when he trots.

Was the horſe that you loſt the ſame that you found in the poſſeſſion of the priſoner?——Yes, I am very clear of that, I did not know the priſoner before, the priſoner ſaid to me he was employed by ſome man, whoſe name he mentioned.

HENRY MARSHALL *ſworn.*

I came with my neighbour, in order to ſeek this horſe in Smithfield, we ſaw him before we got to him, I knew the horſe before, I went up to the priſoner and aſked the price of the horſe, he did not anſwer me any thing, but I ſtooped down to look at the horſe, to be more perfect in him, and I was poſitive in the horſe; I up'd with my ſtick at him, and I aſked him how he came by that horſe, I charged him with ſtealing it in that manner, he was mounted on the horſe, he fell off the off ſide of the horſe; he ſaid he was employed by one Martyr, to ride him about, and that he was gone up to the Bell in Gracechurch-ſtreet, and he was to ſell him if he could, and he expected him there preſently; he wanted my neighbour to go and fetch Martyr; I believe we ſtaid there half an hour and nobody came, then we took him to the conſtable; I know it was the ſame horſe, I am perfect in that as much as I know my own brother or children.

DANIEL PARROTT *ſworn.*

I am hoſtler at the Greyhound, Smithfield, this man brought the horſe into our ſtable in my care on Wedneſday the 16th of June, about half after nine, I put him into the ſtable, he ſaid he ſhould not give him any corn, I told him we took no horſe without corn, he did not ſay any thing more about it, he ſaid he did not know how long he ſhould ſtop.

PRISONER's DEFENCE.

John Martyr came to me and deſired me to put this horſe up for him any where, and he offered to treat me with a ſhillings-worth, he came up from Oaking; I told him I knew no one place but Smithfield; I put him up, and we had part of a ſhillings-worth of brandy and water; the next morning he had the horſe out about eleven o'clock, and he had him to St. Clement's Church, he run him in a chaiſe cart, they did not agree, and he aſked me to bring the horſe back for him and put him up; I told this man to put the horſe in and give him ſome corn, and let him abide; and the next morning he had him out and put him in Smithfield, and the horſe was ſtopped; I ſaid it was John Martyr's horſe, he ſaid it was his horſe, ſays I go with me to the One Bell, or ſend any body for him, he ſaid he ſhould take me; they wanted me to run away, I ſaid I would not.

Court to Parrott. Did you ſee anybody come with that man?—Nobody but himſelf.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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740. WILLIAM THOMAS was indicted for maliciouſly and feloniouſly aſſaulting, on the King's highway, one John Lowe, with a certain offenſive weapon or inſtrument called a piſtol, with a felonious intent the monies of the ſaid John from his perſon and againſt his will feloniouſly to ſteal.

The witneſſes examined apart at the requeſt of the priſoner.

JOHN LOWE *ſworn.*

I was in the chaiſe at the time it was ſtopped, but who ſtopped it I cannot ſay; this lady was in the chaiſe with me, it was near half paſt ten, it was dark, I was leaning behind the lady, it was the 21ſt of June, between Newington turnpike and Ball's Pond; I ſaw only one man, I heard him ſwear ſeveral oaths, damn me, and ſuch as that.

What did he want with you?——I cannot tell, I ſaw his arm extended to the poſt-boy.

Did he come to aſk you how you did?—I heard him ſay nothing but ſwear ſome oaths.

BENJAMIN DRING *ſworn.*

Do you remember being with the laſt witneſs, John Lowe, on the 21ſt of June?——Yes.

You was driving him in a chaiſe?—Yes, the gentleman followed me and bid me to ſtop, to the beſt of my knowledge that is the gentleman.

Can you ſwear it to be him?——To the beſt of my knowledge that is him; he *repreſented* a piſtol to me, and ſaid damn your eyes, ſtop! I immediately ſtopped, he made a return to go back to the chaiſe, and he was purſued, but he rode away.

What did he ſay to the people in the chaiſe?——Nothing at all, he did not ſay or do any thing to them.

Court. Gentlemen of the Jury, this evidence will not do, for the indictment is not for an aſſault *with intent to rob the poſtillion*, but for an intent to rob John Lowe.

MARY HOPKINS *ſworn.*

I was with Mr. Lowe, I remember the chaiſe being ſtopped.

What did the man ſay or do to you or to Lowe at the time he ſtopped the chaiſe?—Nothing at all to me or to Mr. Lowe.

——— MACMANUS *ſworn.*

I am one of the patrol belonging to Sir Sampſon Wright, on the 21ſt of June, we were coming from Ball's Pond Common, towards Iſlington, and a carriage followed us, and we ſaw a horſeman ride after the carriage, ſometimes oppoſite the carriage door and ſometimes behind; the firſt time I ſaw the horſeman, I thought he had been ſome perſon belonging to the carriage, after I heard him come cloſe to the carriage, and damn the poſt-chaiſe boy, why did not he ſtop before; with that the carriage ſtopped, and the man turned his horſe round and rode back towards Iſlington turnpike; he did not ſay or do any thing to the people in the chaiſe.

Jury. How was he taken?—I cried ſtop thief, and a man took him.

Priſoner. This Gentleman, as he calls himſelf, before Juſtice Wright ſaid, ſays he, damn his eyes, I am afraid I ſhall not *do him* now.

Jury to Poſtillion. Did he preſent a piſtol to you?——Yes.

And bid you ſtop?—Yes.

And is that the man?—I really believe that is the very man.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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741. The ſaid WILLIAM THOMAS was again indicted for aſſaulting, on the ſame day and at the ſame place, one Mary, the wife of James Hopkins, with a certain offenſive weapon, called a piſtol, with a felonious intent the monies of the ſaid James from the perſon of the ſaid Mary feloniouſly to ſteal.

This indictment being alſo wrong laid, the Priſoner was

ACQUITTED.

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742. JAMES JACKSON was indicted for burglariouſly breaking and entering the dwelling houſe of John Morris, in the pariſh of St. Clement Danes in the county of Middleſex, on the 1ſt of July, and feloniouſly ſtealing therein, one linen gown, value 10s. and one linen ſhift, value 12d. the property of Elizabeth Small.

ELIZABETH SMALL *ſworn.*

I am ſervant to John Morris, his houſe was robbed yeſterday was a week, the houſe was not faſtened, my miſtreſs came down ſtairs laſt, ſhe is not come here yet; I was coming in with a pint of peas for my maſter's ſupper, I met the priſoner and aſked him what he wanted, it was about half after nine.

Court. It was not dark then?—No, but we had candles.

But it was light enough to know a man's face without the candles?——Yes, my Lord, he gave me a puſh and aſked me what it was to me, I went and told my maſter's Clerks, and they went after him, I miſſed a gown and ſhift, I did not miſs the ſhift at firſt.

What is the value of the gown?—Ten ſhillings, and the ſhift is worth one ſhilling, the man was taken about five minutes after, I am ſure that is the man.

JOHN KIDD *ſworn.*

I was at Mr. Morris's houſe when the priſoner was brought in with a gown under his arm.

HENRY HILL *ſworn.*

On Thurſday evening the firſt of July, I was coming out of Mr. Morris's about a quarter paſt nine, and I met the ſervant Elizabeth Small with a baſon of peas in her hand, ſhe aſked me if I knew what man that was that came out of the houſe juſt then, I told her I ſaw none, ſhe ſaid a man in a blue jacket came out, and ſhe aſked him his buſineſs, and he gave her a puſh on one ſide and ſaid what is that to you; I aſked her if he had any papers, ſhe ſaid no, I went into the yard and ſaw the one pair of ſtairs window open, there are two ways into the houſe, and I told the girl to go up and ſee if ſhe had loſt any thing, and ſhe immediately went up and ſaid ſhe miſſed her gown, ſhe ſeemed to be in great lamentation about her gown, I went to ſeek for the man, and Barnet run after me, and I went on one ſide of Fleet-ſtreet and he on the other, and croſſing over the way I met Mr. Morris, and two or three minutes after I met the priſoner coming from Chancery-lane with a gown under his arm, he had a ſhort blue coat on, not a ſailor's jacket, and ſeeing him have a gown and the blue jacket, it ſtruck me, and he went into a pawnbroker's ſhop, I ſuſpected him and I ſtopped him as he came out of the pawnbroker's, I aſked him whoſe that was, he ſaid it was his own, he wanted to go and I laid hold of him, and called Mr. Barnet, and we took the priſoner to Mr. Morris's, and the girl ſaid it was her gown.

(The gown depoſed to by Elizabeth Small having a hole under the arm.)

Mr. Peat Priſoner's Counſel. Is it cotton or linen?——Cotton.

What elſe do you know it by?—I know it by nothing elſe, I am ſure it is the gown.

There are other gowns of that pattern?——Yes.

Have you ever ſeen the priſoner before?——No.

It was light when you ſaw him with it? Yes, I could ſee his face.

Court to Hill. This houſe is in Brick-court?——Yes.

And you met the priſoner coming down Chancery-lane?——Yes.

PRISONER's DEFENCE.

I ſaw a bundle lay in Brick-court, I picked it up and went along Fleet-ſtreet with it, and that gentleman ſtopped me, I told him I had found it, I run after him, inſtead of running away from him, I never ſaw the young woman nor was in the houſe.

Court to Jury. Gentlemen, you will acquit him of the capital part of the charge as it was light enough to ſee a man's face, without the help of the candle.

Mr. Peat Priſoner's Counſel. My Lord, I humbly ſubmit, on the part of the priſoner, that the indictment which charges the burglary to have been committed in the pariſh of St. Clements Danes, in the county of Middleſex, is erroneous. I underſtand that part of Brick-court, in which Mr. Morris lives, is *within a liberty* of the County-Palatine of Lancaſter. In a civil proceſs this deſcription would not be ſufficiently accurate, I therefore truſt the Court will be of opinion, that in a caſe ſo highly penal, the deſcription ought to be in conformity to the fact, and allow the objection.

Court. It is the ſame pariſh and county, and being a mere matter of deſcription is not neceſſary.

GUILTY.

Of ſtealing but not of breaking and entering the dwelling houſe.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

743. **THOMAS JOSTLING** was indicted for feloniouſly ſtealing, on the 6th day of July, ſix pounds weight of leaden pipe with a braſs cock fixed to the ſame, belonging to one Joſeph Micklewight affixed to the dwelling houſe of the ſaid Joſeph.

Court to Jury. This comes under a particular act of parliament, and they do not conclude with the words *againſt the ſtatute*, which is abſolutely neceſſary in this caſe; and they have put *no value* at all; the priſoner therefore muſt be acquitted.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

744. JAMES SHERRARD was indicted (with one John Aſtell) for maliciouſly and feloniouſly aſſaulting on the 3d day of May laſt, one Joſeph Harriſon on the King's highway, with a certain offenſive weapon and inſtrument called a knife, which John Aſtell in his right hand had and held, with felonious intent the monies of the ſaid Joſeph from his perſon and againſt his will feloniouſly to ſteal.

The witneſſes examined apart at the requeſt of the priſoner.

JOSEPH HARRISON *ſworn.*

On the 3d of May laſt, about a quarter of an hour after eleven, in Whitechapel-road, three men came after me, the firſt ſalutation I had, was damn your eyes deliver your money.

Court. Let me look at the indictment; the indictment charges that "James Sherrard and John Aſtell with force and arms to wit, with a certain offenſive inſtrument called a knife, which he the ſaid John Aſtell then and there in his right hand had and held," therefore it muſt fall to the ground as againſt this priſoner.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

745. **PATRICK CROCCALL** was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Adam Garment at the hour of two in the night, on the 26th of June laſt, with intent the goods and monies of the ſaid Adam then and there being burglariouſly and feloniouſly to ſteal.

(The witneſſes to be examined apart.)

ADAM GARMENT *ſworn.*

I live at the Fox and Bird-cage in Great Author-ſtreet, in Goſwell-ſtreet, on the 22d of June, we found the priſoner laying along the bench in my ſkittle ground, and I found a hat which I ſuppoſe was the boy's hat that let him in, as my ſtair-caſe window was opened about an inch and a half, it was faſtened the night before within ſide; I always go round except this night the man went round, I ſaw it was faſt.

Court. When you went out it was fair day light?——Yes.

——— BENNETT *ſworn.*

I am the watchman near the proſecutor's houſe.

At what hour did you find his doors all ſafe?——At twelve and at two they were all ſafe.

Court. Then Gentlemen, we need go no further, it cannot be a burglary, there was full light, and as nothing was ſtolen the burglary is the whole of the offence in this indictment.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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746. **ROBERT ENDLEY** was indicted for feloniouſly ſtealing, on the 19th day of May laſt, two linen ſheets, value 6d. two woollen blankets, value 3s. one braſs candleſtick, value 1d. the property of William Heady, being in a certain lodging room let by contract to the ſaid Robert, to be uſed by him as a lodging room, againſt the ſtatute.

WILLIAM HEADY *ſworn.*

I know the priſoner, he lodged in my houſe three weeks, I miſſed the things ſome time in May, he abſconded from the premiſes but I cannot tell what time, I firſt ſuſpected he was gone about the latter end of May, I took him up with a warrant, he lived in the two pair of ſtairs, ſeveral people lived there beſides; I miſſed the things out of the room, mentioned in the indictment, he acknowledged taking them out of the room, I heard him ſay ſo once.

Are you ſure of that?——He was ſome diſtance.

Did you hear him ſay ſo?——I cannot ſwear poſitively that I did.

Were none of the things ever found?—No, and there were a number of other lodgers in the houſe.

Then any body elſe might have taken your things?——They might for what I know.

Have you any other evidence?—No.

Court. There being no other evidence we cannot convict this man on this indictment.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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747. **ANN POPE** was indicted for feloniouſly taking away with intent to ſteal, embezzle and purloin, on the 15th of June laſt, three blankets, value 3s. one pair of linen ſheets, value 5s. one looking glaſs, value 2s. one braſs candleſtick, value 6d. the property of John Webber, the good and chattles of the ſaid John, which by contract and agreement, ſhe the ſaid Ann was to uſe, and which were let to her in a certain lodging, in the dwelling houſe of the ſaid John Webber.

Court. That indictment is not in the uſual form by any means: look at the ſtatute of the 3d and 4th of William and Mary.

Mr. Reynolds. This indictment ſays "the goods and chattles of John Webber, which by contract and agreement ſhe the ſaid Ann was to uſe, and which were let to her '*without ſaying by whom*', in the dwelling houſe of the ſaid John Webber."

Court to Jury. Gentlemen, on looking over this indictment there is a material omiſſion in it, it charges the priſoner with taking away with intent to ſteal (which is made a felony) the goods and chattles of one John Webber, which were let to her, to uſe with a certain lodging in the dwelling houſe of the ſaid John; without ſaying by whom the goods or the lodging were let to her, that is ſuch an omiſſion that the priſoner cannot be convicted upon it.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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748. RICHARD MIDDLETON was indicted for feloniouſly ſtealing, on the 29th of June laſt, one black gelding, price 30s. the property of Richard Atwood.

RICHARD ATWOOD *ſworn.*

I loſt a horſe laſt week from out of my field, I live at Lewiſham in Kent, I miſſed him on laſt Wedneſday morning, I ſaw him there the evening before, the gate of the field was faſtened, but not locked; when I was informed he was miſſing, I went to Clerkenwell-green on the Sunday morning, and found him in the cuſtody of the conſtable Dinmore, and the priſoner was committed to New Priſon.

Court. Was that horſe that you found at Dinmore's your horſe?——Yes, he had a mark on the round bone by the hips, where he had been fired, and I knew him by that; I had had him a year, or a year and a half, he was a black horſe, with a long ſwitch tail; on the Monday morning I made affidavit to my horſe, and the man was brought out of the New Gaol to me before Juſtice Blackborough, I told him I know nothing of you, I only know I have loſt my horſe; he ſaid before the Juſtice he bought him at Kingſton, I ſaid it cannot be, becauſe it was in my cuſtody on Wedneſday; no, Sir, ſays he, it was on Wedneſday that I bought him; ſays I that cannot be, the horſe could not travel ſo far.

——— DINMORE *ſworn.*

Being informed about a horſe, I went to Sharpe's-alley, and there I ſaw the witneſs Shovel with the horſe, not the priſoner; I then told him when I ſaw the horſe, ſays I, I believe that is a ſtolen horſe, I inſiſt upon it you do not boil him; his maſter is a horſe boiler, then we went into Smithfield, and there the priſoner was apprehended; Shovel ſhewed the priſoner to me, he ſaid he came from over the water, I told him I would take him in cuſtody till I ſent a perſon over the water, then he ſaid it was fourteen miles off, it was at Kingſton, or near that; the horſe that Atwood found at my houſe afterwards was the ſame that was in the poſſeſſion of Shovel.

JOHN SHOVEL *ſworn.*

I am ſervant to Mr. Pariſh, on the 30th of laſt month, about nine in the morning, I was ſtanding at the Crown door, Cow-croſs, the priſoner came and offered me the horſe for ſale, he aſked twenty-five ſhillings, I bid him a guinea, and then twenty-two ſhillings, and I bargained for it at that, I bought the horſe and took it up to the Three Compaſſes, and there I paid for it; he aſked me to let him have the money; I led the horſe down to Cow-croſs, and being informed it was ſtolen I followed the priſoner.

Court. Is not this horſe worth more than twenty-two ſhillings?——I reckon he is worth about thirty ſhillings, or one guinea and a half.

Proſecutor. He was a horſe almoſt worn out, he might be worth a guinea and half, he was a horſe of no value at all.

GEORGE MINSHALL *ſworn.*

On Wedneſday the 30th of June, or a little after, the priſoner came and offered the horſe to me for ſale, he aſked twenty-ſeven ſhillings, I looked at it, and aſked him how long he had had it, he ſaid he bought it yeſterday afternoon of a man at Kingſton; ſays I, you have not given it any victuals. I ſaw the graſs in his teeth, and I knew it was juſt come from eating graſs; I did not like to buy it, I told him I did not think he came honeſtly by it; this is the ſame man, I am ſure of that.

PRISONER's DEFENCE.

When I offered the horſe for ſale, he aſked me what I aſked for it, I told him twenty-ſeven ſhillings, and he bid me ſeventeen ſhillings, which I refuſed; Minſhall ſaid he would not have it, and away I took it directly.

Court. How did you come by it?——I bought the horſe on the Wedneſday morning in the New-road.

Have you any witneſſes to prove that?—No.

Have you any witneſſes to your character?——No.

GUILTY, **Death.**

Proſecutor. I do not know, my Lord, that I have a right to ſpeak, but if you ſhould think the priſoner an object of mercy, it will be very agreeable to me.

Court. You act very humanely, I ſhall make a minute of it.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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749. JOSEPH PARKER was indicted for feloniouſly ſtealing, on the 12th day of May laſt, one hammer cloth, value 10s. the property of Doctor Robert Bromfield.

THOMAS TUPPER *ſworn.*

I am ſervant to Dr. Bromfield, between the 11th and 12th of May he loſt a hammer cloth; I only ſwear to the property.

MICHAEL SYMONS *ſworn.*

I bought a hammer cloth of the priſoner a long while ago, I cannot recollect the time, it is four or five months ago, or it may be ſix months, I cannot really ſay how long it is ago.

Can you tell within a month or two?—It may be three or four months, I cannot recollect the time, it was a brown hammer cloth with a green fringe, I gave three ſhillings and ſixpence for it.

JOHN LAVER *ſworn.*

I am a conſtable at Bow-ſtreet, I received a letter from Dr. Bromfield on the 11th of June, ſaying that he had loſt a hammer cloth, and that the coachman had ſeen it that morning on a hackney-coach, I went the next morning and found it on a hackney-coach, the hackney coachman is here, I took it off, I have had it ever ſince.

EDWARD RABBITS *ſworn.*

I bought this hammer cloth which Laver took from me of one Symons.

When did you buy it?——As nigh as I can gueſs about ſix weeks ago.

Court to Symons. How long had you it before you ſold it to him?——Not above a week, or two or three days.

Are you ſure that is the hammer cloth you bought of the priſoner?——Yes.

Did you know the priſoner before?——Yes, I have ſeen him at the place where I bought it ſeveral times.

(The cloth depoſed to by Tupper.)

PRISONER's DEFENCE.

I never ſaw the cloth, nor Symons the Jew, till I came into Bow-ſtreet.

Court to Rabbits. What might you give for that cloth?——Five ſhillings.

Court to Coachman. What is the value of that cloth?—When it was loſt I think it was worth one pound ten ſhillings, it was a new cloth, it had not been above ten months in wear, there was a double row of fringe, and a row of worſted lace round it.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

750. **MARY TIMS** and **JANE LEFEVRE** were indicted for feloniouſly ſtealing, on the firſt day of June laſt, one ſilk handkerchief, value 1s. and two half guineas, value 1l. 1s. the property of William Moody.

WILLIAM MOODY *ſworn.*

I was robbed in Plough-alley, in the pariſh of Wapping, on the 1ſt of June, at ten at night, of two half guineas and my handkerchief; I was robbed by Mary Tims, ſhe ſnatched the handkerchief from my neck, I was going to take it from her, and ſhe ran to the other ſide of the room and put it within her ſtays, and the priſoner Lefevre, her landlady——

Court. At the time this robbery was committed, was Jane Lefevre in the room or not?——Not at the preſent time, ſhe came up about three minutes after, and ſhe took up a flat iron when ſhe perceived the matter, and threatened to cut my ſkull open if I offered to take it from her.

Did the priſoner Tims take it from you by force?—By a ſudden ſnatch off my neck, and the two half guineas were tied up in the corner of it; I then took poſſeſſion of the door when I found I could not obtain my property, and I determined that no perſon ſhould go out or come in till a watchman or conſtable came; the priſoners both cried out murder! and Jane Lefevre put out her head and called out Bob, who is a watchman that is kept by the people, not the pariſh watchman, and they took me into cuſtody, and would not ſearch the woman.

Court. Is this Bob here?—No, I do not ſee him; I went contentedly with him to the watch-houſe, and remained till the morning, and in the morning I was brought before the magiſtrate, with my hands cuffed in this manner acroſs, a thing I never had before; when I came before the magiſtrate they ſaid I had beat them; the Juſtice told me to go over the way and make it up, and they put me into the lock-up houſe, I remained there about half an hour, when one of the men brought me into a room where this woman was ſitting at a long table, and the priſoner Lefevre propoſed two guineas to make it up, I told them I had no money; I told them I was *nakedleſs* and friendleſs; then two men came again, and handcuffed me again, and put me into a coach, and carried me to Clerkenwell Bridewell; I remained there for three days, the veſſel being gone down without me, I thought it right to write to my friends, to inform them of the matter, and of the *unjuſtified* cauſe that I had ſuffered; they took conſideration of me, and found I was clearly right, and bailed me out; and now it is before you, my Lord.

So there was no proſecution ſet on foot againſt you?——Not to my knowledge.

Mr. Sylveſter, Priſoner Lefevre's Counſel. So they are all leagued againſt you, the watchman, Juſtice, and every body; do not you remember offering half a guinea to make up the aſſault?—I never did.

Then you went to the watch-houſe and behaved perfectly quiet all night?——No, Sir, I did not.

Did not you break the watch-houſe?—Yes, I paid five ſhillings.

Did you charge either of theſe women with a robbery that night?—I did not know the meaning of it, I told the watchman I was robbed, and the Juſtice.

Recollect yourſelf?—Very clearly ſo.

And he committed you?—I was ſent to gaol.

Did not you offer to make it up for five guineas?——No, never in my life, I have ſworn to the truth, ſo help me God I never did.

I give you fair warning, here are people here that were preſent, the watchman is here; will you ſwear you gave the watchman a charge of theſe women for the robbery?—I will ſwear I told the watchman theſe women robbed me.

(The other witneſſes ordered out of Court.)

Now, you ſwear poſitively you told the watchman and the watch-houſe keeper that you had been robbed?—I told the watchman, I do not know that I told the watch-houſe keeper.

When you came to the watch-houſe, did you complain of being robbed ?—Yes, that I ſwear poſitively.

There was no warrant for taking up theſe women till many days after you were diſcharged ?—Not from me.

Was you ſober ?—Yes.

Why, was not you very drunk ?—No.

Do you know the landlady of the Dundee Arms ?—I cannot ſay I do, I was there that night, I made no diſturbance there.

Was Mrs. Lefevre much beat that night? —Not to my knowledge, I never touched her.

Had ſhe no appearance of being beat ?—No, Sir, not that I ſaw, ſhe never diſcovered it to me.

JOHN WILKINSON *ſworn.*

I am a headborough, I was not before the magiſtrate; I know of the proſecutor being in cuſtody for the aſſault for two hours at the public houſe; I never heard him mention about being robbed; there was a talk of ſettling, but I did not hear him offer any thing; I heard him ſay it was too much.

ROBERT WHITEWAY *ſworn.*

I am a headborough, I was not preſent at the magiſtrate's; I was at the public houſe when he was brought over, in order to ſettle the matter for the aſſault; there was a talk of money, he had about half a guinea in ſilver, and he offered that, he had no more money; they would not accept it, and he went to Bridewell.

Did he pretend at that time that he had been robbed ?—Not a word.

Did your hear of any accuſation againſt theſe women till after ?—No, not till four or five days after: I am ſure he offered them money to make it up, he took it out of his pocket, there might be eight or ten ſhillings, he ſaid that was all the money he had, he would freely give that; I am ſure he had ſome ſilver.

THOMAS LITHIGOE *ſworn.*

I am watch-houſe keeper, I remember Moody being brought to the watch-houſe that night.

Did he make any charge againſt anybody for robbing him that night?——No, no charge, nor in the morning there was no charge before the magiſtrate; after the examination there came an accuſation about his giving her half a guinea to go out to get ſome liquor, in the courſe of that he ſays, here is the charge, and he pulled out the charge that he charged her for robbing him of a guinea and two half guineas.

Court. Then the next morning he did ſay this before the magiſtrate ?——The next morning before the magiſtrate.

Mr. Sylveſter. It was after he was committed.

Court. Who did he ſay he was robbed by ?——He mentioned theſe two women; the watch-houſe was torn to pieces, and I went to lay my charge againſt him for the damage; I did not ſee him that night, but he tore off all the bolts at the watch-houſe that night, and he paid me five ſhillings.

JOSEPH COOLEY *ſworn.*

I was at the magiſtrate's when theſe women were taken up for robbing the proſecutor; it was left to the proſecutor's attorney, as he called him, his name is Brown; he ſaid if the two priſoners would give five guineas, all proceedings ſhould be ſtopped; I did not hear Moody mention any thing about money, he heard the offer of the attorney I dare ſay, as he ſtood cloſe by.

That was before they went before the magiſtrate ?—Yes.

Did the priſoners refuſe the offer ?——They refuſed it.

BENJAMIN NASH *ſworn.*

I was at the magiſtrate's on the 9th, I ſaw Moody; ſhe had him in cuſtody two or three days, and he ſaid he wanted his money, and if they would give him five guineas and drop the proſecution, he would make it up with them: then Mr. Brown the attorney came, and he ſaid he would ſee it righted; then the attorney would have five guineas to ſettle it. The proſecutor wanted five guineas in the ſtreet before he met the attorney.

ROBERT GARBETT *ſworn.*

I heard Brown offer to ſettle it it for five guineas.

EMINE FINDLEY *ſworn.*

I was at the Dundee Arms about five in the evening, and I ſaw the proſecutor and another ſailor together, he did not ſeem to be in liquor at that time, not ſo much as he was afterwards; he drank plenty of liquor in the tap-room before my eyes; he was in liquor when he went out, and he behaved very inſolent, and the other man ſtruck the woman Timms, ſhe was in the public houſe in the tap-room; not with the proſecutor, and the proſecutor treated her with ſome ale to make it up with her.

WILLIAM GREGORY *ſworn.*

The laſt time I was along with this man, he had no ſilver in his pocket when I left him between eleven and twelve at night, I left him in the ſtreet, I went down to the veſſel, and I ſaw no more of him till the veſſel came up again.

THOMAS CARLTON *ſworn.*

I am clerk to the Juſtice, I was preſent at the firſt examination on the 2d of June, before the juſtice, he never in the leaſt hinted any charge againſt the priſoners of robbery.

Court. Gentlemen of the Jury, now we have heard the evidence on both ſides, and to be ſure, in regard to Lefevre, at all events ſhe could not have been convicted on this indictment, becauſe the charge againſt her was for ſtealing; whereas, by the evidence of the proſecutor, ſhe was below ſtairs at the time, therefore the whole that ſhe could have been found guilty of was for receiving and comforting. But upon the evidence itſelf, you ſee the ſtory is the ſtrangeſt that ever was in the world; to ſuppoſe a man had been robbed, and that he ſhould ſuffer himſelf to come before the Juſtice as an accuſed perſon, and never make any charge! the man would naturally have ſaid, I am injured, I have been robbed. This is poſitively ſworn by the Juſtice's clerk and others.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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751. THOMAS BURDETT was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Archer, on the 24th day of June laſt, and burglariouſly ſtealing therein four hundred yards of black ſattinet, value 13l. one hundred and forty yards of black callimanco, value 3l. one hundred and twenty yards of bombazeen, value 12l. and ninety yards of black dureen, value 12l. and thirty yards of fine ſattinet, value 3l. his property; and SAMUEL PHILLIPS was indicted for feloniouſly receiving, on the 25th day of June laſt, one hundred and twenty yards of black bombazeen, value 12l. and ninety yards of black dureen, value 12l. and thirty yards of fine ſattinet, value 3l. part and parcel of the ſaid goods, well knowing the ſame to have been ſtolen.

THOMAS ARCHER *ſworn.*

I am a calenderer and dreſſer, my houſe was broke open ſome time laſt month; I went to bed between eleven and twelve, I left none of my family up but the man that lays over the ſhop, I ſaw all my doors and windows ſecured when I went to bed; I was called up about three, or rather before, by two watchmen, I went to the watch-houſe and there was ſome goods there; there were ſeventeen pieces taken out of twenty-two; there was a bruiſe on the outſide door of the houſe, and the inner lock of the ſtaple broke; the outſide door was wrenched open, and the inner door forced open. I loſt ſix pieces, two bombazeens, one ſattinet, and three dureens; I ſaw them the evening before, they were kept in a warehouſe on purpoſe.

Mr. Garrow, Priſoner Phillip's Council. Is this warehouſe any part of your dwelling houſe?——Yes, my ſervants lodge over it, my apprentices.

How do they get to their lodging rooms? —Through the warehouſe.

——— PEARCE *ſworn.*

I apprehended the priſoner Burdett on the 24th of June, about one in the morning, I ſaw three men lurking about Moorfields along the ſtones, about one hundred yards from the proſecutor's houſe; I went to them with the watchman, there was a large puddle of water ſeparated us, and the priſoner Burdett was one of the three men; and he ſays to his companions, come this way, and the others anſwered no; he then waded through the water or mud, ancle deep, to come acroſs to me, I ſaid, who are you, but I received no anſwer, and the other two men ran off, and Burdett, in a faultering tongue and trembling every limb, uttered that he lived in Grub-ſtreet; I took him to the watch-houſe.

Did you find any thing about him?——No; I then went in purſuit of a cart which I heard coming, I ſtopped it, the driver damned me, and began to hit me over the arms and legs, I called the watchman, and the cart drove off.

Court. Did you find any of theſe things? —No, the watchman found them.

John Robinſon, the watchman, confirmed the evidence of Pearce, as to taking Burdett, and ſtopping the cart, and about three o'clock found three bundles of ſtuff, and a dark lanthorn upon the ſtones in Moorfields, and ſaw another man pick up two crows.

Robert Sainſbury ſaw Burdett in the watch-houſe, and ſearched Phillips's houſe, but found nothing.

JAMES CAPELL *ſworn.*

I am a watchman, I ſaw a cart ſtop facing Moor Place, and the priſoner Burdett talking to the driver.

Court. There is not the leaſt evidence againſt the priſoners.

BOTH NOT GUILTY.

Court to Burdett. Your conduct has been very ſuſpicious indeed, and you have had a very narrow eſcape becauſe the evidence was defective, I hope you will take care and amend your conduct.

Tried by the ſecond Middleſex Jury before
Mr. Juſtice HEATH.

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752. JAMES FORBERSON was indicted for feloniouſly ſtealing, on the 15th day of June laſt, ſix pounds weight of leaden pipe, value 10d. belonging to Thomas Thompſon, and affixed to his dwelling houſe, againſt the ſtatute.

MARY THOMPSON *ſworn.*

I am the wife of Thomas Thompſon, No. 23, Hope-ſtreet, Spitalfields; my huſband loſt a leaden pipe between the 14th and 15th of laſt month, which was on the premiſes; I ſaw it compared.

ROBERT RICHARDS *ſworn.*

The houſe next me is open all night, on the 15th, I went up and ſaw a poor lad almoſt ſtarved, which was the priſoner, and another young lad who eſcaped out of the window, and in a cloſet in that room I found this bit of pipe, the priſoner ſaid he knew nothing of it, his father inhabits part of the houſe.

Court. Gentlemen, you cannot call this poſſeſſion, he did not rent the room, it was common, and there was another lad there.

NOT GUILTY.

Court to Priſoner. You ſeem to be leading a very idle profligate life, you have now eſcaped through defect of evidence, there is great reaſon to ſuſpect you are guilty: I only give you this admonition, alter your way of life, or elſe you may depend upon it you will come to the gallows at laſt.

Tried by the ſecond Middleſex Jury before
Mr. Juſtice ASHURST.

753. JOSEPH WILLIAMS was indicted for feloniouſly aſſaulting John Pickett on the King's highway, on the 30th day of June laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, ſeven copper halfpence, and one ſhilling in money, the goods and money of the ſaid John.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Counſel.

JOHN PICKETT *ſworn.*

I am a journeyman carpenter, I was robbed on the 30th of June going home from a public houſe in Shadwell-market, to my lodging, not far diſtant, after we had left off work; it was about ten minutes before twelve, as we were going along, we met two men, Wilkins was with me, I paſſed them, and I had not gone far before one man ſtopped me, and caught hold of me by my collar, and clapped a piſtol to my breaſt and demanded my money, I put my hand in my pocket and gave him one ſhilling and three-pence halfpenny, then he told me to go along about my buſineſs, then I turned back and ſaid let me have my partner, and when I turned round there were two men with him, and one man that was with me ſtruck him on the arm with a hanger in a ſheath, and Wilkins knocked the other down; no more paſſed he came away and they went away, they did not rob him of any thing.

Court. Could you ſee the men ſo as to know them again?——Yes, I know the man that robbed me, the other I do not.

Who is the man that robbed you?——That man at the bar.

What ſort of a light was it?—A moon ſhine.

How long were they with you?——They might be with me about four minutes.

Had you a full view of his face?—Yes.

Can you take upon yourſelf ſafely to ſwear to him?—Yes.

Was not you frightened?——I was rather frightened.

How was he dreſſed?——In a whitiſh great coat, a ſhag waiſtcoat, and a round hat.

When did you ſee him next?——The day after; I knew him before about four months, he keeps a green-ſtall, and carts and horſes.

Did he know you?—I do not know indeed, I only knew him by ſight, I was not acquainted with him; I ſaw him the Thurſday evening after at the White Lion, the corner of Shadwell market.

When you ſaw him there did you take notice of him?—Yes.

What did you do then?——I ſaid this is the man that robbed me; he ſaid he was in the country at the time.

Did he ſay whereabouts?—At the Eagle and Child.

Do you take upon yourſelf poſitively to ſwear to that man?—Yes.

You conſider it is a very ſerious buſineſs?——That is the man and nobody elſe.

Had you been drinking at all that night?—No, we had but two pots of beer between three.

Was you the worſe for liquor?—No.

Mr. Garrow. What time do you leave work at this time of year?——Seven is our uſual hour, but we worked till nine that night.

So you had been drinking till twelve?—No, we did not go there directly, we went at ten.

You had been at it two hours?——Yes.

You knew the priſoner very well?—Yes, I ſaid nothing to him, I did not take notice who it was till the man came up, then I knew him; I did not mention his name.

He lives very near?——Yes.

You found him the next day in his buſineſs?——Yes.

He robbed without any diſguiſe at all?—None at all.

His hat was a round one, flapped over his face?——Yes.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 7th of JULY, 1784, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of John Williams.

If you was a good deal frightened, as you have told us, do you think that you could venture to ſwear that that man is the man that robbed you, knowing that his life is at ſtake?—I am very cautious he is the perſon and no other.

He ſaid he was at the Eagle and Child?——Yes.

Do you know the other man at all?——I do not know either of the others.

Court. How do you know it wanted preciſely ten minutes to twelve?——About a minute after I was robbed I met the runner, and I told him, and he ſaid let us look at the time, and he pulled out his watch and ſaid it wanted ten minutes of twelve.

Mr. Garrow. Did you tell him who you was robbed by?—I told him by Williams; the officer went to the watch-houſe to call ſome other men.

JOHN WILKINS *ſworn.*

Laſt Wedneſday night, a little before twelve, I was going home to my lodgings with the laſt witneſs, he was before me a few yards, I ſaw ſomebody ſtop him, and a man came and hit me over the left arm with ſomething in a ſcabbard; I thought I would give him my money, and another man came up, then I thought I would not give him the money, and I knocked him down, and my hat fell off, and the man that I ſuppoſed robbed Pickett, he put my hat on my head.

Court. Then there were three?—There were two with me, and the one that was with him came and put my hat on.

For what purpoſe did he do that?—I ſuppoſe he was afraid I ſhould take him, as I had knocked the other down.

Do you know either of them?—I think the priſoner is the man that put my hat on, but I cannot ſwear poſitively to him.

How comes that, was it light enough to ſee him?——Yes, but I never ſaw any of them before, and therefore I cannot ſwear to them.

Mr. Garrow. What may you be?—A Carpenter by trade, we work together.

How long have you been a carpenter?—I have been eleven years out of my time.

Was you ever on ſhip-board?—Yes.

Was not you a witneſs laſt ſeſſions?—I never was in this place before.

Court. Theſe are the civileſt highwaymen I ever met with, the one is knocked down, and the other comes and puts the witneſs's hat on.

They came and met you did they?——The priſoner met me.

Mr. Garrow. My Lord, I ſhall prove the priſoner twenty miles from town.

Court. You ſay it was ſo dark you could not ſee them?——I could not know them well enough to ſwear to them.

How long were they with you?——I dare ſay they were half a minute.

Court. You ſee Gentlemen, the other witneſs ſaid four minutes, this man ſays he could not ſee them to know them, and the other could.

Court. Which way were they coming?——They met me as I was going towards my home, they certainly muſt be coming the other way.

Jury to Proſecutor. Be kind enough to be very accurate and certain, which way were you going and which way were they going when you joined together.

Mr. Garrow. My Lord, now he has been in Court and heard the other man's evidence!

Court. He gave his evidence very poſitive at firſt.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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754. MARY BOYDEN was indicted for feloniouſly ſtealing, on the 23d of June laſt, two pewter pint pots, value 2s. the property of Thomas Wealthdale.

THOMAS WEALTHDALE *ſworn.*

I am a publican, I keep the Ship and Star, Roſemary-lane; on the 23d of June I loſt two pewter pint pots, I miſſed them between ſix and ſeven in the evening, the priſoner came in, my wife called out there is ſomebody taking the pots, I run out and caught her about a hundred yards from my houſe, and ſhe dropped two pots a quart and a pint, and then we brought her to my houſe, and we found three more upon her, two of mine, they were concealed under her clothes.

(*The pots produced and depoſed to.*)

JAMES BARKER *ſworn.*

I am conſtable, I know the priſoner very well, I took theſe two pint pots from her.

GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. ROSE.

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755. RICHARD WILLIAMS was indicted for ſtealing on the 17th of June laſt, one linen handkerchief, value 1s. 6d. the property of George Foy.

The proſecutor not appearing, and the witneſſes not being able to prove the property, the Priſoner was

ACQUITTED.

Tried by the London Jury before Mr. ROSE.

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756. JAMES CRYER was indicted for ſtealing on the 17th of June, one linen handkerchief, value 2s. the property of John Hedger.

JOHN HEDGER *ſworn.*

I am a Smith, I was walking through Bartlets-court, into Fetter-lane, with my wife who had a child in her arms, the priſoner and another paſſed, I turned round and the priſoner picked my pocket, I felt his hand in my pocket, and felt him take the handkerchief out; I clapped my hand to my pocket directly, I purſued him and ſaw him take my handkerchief from his boſom and throw it down, he was about five yards from me at that time, I am ſure he is the man, he fell down and a Gentleman fell over him.

(*The handkerchief produced.*)

PRISONER's DEFENCE.

I was walking along Fetter-lane, and I heard the cry of ſtop thief, I ſaw one run along and I run after him, and a Gentleman run and threw me down.

SAMUEL BRIDGES *ſworn.*

I have known the priſoner laſt winter, I have known him lay on the floor, he has been in a ſtarving condition; he is a very honeſt character.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

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757. WILLIAM MANSELL and ELIZABETH LEWIS were indicted for feloniouſly ſtealing, on the 13th of June laſt, one linen handkerchief, value 1s. 6d. the property of Joſeph Stokes.

The Proſecutor not appearing the priſoners were

ACQUITTED.

Tried by the London Jury before Mr. ROSE.

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758. RICHARD PERCIVAL and JAMES GRACE were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of James Ingraham, at the hour of four in the night, on the 12th of June laſt, and burglariouſly ſtealing therein, one ſilver watch, value 30s. one ſilver milk pot, value 10s. one ſilver ſpoon, value 5s. one pair of ſteel ſciſſars with ſilver bows, value 2s. one pair of leather ſhoes, value 5s. a quantity of ſugar, value 1s. half a pound of tobacco, value 2s. one linen towel, value 6d. and four hundred and eighty copper halfpence, value 20s. the property of the ſaid James Ingraham.

JAMES INGRAHAM *ſworn.*

On Saturday the 12th of June early in the morning my houſe was robbed, we did not go to bed till near one on the Sunday morning, I generally look round the houſe but there where no faſtenings were it is ſuppoſed they got in, it is a flap that lets down at the top, the coals are under it and it is ſo filled that we cannot get in to faſten it, one flap lets upon another, they were not faſtened; all the reſt of the houſe was faſt, the bottom was taken up and turned topſy-turvy, we were not alarmed till the next morning, and the priſoners were taken the ſame day; when I came down ſtairs the bar door was flung open, and I found the key in one till that unlocked the other, the tills were carried into the cellar and laid empty, I found them in the beer cellar; both the tills were locked: I was not alarmed till between five and ſix in the morning; I miſſed the things mentioned in the indictment and I ſaw them afterwards in Catchpole's poſſeſſion.

Mrs. INGRHAM *ſworn.*

The priſoners were drinking in our houſe on the 11th of June till paſt eleven o'clock, I am ſure of that, we have a hole opens in a door that we can put a pot of beer out of; I ſaw Percival come behind that place that was after the houſe was faſtened up, I aſked the boy if he had faſtened up the doors and windows, and I made him go up ſtairs before me; and I left my huſband in the back part of the houſe with ſome company; we were alarmed at five o'clock.

WILLIAM CATCHPOLE *ſworn.*

On Saturday the 12th of June between ſix and ſeven in the morning, I went to a houſe in an alley between Goſwell-ſtreet and Golden-lane, in conſequence of an information I had heard the preceding evening, of one of the returned convicts lodging in that houſe, when I came there with two others, I found he was not there, I went into the one pair of ſtairs and knocked at the door, the priſoner Percival got out of bed and came towards the door, where was a hole big enough to put through two fingers; I ſaw him come to the hole, and from thence go to the cloſet towards the other ſide of the room, at firſt I ſaw ſomebody come to the hole but did not know who it was, I obſerved him tarry there a little ſpace, I conceived there was a cloſet there, and that he was preparing ſomething to give us the meeting; I apprehended that he was preparing for oppoſition, in conſequence of which I ſays to Clarke who was next the door, wait for nothing, ſnap open the door at once, or words to that effect; he endeavoured to break open the door, the hinges gave way, and I ſaw the priſoner Percival go from the place where he ſtood towards the window, I went down ſtairs to tell Newman to take care of the window, before I could get into the room he was out of window in his ſhirt, I ſaw Newman and him down together, and I immediately came up and aſſiſted Newman in taking him; upon ſearching the room I found this pair of ſhoes and a pair of ſciſſars with ſilver bows to them, and a quantity of halfpence; I have told them and I believe if my memory does not fail me, there is ſeventeen ſhillings and ſixpence and ſome halfpence beſides, and a quantity of tobacco, this towel in which the tobacco now is, was hanging up againſt the window, juſt by the bed ſide, and a quantity of ſugar and two or three knives and forks, and a quantity of tobacco papers which I found on the floor in the name of Berry; on finding theſe I ſaid theſe will ſay ſomething, we will take him on ſuſpicion, and he was taken into cuſtody; he was aſked whoſe things they were, he at firſt declined giving us an anſwer but he afterwards confeſſed that the goods were not his, upon which we tied his hands and took him to the Compter, I took the things to my houſe, and he was examined before Alderman Harley, the proſecutor brought his ſervant there the ſame morning in cuſtody of an officer, on ſuſpicion of being concerned; the ſervant's name is John Parker, he is here as a witneſs.

WALTER PROSSER *ſworn.*

I am a conſtable, on the 12th of June about nine in the morning, I was ſent for by Mr. Ingraham, who told me his houſe was broke open, and he ſuſpected the ſervant, and gave me charge of him, the proſecutor was loth to give the charge of him, he ſaid he thought from the kindneſs he had ſhewn him, he never could be guilty of ſuch a fact, I know nothing but what the ſervant ſaid.

Court. You do not come here to tell us that.

JOHN CLARK *ſworn.*

I am a conſtable, on Saturday the 12th, I went with Catchpole and Newman to a one pair of ſtairs room where we found the priſoner Percival, Catchpole deſired me to break the door open, which I did, before I could break the door open he jumped out of the window, I went in and we found the ſhoes with the name of Ingraham in them, and a pair of ſciſſars, ſome tobacco, and ſome ſugar.

JOHN NEWMAN *ſworn.*

I went with Catchpole and Clark on the 12th of June about ſix o'clock, and Catchpole ſaid there was a man going to jump out of window, and he bid me go down ſtairs, I went and took him.

Do you know any thing of the other Priſoner Grace?—I went to ſearch at his houſe but found nothing. *(The things produced and depoſed to)* The ſpoon and watch are not found.

Mr. Chetwood Priſoner's Counſel. As to Grace, there has not been any thing ſaid.

Court. Certainly not.

JOHN PARKER *ſworn.*

Court to Parker. If you have occaſion to ſpeak of both the priſoners you may ſay what you know with reſpect to Percival, but if you know any thing with reſpect to Grace, you muſt ſpeak it as of ſome other perſon, you muſt tell us what you know of Percival; I will aſk you queſtions and you had better anſwer me.

Your maſter's houſe was broke open, who was it by?——The two young men.

Do you ſee one of the young men here?—Yes, Percival and another young man, I ſaw them on the Friday night, the other young man ſaid whoſe watch is that hanging up in your maſter's bar?

Was Percival in hearing then ?——No.

Then do not tell us ?—My maſter ſent me out of an errand one day, and Percival was in the ſtreet and he met me, he ſaid nothing to me.

What did Percival ſay to you about breaking the houſe ?——I heard the other young man ſay to Percival, he lives at the gentleman's houſe where they meant to come and get in; then they both ſaid to me will you ſay any thing if we get into your maſter's houſe; they ſaid no more when Percival was with them, they ſaid they would give me ſome money if I would not ſay any thing, I was in bed when they got in, I did not hear them nor ſee them.

You knew before that they intended to come ?—From what they ſaid to me, but I did not let them in, nor hear what time they came in, there was a cellar window, they aſked me if that window was faſtened, I told them it was not, I left no other place open for them.

Was the door of the cellar ſtairs faſtened ?——No.

Do you know what became of the watch and the other things ?——No, Sir.

Where were you to ſee them to get the money for holding your tongue ?——The young man ſaid he would come to the houſe.

Mr. Chetwood. Did not your maſter take you into cuſtody the next day ?—Yes.

Was not you terrified very much ?—Yes.

Did not he tell you that if you would but confeſs no harm ſhould be done to you ?—Yes.

Did you ſay a word about Percival ?—No, I did not know their names, I did not think it meant any harm becauſe the young man is a monſtrous laughing young man.

So they ſaid it publickly in the ſtreet ?—Yes.

How came you to ſay nothing to your maſter when you went home ?——I had no thoughts of ſuch a thing.

Court. He certainly ſtands in the light of an acceſſary before the fact ?—I had no acquaintance with them in my life, but they often uſed the houſe.

PRISONER PERCIVAL'S DEFENCE.

Between three and four in the morning, I was coming along Red-Croſs-ſtreet, I met a woman and ſhe aſked me to go along with her, I was in liquor, we both went together to this houſe where they found me, I had not been above two hours in bed they ruſhed in, I was very much frightened, I thought ſome of my friends were coming after me, I jumped out of the window, I was ſo frightened I did not not know what I ſaid.

Jury to Proſecutor. Did you uſe to deal with the tobacconiſt whoſe the papers were ?—I did.

The Priſoner Percival called ſix witneſs who all gave him a very good character.

Court to Proſecutor. What was the value of theſe things that are depoſed to ?—Six or ſeven ſhillings.

Court to Jury. Gentlemen there is no evidence againſt Grace.

RICHARD PERCIVAL, GUILTY

Of ſtealing to the value of 7s. but not guilty of the burglary.

JAMES GRACE NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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759. JOHN SHELLEY otherwiſe SHIRLEY otherwiſe SHIRLOCK was indicted for that he with divers other perſons to the amount of ten, being diſturbers of the peace of our Lord the King, on the 19th of June laſt, with fire arms and other offenſive weapons, to wit, with divers large ſticks and bludgeons and a certain gun called a blunderbuſs, and a piſtol, and a certain ſword called a cutlaſs, unlawfully, riotouſly and feloniouſly did aſſemble themſelves together and make an aſſault upon Macken Simpſon, William Fillery, and Thomas Buckland, then and there being

officers of our Lord the King, and in the execution of their office, he did then and there aid and aſſiſt in taking away a large quantity of tea, to wit, three hundred pounds weight of tea, being unaccuſtomed goods liable to pay duties, and which had had not been paid or ſecured; againſt the ſtatute.

Another Count for that he and five others did make an aſſault and affray, &c. and did aid and aſſiſt in reſcuing and taking away the ſame, after the ſeizing thereof.

Another Count for that he and divers other perſons, to the number of five did obſtruct and reſiſt.

Another Count for forcibly aſſaulting, hindering, obſtructing, oppoſing, and reſiſting the ſaid Simpſon, Fillery, and Buckland, in ſecuring ſuch tea againſt the ſtatute.

The indictment was opened by Mr. Silveſter.

Mr. Wilſon Counſel for the Crown thus opened the caſe:

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, the offence with which the priſoner at the bar John Shelley ſtands charged, was made a capital felony, by the ſtatute of the 19th of the late King's reign which after ſtating that divers gangs have reſiſted the officers of the Exciſe and cuſtoms, enacts among other things, that if they ſhould be aſſembled to the amount of three or four, with any offenſive weapons in order to be aiding and aſſiſting, in reſcuing or taking away any goods from the officers of the exciſe, that perſons ſo doing ſhall be guilty of felony without benefit of clergy.

Mr. Garrow, Counſel for the Priſoner. I deſire the witneſſes for the Crown and Priſoner may go out of Court.

Mr. Wilſon. I was juſt mentioning to you the material facts and circumſtances of this felony; namely that the priſoner was with others aſſembled, with offenſive weapons for the purpoſe of reſcuing and aſſiſting in reſcuing unacuſtomed goods, which had been ſeized by his Majeſty's officers of the revenue; and I am ſorry to ſay I am affraid it is not leſs neceſſary now to enforce thoſe laws than it was then to make them; but however I ſhall take no notice nor make any obſervation on the crime itſelf, I ſhall ſtate the circumſtances of the caſe which are to be laid before you, as I am inſtructed, againſt the priſoner; and they are ſhortly theſe, that on the 19th of June laſt, an officer of the Exciſe having received ſome information, that there was ſome ſmuggled tea at a place called Aperton in this county, at the Fox and gooſe, at the houſe of John Marſh; this officer of Exciſe took two other officers and a ſoldier to ſearch, and there they found concealed three hundred and thirtythree pounds weight of tea; they carried a horſe and cart with them, and they ſeized this as unacuſtomed goods, and loaded the cart with it, and came back towards London; on their way to London they met the priſoner at the bar and two more men; they had ſome ſuſpicion he was going after the tea, for reaſons which they will tell you, he took no notice of them, and very ſoon after returned and looked very earneſtly, no word paſſed, and the priſoner and his companions made the beſt of their way, and the Exciſe officers and the ſoldier that was with them, with the horſe and cart come on to town without any moleſtation; and in the middle of the day between twelve and one, in the ſtreet of broad St. Giles's, they were met by the priſoner and ſeveral others, to the number of thirty or forty, ſome with bludgeons, one with a blunderbuſs, and another with a piſtol, they were attacked in the middle of the ſtreet in broad day, beat and wounded, and extremely ill uſed, ſome were obliged to be carried to the hoſpital, and continued there a conſiderable time; one of the men Simpſon ſtanding and leaning againſt a poſt and bleeding, the priſoner at the bar as he went off with the cart, gave him a hard blow on the head as he paſſed by, and ſaid damn you; the cart and the horſe were carried off in triumph, theſe perſons were not then in a ſituation either to reſiſt or to purſue; it happened however that after they had got a very little way from the town, a conſtable and ſome other people not of this firſt party, ſaw theſe people going in a very ſuſpicious way, and the conſtable got a ſuperior force, and at laſt the horſe and cart were retaken and carried to the Cuſtom-houſe: Gentlemen, there are ſome of the circumſtances which I am inſtructed to ſay will be proved, and if they are, I am affraid it will be impoſſible for you to do otherwiſe by your verdict than to ſay that this man has been guilty of the crime imputed to him within the full ſpirit of it.

WILLIAM FILLERY *ſworn.*

Examined by Mr. Silveſter.

I am an officer of Exciſe, I went to ſeize ſome tea in conſequence of an information, to a place called Apperton, at the ſign of the Fox and gooſe; Mr. Simpſon, Thomas Buckland, and a ſoldier John Chatterton.

When you came there what did you find?——We looked into the out houſes, and in one of them we found twelve bags of tea.

Court. Were they all in the ſame ſort of packages?—A paper bag, a canvas bag, and a oilſkin bag, and a ſailcloth bag ſewed all up compleat, they were all in the ſame packages, but different ſorts of tea.

What weight might this be?—The neat weight of them three hundred and thirty three pounds; we cleared the bags to ſee the weight, they were covered over with ſtraw, we immediately put them into the cart and went off; we had each of us a glaſs of brandy, we did not ſtop a minute.

How far is Apperton from London?—About ſeven miles and a half, this was a cart that Mr. Buckland hired in Old-ſtreet, we took it down for the purpoſe; in our way to London we met two men on horſe back juſt on the top of the hill called Hanger-hill.

Who were theſe two men?——I have ſeen one of them ſince, but the other I have not ſeen.

Who was that one?—That is the Gentleman (*pointing to the Priſoner*) he was on horſeback, he turned back ſeveral times and looked at us, there was a poſt-chaiſe juſt before, but the horſemen were ſome diſtance behind the poſt-chaiſe; there were two men in the poſt-chaiſe, I ſaw theſe men afterwards, we met them on Hanger-hill they paſſed us, it is about half a mile on this ſide of Apperton nearer London; we came on till we came near Kenſington Gravel-pits juſt coming up the hill this Gentleman the priſoner paſſed us again.

Who was in company with him then?——Nobody, I did not notice any body.

Was any thing ſaid?—No, not a word, then we proceeded on further till we came to Broad-ſtreet, St. Giles's, about a quarter or twenty minutes before one, I am not ſure to a minute, I was walking along the pavement, and ſomebody knocked me down, I was not driving the cart, I ſtrove to get up, and I got nearly up and ſomebody knocked me down again; when I got up I ſtood on the ſide of a poſt, and I ſaw the priſoner among a number of people fifteen or twenty, there might be more or there might not be ſo many.

Had he any thing in his hand?—I cannot ſay; the people that were with him had ſticks, and he might have one for any thing I know, I cannot ſay whether he had or not, I was ſo ſtagnated; three of them made an attempt at me, the people came to take my weapon away.

What weapon had you?—a ſmall cutlaſs, two men took hold of the blade of it, and ſwore if I did not deliver it to them they would ſhoot me; ſome man that had a blunderbuſs ſtepped up, and ſaid damn your eyes take care, I will blow his brains out.

How were theſe men armed that attacked you?—All with ſticks, ſuch as good ſized walking ſticks with knobs to them, ſome ſmall and ſome large, they ſnapped the blunderbuſs, but it did not fire.

Was there any flaſh in the pan?——No, I made an attempt to ſtrike at the man with the blunderbuſs with a cutlaſs, but ſeveral of them prevented me, they beat me on the ſide of the houſe, and there the others ſnapped the blunderbuſs a ſecond time at me, ſeeing that I attempted to run into a houſe that was a hair dreſſer's, and the blunderbuſs ſnapped at me again, and ſomebody ſtruck at me with a ſtick, but I am not ſure who it was, I could not ſee; he miſſed me but hit the door poſt very hard; I had not been in above a minute before the cart and horſe was drove by me by three men, two or three of thoſe that were there with their ſticks; the man beat the horſe very much, there was a great mob, a hundred or two people, I followed the cart all up that ſtreet, and into Bloomſbury-ſquare, and at the end of Dyot-ſtreet, I heard ſomebody cry, let him go, let him go, and I ſaw one John Cook with the priſoner in his arms, and I jumped up and ſaid if he did not go quietly and eaſily with him, I would run him through with the cutlaſs, he ſtruggled a good deal, but there was a many people more came and aſſiſted us and we took him to the Juſtice's.

During the time that they were beating you with the blunderbuſs, did you ſee the priſoner?—Not after the time that I was firſt knocked down.

Did you ſee the other perſons that ſtruck you?——No, I felt it, I did not ſee them ſtrike me, they ſtruck me behind.

Croſs-examined by Mr. Sheppard, one of the Priſoner's Council.

I believe through the ſcuffle in St. Giles's there were a great number of people collected together, were there not?——Yes.

Their curioſity was excited?—Yes.

You was knocked down before you ſaw the priſoner?—Yes.

When you got up you ſaw him ſtanding?—He was among the people.

Several of the people had ſticks?——I cannot ſay the priſoner had a ſtick, I will not ſwear that he had or had not.

Was the cart gone up Bow-ſtreet before you was knocked down?——No.

Then you was before the cart?—I was on the ſide of it, the priſoner was before the cart, nearer towards Drury-lane.

Of courſe, if the priſoner was before the cart, he was not with the man that knocked you down?——He did not knock me down, I was knocked down twice from behind.

Did the cart overtake the priſoner?—He was as nigh to it as I am to you.

Mr. Wilſon. Had you known this man before?——I never ſaw him before that morning.

Priſoner. That gentleman and this Mr. Buckland came to Clerkenwell.

Did you go to Clerkenwell?—Yes.

For what?—I went along with a gentleman that was there as a witneſs, and he would not go by himſelf, I went with Mr. Rice Jones and Mr. Lucas, I only went in company with them.

Do you remember any body elſe being taken up for this buſineſs?—There was a man taken up for the ſame crime.

Was that man ſworn to?——I do not know.

Do not you know that man was diſcharged?——He was.

Was not he taken up upon your accuſation? was not you a witneſs againſt him?——I was no witneſs againſt him, they aſked me if I knew him, and I told them no.

THOMAS BUCKLAND *ſworn.*

Examined by Mr. Wilſon.

I am an officer in the Exciſe, I was with the laſt witneſs on the 19th of June laſt, and went to Apperton with him, and Chatterton a ſoldier, and one Mackin Simpſon, an officer of the Exciſe; we took twelve bags of tea, and proceeded the beſt of our way to the Office; after we had ſeized it, we brought it in a cart and horſe, and upon Hanger-hill we met two men on horſeback, they looked very hard at us, and we looked at them, and made a particular obſervation of them; we made our way to town, and at Kenſington Gravel-pits the priſoner paſſed us on horſeback, coming to London.

Are you ſure it was the ſame man?——Yes, there was another with him; we came on towards the Exciſe Office, we came into Broad St. Giles's, and there a large mob aroſe, and there was one man that pointed us out to them, and a large mob came up, three of them came up to me, the cart was before me, we did not expect any oppoſition.

Court. Had they any thing in their hands?—A bludgeon, I ſaw nothing but bludgeons; ſo they attacked us, and I defended myſelf as well as I could; I loſt ſight of the horſe and cart and my comrades, but as ſoon as I could get on I went in purſuit of them, and the goods were retaken.

Did you ſee the priſoner in St. Giles's at all?——No, Sir, the laſt ſight I had of him was at Kenſington Gravel-pits.

Croſs-examined by Mr. Garrow, another of the Priſoner's Council.

How far was you behind the cart in St. Giles's at the time you was attacked?——Almoſt cloſe to it, the greateſt part of the mob was before me.

You could ſee diſtinctly, I take it for granted?—There was a great mob I could ſee from all quarters.

What ſort of bludgeons were they?——They were ſticks, large ſticks.

Were they common walking ſticks, or were they bludgeons?——They were what you call bludgeons.

Do you mean to ſwear that?——I will ſwear they were ſticks.

Court. It does not matter whether they were ſticks or bludgeons.

Mr. Garrow. My Lord, it ſhews the promptitude of the witneſs at leaſt.

Thomas Buckland. I will ſwear they were large uncommon ſticks.

Mr. Wilſon. They were not made of very ſoft wood I ſuppoſe?——No.

MACKIN SIMPSON *ſworn.*

Examined by Mr. Silveſter, one of the Council for the Crown.

What are you?—An officer of Exciſe.

Court. Come to Broad St. Giles's at once.—I was driving the cart in St. Giles's, juſt before I came to Drury-lane, perhaps twenty yards, and I ſaw a great number of people collecting about me, coming after us; a ſoldier came and aſked me for a blunderbuſs which we had in the cart; I ſaid for God's ſake, ſoldier, for God's ſake do not fire, you may hurt the innocent; when the ſoldier got the blunderbuſs, and had a horſe piſtol likewiſe, I ſaw a man coming to ſtrike me on the left ſide of the cart, he came and knocked me out of the cart, who he was I do not know; as ſoon as I got up again, I ſaw the priſoner at the bar come up to me, and hit me on the ſide of my head, and knocked me againſt a plug, where the water comes through; I am very poſitive to the man. After that there was a number of people came about me, and I was going to riſe, and he ſays, damn him, murder him a villain! after I got up again I was quite ſtupified; at laſt I ſaw the cart going away, I endeavoured to follow it, and oppoſite Bow-ſtreet, St. Giles's, at the corner of Hart-ſtreet, I laid hold of a poſt, I found myſelf very weak; with that the priſoner came up with his ſtick again, and grinned his teeth at me, and ſaid, Ah, damn you; and ſtruck me a ſecond time.

Court. Where did he ſtrike you?—I do not know where I received the blow, I had the piſtol in my hand, and he knocked it out of my hand, and I was ſtooping to pick the piſtol, and he then knocked me againſt the rails, and I crept into a houſe there by ſome means; I know no more till I went up and ſaw that the very man, the priſoner at the bar, was taken, which was the very man that ſtruck me; this might be about four or five minutes after.

Court. Where did you go?——I do not know the ſtreet.

Was it a neighbouring ſtreet or a diſtant one?—It was two or three ſtreets, I was very weak and bled a good deal; I went in a coach to the hoſpital and was dreſſed.

Mr. Sylveſter. Are you poſitive that was the man that ſtruck you a blow in St. Giles's, and afterwards ſtruck you againſt the poſt?—I am poſitive to the man.

Croſs-examined by Mr. Sheppard

I think you ſay you was in the cart when you was firſt attacked ?——I was, I gave the blunderbuſs out of the cart to the ſoldier, and deſired him not to fire for fear of hurting an innocent perſon ; the man ſaid damn you, get out of the cart, and was going to ſtrike me, I held a piſtol at him.

When the priſoner ſtruck you againſt the rail, you told us that he ſtruck you, but you forgot to tell us that you held a piſtol at him; did you not preſent the piſtol at him before he knocked you againſt the rails ?—I did preſent it, but it was not cocked.

Cocked or uncocked, did you preſent it ?—I did.

What was the priſoner committed for at firſt ?—I believe for a felon ; I am ſure it was for felony and ſtriking me.

Do not you know he was committed for an aſſault at firſt ?——I charged him with taking away the tea.

Will you ſwear that the Juſtice committed him for a felony at firſt ?—I never examined the Juſtice's books, I had no buſineſs with them ; I charged him with robbing us of our cart and horſe.

Did you charge him with that at firſt ?—I do not ſwear that I did at firſt, but before he was taken out of the Juſtice's I did, and I ſaid he ſhould have no bail, he had robbed us; I charged him with robbing us, I do not know how he took it down ; I believe I told him every thing as nigh as I can ; it was within five, or ten minutes from the time he ſtruck me ; I ſaw him in Ruſſel-ſtreet.

JOHN CHATTERTON *ſworn.*

I am a ſoldier, I was with the other witneſſes with a horſe and cart, I ſaw the priſoner that day, I met him about half a mile from this place where they made the ſeizure, I ſaw him in Broad St. Giles's, it was between twelve and one in the middle of the day, I and the other three were with the horſe and cart ; I ſaw the priſoner come up to the cart, and I ſaw a large mob noiſy there, and I ran up to the cart immediately, and aſked Simpſon what was the matter, he ſaid he did not know, then there came up three or four and ſtruck him as hard as they could.

Court. With what ?—Large bludgeons, very large ſticks indeed, they knocked Mr. Simpſon off the cart, he had like to have tumbled atop of me.

Court. Did you ſee the priſoner do any thing ?——He ſtruck me with a ſtick and knocked me down, and then ſaid, damn him, kill him, knock him on the head ; I had nothing to defend myſelf with, I had loſt my weapon, I had a blunderbuſs under my coat which the gentleman gave me out of the cart, but I had loſt that in the ſcuffle ; I do not know what became of the horſe and cart, I was ſo knocked about in the affray I loſt the horſe and cart.

You are ſure that Shelley, the priſoner at the bar, was the man that knocked you down with the ſtick ?——I am quite ſure of it, I ſaw him do nothing elſe.

Croſs-examined by Mr. Garrow.

Was you in your ſoldier's dreſs ?—No, I was not, I had a brown great coat on.

So you took this blunderbuſs in order to fire ?——I had it in my own defence.

Was there any other blunderbuſs there ?——I did not ſee any, there might be, but I did not ſee them, I could not have ſeen them, I was knocked down, and my head ſwimmed about, I did not know where I was.

When you firſt came up to Simpſon he had been beat ſadly ?——He was knocked out of the cart by ſomebody, but who I do not know ; I never ſaw the priſoner do any thing to Simpſon : I attended that day before the Juſtice, but I cannot ſay what the charge was ; I was examined before the magiſtrate, but I did not ſign any thing, I was ſo ill, I was very much bruiſed indeed, I was knocked down by a hand whip.

What was the charge againſt the priſoner at that time ?—It was for aſſaulting Simpſon, he was committed to gaol for that I believe.

Was there any charge againſt him for ſtealing tea ?—I was ſo ill I could not take any notice.

Did you ever attend again before the Juſtice after the firſt day?—No, I did not.

Mr. Garrow. My Lord, here is a ſtrange ſingularity in this caſe, to call it by no other name; this man is examined before the Juſtice and committed for an aſſault on Simpſon, on the 21ſt he was committed for the offence againſt the Exciſe laws, and the informations actually returned are of another day, and of other perſons, ſo that we are perfectly in doubt as to every thing.

Mr. Wilſon. My Lord, the Exciſe officers knew nothing of this ſtatute, nor the Juſtice of the Peace neither.

Mr. Garrow. The man was never examined a ſecond time.

Court. If you ſhew that he ſuppreſſed any charge or any facts, that is another thing; the only inference to be drawn from this is, they did not know the extent of the Exciſe laws.

Mr. Garrow. My Lord, my obſervation is this, if theſe informations had been here I could have confronted the witneſſes; they are ſuppreſſed, and the new examinations, of which we cannot try the truth, becauſe we know nothing, are brought here.

BENJAMIN RUTTER *ſworn.*

Examined by Mr. Silveſter.

I live in Newtoner's-lane, near St. Giles's.

Do you know the priſoner?——I know him by ſight.

What did you ſee that man do to Simpſon the officer?—I am a ſmith, and about a quarter after one I was going out with ſome iron, and I ſaw a few people gathered together in Broad St. Giles's, I ſaw Mr. Simpſon in the cart, and ſomebody ſtruck him, but I cannot tell who; after that I ſaw the priſoner at the bar hit him with a ſtick and he fell; afterwards a man came up with a cutlaſs and cut him over the head; he was getting up, he was on his hands and knees, and then he fell again; after that there were more blows ſtruck, but amongſt ſo many I could ſee no more till after two or three men laid hold of the cart and horſe, and took the cart up Bow-ſtreet, I followed them along Bow-ſtreet, and I ſaw Simpſon ſtand bleeding at the corner of Hart-ſtreet, but before that I ſaw the priſoner at the bar turn ſeveral times and ſhake his ſtick, but what he ſaid I cannot ſay; and as the cart was paſſing by the end of Hart-ſtreet, the priſoner was behind the cart with a ſtick in his hand; I ſaw Mr. Simpſon ſtand bleeding againſt ſome iron rails at the corner of Hart-ſtreet, he immediately went out of the middle of the road, and he ſtruck up with his ſtick and ſtruck Mr. Simpſon over the head; Mr. Simpſon immediately fell, and crept into a houſe, but what houſe I cannot tell; I ſaw ſome more blows ſtruck, that I can take ſafe oath of; there were ſo many of them that I could not ſee every one, but I ſaw Simpſon knocked down and cut with a cutlaſs, and expected him dead.

Croſs-examined by Mr. Sheppard.

Who are you?—I am a ſmith, I live in Newtoner's-lane.

Do you know Tillary or Simpſon?——I never ſaw them before that day, to the beſt of my knowledge, to know them, I know them on account of his being ſo cut.

Do you remember ſeeing Simpſon preſent a piſtol?—I ſaw him have either piſtol or blunderbuſs in his hand when he came out of the cart, I did not ſee him preſent a piſtol to that man; I cannot recollect I ſaw him put a piſtol to any body at that time; I ſaw the man that laid hold of the horſe have a blunderbuſs in his hand.

Who ſtruck Simpſon?—I canot tell.

Why this blow muſt have made him inſenſible?——He laid for ſome little time, about a minute, the priſoner was walking after the cart.

How long did Simpſon ſtay in the houſe?—I cannot tell.

Was it a quarter of an hour?—No, nor half the time.

Jury. Where was the cart going then?—Up Bow-ſtreet.

JAMES

JAMES MARTIN *ſworn.*

Examined by Mr. Wilſon.

I was at the end of Bow-ſtreet, about twenty minutes before one, it was this day three weeks, there was a man with a blunderbuſs came up, I thought it was a mad bullock at firſt, he was in a ſailors jacket and a flapped hat, and he knocked down Tillary; I did not know the man's name then: he walked backwards and forwards, I was as near to him as I am to you, a cart came up and a mob of folks, and I wanted to get out of the mob; there were ſome more men that I ſaw with ſticks and things, I could not tell who they were, the cart went into Ruſſel-ſtreet, and Bedford-ſtreet, and through the ſquare.

Did you ſee the priſoner?—Not at that time but afterwards, I did not ſee him till after the cart paſſed; I ſaw the priſoner ſtrike Simpſon over the head with a ſtick, and with that the priſoner ſaid keep away, keep back; he ſtruck him and knocked him down; I believe the cart was gone a good way, there was a number of people, the priſoner was a good way behind the cart when he ſtruck the man; I loſt ſight of the cart; the priſoner went after the reſt of the mob, and I was near to him at the time, and he was taken by a man, he was running, he had hold of the rails in Ruſſel-ſtreet, at the end of Dyot-ſtreet, a ſtick fell down, I had hold of the ſtick myſelf, I let it drop immediately, ſome people came up and ſaid let the poor man go, let him go; in the mean time Simpſon came up all in a gore of blood, then they did not let him go: I ſhould not have troubled myſelf about this affair, I did not go the Juſtice's on Saturday, I was ſent for to ſpeak to another man that was taken up, which happened to be acquitted.

You are ſure it was the priſoner?—I am too ſure.

Croſs Examined by Mr. Garrow.

You are *too ſure* are you; what are you?—I live in Holborn, I am a live Poulterer.

Some of your poultry conſiſts of dogs, does not it?——Sometimes.

Now how many dogs have you in that poulterer's ſhop at this hour?——I cannot tell.

But you will tell!——I cannot.

There may be a good many come in ſince you came out you know?——There may no doubt, for I have beſpoke a pack.

You are a very wholeſale dealer in this ſort of poultry called dogs, you cannot give any thing like a gueſs how many of theſe dogs you have in the ſhop at preſent, now have you ſo few as thirty?——There may be.

I believe you have had the misfortune to be here before?——I never was here before only to give a man a character.

I am a little in your ſecrets Maſter Martin, was you examined to that man's character?——I was.

What ſort of treatment did you meet with here, was not you ſent back to that building there?—No.

You ſaw this man carried into the Juſtices about one?——Yes.

You did not think it neceſſary to go in?——It was a buſineſs I did not like; a perſon came to me from Mr. Walker's office, as I ſaid I ſhould know the man again, and had ſeen the perſon that was in trouble ſtrike this man.

How many cutlaſſes did you ſee?——I will not be poſitive, I ſaw one, there was a cutlaſs in a ſheath and a blunderbuſs, one in a ſheath and one out; I would not ſwear poſitive to no body; I will ſwear he is the man that ſtruck the man.

Will you ſwear that there were two cutlaſſes in the whole affray?—I did not ſee two, I ſaw but one out of the ſheath; the priſoner was running very faſt when he was taken, but there is another man will prove that more than I can.

Do you know any one fact that you have been talking off by your own knowledge, are you ſure it was Ruſſel-ſtreet that you ſaw him lay hold of the rails?—I did, and in Charlotte-ſtreet too.

In which of the two ſtreets was he taken—In Ruſſell-ſtreet.

THOMAS NEWTON *ſworn.*

Examined by Mr. Silveſter.

I am apprentice to Mr. Cave the Hair-dreſſer, he lives in Bow-ſtreet, Bloomſbury; I was there on the 19th, I ſaw the priſoner run after the cart, but I did not ſee him do any thing till he came to Hart-ſtreet, then Simpſon was ſtanding at the rails, then that man up with his ſtick, and ſaid, oh! damn you ſays he, and he hit him over the ſhoulder or acroſs the head, I do not know which.

Court. What did he ſtrike him with?—With a ſtick; Simpſon did not know which way to run, and he run into Captain Hill's houſe, the Captain is a cuſtomer to my maſter.

Mr. Silveſter. Are you certain that that man is the perſon that ſtruck Simpſon the officer, that blow on the head?——That is the man and no other, but I do not know whether he ſtruck him on the head.

Croſs-examined by Mr. Sheppard.

When the priſoner came to ſtrike Simpſon, do you remember ſeeing any thing in Simpſon's hand?——A piſtol, and Simpſon dropped it.

He did not preſent it?——No Sir.

You are ſure of that?——Yes.

Mr. Wilſon. Then he did not ſtrike at the piſtol?——No, he ſtruck Simpſon, and the piſtol fell out of his hand; Captain Hill's was the ſecond door from where he was ſtruck; he was not in there half a minute, the maid ſhoved him out; he run after the man, and the man was taken.

Mr. Sheppard. Did he run faſt after him?—Not very faſt, he came up with other aſſiſtance, and he was brought before the Juſtice; there was a man taken up on ſuſpicion, and he happened not to be the man; I was before the Juſtice, and was examined.

Did not you poſitively ſwear that was the man?—No Sir, I ſaid I believed he was the man.

Court. The man that did what?—The man that had the blunderbuſs.

Mr. Sheppard. Was not you contradicted by ſeveral people before the Juſtice?—Yes.

Was not you as ſure of the other man as you are of the priſoner?—No.

How came you then to ſwear upon your oath that you believed that other was the man, if you did not think ſo?—I did think ſo.

Did not you believe it at the time, as much as you believe this to be the man?—No.

Samuel Kelby called, but did not appear.

JOHN COOK *ſworn.*

Examined by Mr. Wilſon.

Look at the priſoner, do you remember ſeeing him the 19th of laſt June?—Yes.

Where?—In Dyot ſtreet, about half after one I took him; I live at the top of the ſtreet, and I heard a great noiſe in Ruſſell ſtreet, I liſtened ſome time, and this priſoner came running down Dyot ſtreet with a great ſtick in his hand, and ſeemed to be badly frightened, and I took him; I did not ſee him do any thing, I never ſaw him before; when I ſtopped him he begged me to let him go, as he was an officer's ſervant, he and I had ſome ſtruggle, then I ſaw ſome men come down bloody; I told him I would let him go when the men came up, they ſaid in the preſence of the priſoner, that was one of the villains that had been ſerving them ſo.

What did he ſay?——They took him by the collar and dragged him away, I did not hear him ſay any thing that I can recollect.

Croſs-examined by Mr. Garrow.

The man was committed for knocking the man down?—For an aſſault and taking the goods.

Was you examined?——No more than the Juſtice talked to me at the coffee-houſe.

What is his name?——The man's name

that acts for him is Fletcher, the Juſtice's name is Walker.

——— WELLS *ſworn.*

I am a ſurgeon.

Mr. Sheppard. My Lord, I do not know for what purpoſe this ſurgeon is called ; it does not go at all to the eſtabliſhing the offence, and it may make certain impreſſions which may as well be ſpared.

Court. The wounds are a confirmation of what they ſay.

Mr. Garrow. We do not diſpute but Simpſon had a blow from ſomebody.

Mr. Sylveſter. You are a ſurgeon, Sir? ——Yes; Simpſon was admitted into the hoſpital from a cut on the top part of his head, which penetrated his ſkull, and from which his life was in danger ; he had a wound on his forehead likewiſe, that was of no conſequence ; his life was certainly in danger from a wound and contuſion which appeared to have been done with a ſharp inſtrument.

Mr. Wilſon. My Lord, we have now finiſhed our caſe.

Court to Priſoner. Would you ſay any thing for yourſelf, your counſel can only examine witneſſes, or ſuggeſt any matter of law, they cannot tell your ſtory for you.

Mr. Sheppard. My Lord, as counſel for the priſoner I humbly ſubmit to your Lordſhip, that in this caſe they have not ſhewn ſuch proof on the part of the proſecution, as is neceſſary to bring the offence imputed to the priſoner within the indictment ; for the indictment charges that the priſoner at the bar, with certain other perſons, unlawfully and riotouſly aſſembled themſelves together, in order to reſcue certain goods, being unaccuſtomed goods, &c. In order to ſupport this offence, I ſhall firſt ſubmit to your Lordſhip, that it is abſolutely neceſſary that they ſhould prove the parties to be of that deſcription that they have ſet forth in the indictment, and they have not produced any thing to ſhew that they were Exciſe officers at all ; I am well aware the act of parliament will be produced, and it will be ſaid no other proof is neceſſary, but that act of parliament I ſubmit is previous to the proof itſelf with which it diſpenſes.

Court. According to my recollection it is ſufficient to ſhew that they acted as Exciſe officers.

Mr. Sheppard. My Lord, I ſubmit they ſhould be proved by ſome other perſons to be Exciſe officers, and that they acted as ſuch.

Court. Yes, that they acted as ſuch.

Mr. Sheppard. My Lord, we have no proof even of that, but from the mouths of the men themſelves ; and then another allegation neceſſary to be proved is, that theſe goods which are ſtated to be reſcued were unaccuſtomed goods.

Court. They muſt prove that, there is no doubt of it, the queſtion is, whether they have not?

Mr. Sheppard. I ſhall ſubmit the ſame proof is neceſſary, as there would be in the condemnation of goods ; they have not told your Lordſhip for what cauſe they took this tea, and whether it was in an entered place without a permit, or in an unentered place ; but ſimply that they got into poſſeſſion this tea, nor have they produced any thing to ſhew your Lordſhip that the tea was under condemnation, if the tea had been ſubſequently condemned, they ought to ſhew that condemnation : by their own evidence they have ſhewn that the cart was actually recovered, and that the parties they took it from had it in their cuſtody afterwards ; I am therefore warranted to ſay that this tea was returned into the Exchequer ; why then they ought to put it in the ſame ſituation as it would be if we were now trying an information for condemnation, then that information would exhibit certain charges.

Court. Suppoſe they were, it is ſufficient you know that the burthen ſhould be put on you, the perſon claiming it muſt ſhew it ; but it always gives me great pleaſure if any thing can be ſaid on behalf of a priſoner.

Mr Sheppard. My Lord, it is uſual in informations for condemnations, to ſtate particular reaſons why the goods were ſeized, that they were ſeized for ſome cauſe or other ;

other ; and if the commodity is not brought within the deſcription in the information, the commodity never is condemned, and I ſubmit it is neceſſary to prove the ſame here as in a tryal of that nature, and that this tea was in that ſpecific ſituation, which by the exciſe laws would make it condemnable.

Mr. Garrow. Will your Lordſhip indulge me with an obſervation or two on the ſame ſide, in ſupport of both theſe objections, and I profeſs it is my humble opinion (which it is my duty to ſubmit to your Lordſhip) that the firſt is by no means the weakeſt of the two objections ; the gentlemen anſwer this by ſaying, that though this would not be proof againſt the priſoner at the bar in an information or at law, yet that the ſtrict rigidity of proof is diſpenſed with in the Exciſe laws, and that they are to be proved through ſome other medium ; the act of parliament on which the gentlemen ground their anſwer to our objections, is the 11th of George I. it is pretty eaſily diſcovered what the ſpirit and intention of that act of parliament was ; it ſets out with ſaying, that whereas it very often happens, that by the ſtrict rules of evidence through defect of proof in actions, and proſecutions againſt perſons under the revenue laws, ſuch perſons have eſcaped conviction, and therefore the legiſlature diſpenſes with the ſtrict rule of proof, and then it goes on ſeemingly rather inattentively, and rather inaccurately to indictments ; it goes to indictments againſt perſons for reſcuing the ſeizure of goods : what was the offence at that day ? it was only a miſdemeanor, a common aſſault puniſhable by fine and impriſonment ; but then afterwards by the act of the 19th of George II. at the diſtance of a whole reign, comes an act of parliament which makes this which was before a miſdemeanor, a capital offence, puniſhable without benefit of clergy. Now I contend that the 11th of George I. cannot by any poſſible conſtruction be extended to the proof in this caſe ; how eaſy would it have been at the paſſing the ſecond act, if they meant to extend the firſt act to this, to have provided for it, and ſaid all theſe things mentioned in the former act ſhall be applicable to this high offence ; I am certain your Lordſhip will not think it is to be extended in this caſe ; is it the bare ſaying of theſe men that they are revenue officers that is to convict the priſoner ? *non conſtat*, that they were not tortious perſons ; theſe men are not appointed by paroll, there is ſuch a thing as deputation, under the hands and ſeals of the commiſſioners ; why is not that produced ? and when a proſecution is carried on by their own officers, is there a difficulty in producing it ? if there is not, you will not aſſiſt the gentlemen in order to ſupport what is applicable to this ſubject, a degree of laches in not ſupporting their cauſe in this way. But my Lord, I humbly ſubmit that the ſecond objection is unanſwerable ; they muſt be unaccuſtomed goods, they muſt be liable to the payment of duties not paid or ſecured ; can the Gentlemen upon their oaths, and in their conſciences ſay, that the duties on this tea have never been paid or ſecured ; nothing like it: why then I ſay it is not unaccuſtomed goods, now have they affected to prove they are ? have they told your Lordſhip that the package was peculiar to ſmugglers ? therefore I contend it may have been very fairly paid for, and carried to Aperton under a permit. My Lord, there is a caſe of the laſt ſeſſion, which ſeems to me to be completely in point ; the caſe of Cornelius Roſe ; it was an indictment againſt the priſoner for oppoſing a Cuſtom-houſe officer : did they there ſtop as they have done here ? did they ſay we went on board becauſe we poſſeſſed ſuch and ſuch powers ? No, they produced the ſurvey of the harbour, and they brought oral evidence to prove that the ſhip was within the limits of the harbour ; they pointed out the ſpecies of goods on board, to be the ſpecies of goods that were ſeizable ; theſe produced the ſentence of condemnation ; here it is anſwered by the ſolicitor of the Exciſe, theſe have been returned into the exchequer : I am entitled to ſay that the priſoner at the bar had paid the duty on theſe goods : ſhall not he defend his property ? one would expect in an indictment for killing, that the warrant of the man ſhould be produced; even a conſtable may be reſiſted, and reſiſted lawfully, even to his death, unleſs he is a known conſtable, or produces his warrant: perhaps in the next ſeſſions we ſhall produce to your Lordſhip a ſentence of the Exchequer, that theſe are not unaccuſtomed goods; and after this man has been executed under this conviction, how will every man that has been concerned in this cauſe, feel upon ſuch an occaſion, if it ſhould ſo turn out? If we are to go on in this way, we may have ſuch ſort of proſecutions brought on every day againſt perſons that reſiſt revenue officers: I ſay my Lord, that at preſent we have not got ſuch a ſentence of the Exchequer, and I ſay too, that by the practice of the Court we could not get it: why what is the practice of Mr. Sylveſter in proſecutions againſt perſons for procuring letters of adminiſtration? does not he come here conſtantly, and apply to put the trial off till they have got the probate? juſt ſo here, if they had come and told your Lordſhip theſe goods are now in a progreſs of condemnation, there is a ſuit inſtituted in the Exchequer, in which we have got judgment; but having done nothing of that kind, nor ſhewn that theſe were perſons authorized by the law to ſeize and carry goods to the Exciſe-office, I am ſure your Lordſhip will not think they have ſufficiently proved the caſe on the part of this proſecution.

Mr. Wilſon. My Lord, I beg leave to ſay a word upon theſe two objections, eſpecially as one of them is perfectly new to me, and in the caſe of Roſe which is alluded to, the objection was never taken; that was a caſe where a man had his finger cut off, it was neceſſary to ſtate it in the indictment, and that the man was a Cuſtom-houſe officer who had been ſo aſſaulted; and it is under this very law of the 19th of George II, that this proſecution was brought. The ſtatute of the 11th George II. chap. 30. ſect. 32, ſtates what the evidence ſhall be in all caſes where there is either a proſecution againſt Exciſe or Cuſtom-houſe officers, for any thing done under the colour or pretence of their authority, or where there is a proſecution againſt any man for reſcuing goods; the act of Parliament has ſaid that which by the common law would not be evidence, ſhall in all ſuch caſes be evidence; it is a ſpecies of evidence undoubtedly, but is inferior to that which might be produced, by ſhewing you the appointment under the hands and ſeals of the commiſſioners; the common law did not ſuffer it but on account of the inconveniencies that might ariſe, it was laid down as a rule by the legiſlature, that in all caſes whatever concerning the revenue, whether they were civil ſuits, or whether they were criminal proſecutions; whether they were againſt officers, or againſt perſons charged with ſmuggling; in all theſe caſes a ſpecies of evidence ſhall be ſufficient that would be inſufficient at common law: the act ſays, not only Exciſe officers, but any perſon acting in aid under Exciſe officers; ſo that I conceive there is nothing in this objection ſtated in this manner, that this act of parliament which diſpenſes with the proof, was prior to the proof itſelf; this act which creates, or rather converts this offence into a capital felony, they ſay it was prior to it; but my Lord that will make no difference, for as to theſe Exciſe officers, the law tells you, that the man who acts as ſuch, ſhall be taken to be ſuch, unleſs you can prove the contrary; it puts the *onus probandi* on them; I conceive there is nothing in the world in the objection, though it has ſome ingenuity in it, as to the ſtating this act of parliament on which it is founded, as being later in point of date. I now come to the ſecond objection, which I think my learned friend who ſpoke firſt, had not much reliance upon; and I am perfectly ready to admit, and there is no principle more clear, than that the evidence given to day, would be quite ſufficient to condemn the goods, if it ſtands uncontradicted: the man who claims, has the *onus probandi* impoſed upon him. I ſubmit therefore to your Lordſhip, that I have given evidence ſufficient to be laid before a jury, and to put the priſoner on his defence; the Gentlemen may contradict this evidence if they can, or if they can induce the Jury to believe either that it is not true, or that there is ſomething in it beſides, to ſhew that the duty has been paid ; but at preſent it ſtands thus ; the officers of Exciſe go to an outhouſe at Aperton, ſeven miles and a half from London, and under ſome ſtraw they find twelve bags of tea, which they take and bring away, in order to bring to the Exciſe office, but in their journey thither, they are thus aſſaulted, beaten, and the tea reſcued and taken from them ; in the caſe which Mr. Garrow mentions of a probate, there is an adminiſtration actually granted, and out under the ſeal of the ordinary ; that is a judgment, and though it be improperly obtained, while it ſtands you are bound by it, of courſe it is abſolutely neceſſary, that that juriſdiction which granted it, and which alone is competent to examine into the validity of it, ſhould do ſo before you can go into your proſecution here.

Court. The firſt objection is, that proper proof has not been adduced, that the perſons making this ſeizure are Cuſtom-houſe officers; the caſe ariſes on the act of parliament, it has been been very properly and pointedly argued by the priſoner's council, which is, that as to what ſhould be ſufficient proof refers only to the offence which ſhould be a miſdemeanor, and that by a ſubſequent ſtatute that miſdemeanor is converted into a felony : it ſeems to me, this act of parliament does not touch on the offence, but only regulates the manner in which it ſhall be proved ; as to the ſecond objection, to be ſure it behoves the officers of the Exciſe to ſhew the goods are unaccuſtomed, they muſt prove that, and that will be matter of evidence for the Jury ; but people are not called upon to make poſitive proof of negative propoſitions ; they can prove that this was concealed, and in ſuch ſort of packages ; and upon all the facts, the circumſtances of the reſcue, and all, the Jury muſt form a judgment, whether or no it amounts to proof that they were unaccuſtomed goods ; and beſides it is competent for the priſoner to ſhew that they are not unaccuſtomed goods : with reſpect to the poſtponing a trial, it is no reaſon when a criminal proſecution is once proceeded on, that the party is to be acquitted becauſe there is a civil ſuit depending on the ſame caſe, it is a reaſon to apply for its being poſtponed until the civil matter is decided ; but they have made no ſuch application ; therefore to be ſure that objection cannot take place, and I am of opinion that the priſoner ought to go on with his defence.

GEORGE KILBY *ſworn.*

Examined by Mr. Sheppard.

I am a ſalesman in Broad-ſtreet, St. Giles's ; on the 19th of June I remember ſeeing the diſpute begin, it began with blows, I ſaw a parcel of men, I ſaw a number of men with bludgeons under their coats I was ſomewhat ſurpriſed at ſeeing them, I ſaw a little cart, I ſuppoſed ſomething would enſue.

Court. Were theſe the men that attended the cart ?—No, they were the reſcuers of the goods.

Mr. Sheppard. Among theſe men with bludgeons, do you recollect ſeeing the priſoner at the bar ?—No Sir, I never ſaw him. I am upon my oath, I am clear I never ſaw him about at the time, they appeared to me to be a ſet of Iriſhmen, bricklayers labourers, I ſaw the affray from the beginning to the end, I did not ſee the priſoner till he came out of the Juſtice's ; I ſaw the perſons of three men that gave the blows, they were ragged looking men, like bricklayers labourers, I ſaw one man in light coloured clothes come and ſtrike at him that had the blunderbuſs, and the man in a ſailor's habit ran away with the blunderbuſs, I ſaw the whole affray.

During the time can you ſay the priſoner was not one of theſe men ?—I as firmly believe it as I exiſt.

Have you any doubt about it ?—No doubt at all.

Croſs-examined by Mr. Wilſon.

How long had you been acquainted with the priſoner before ?——I never ſaw him till he came out of the Juſtice's, I never knew him before.

You ſpeak of theſe reſcuers as ragged people?—They were.

Was that your reaſon for ſuppoſing Shelley not to be one of them?—No, Sir, I did not ſee any man ſtrike that had ſuch a wig, nor ſuch coloured clothes as he had on, and he is dreſſed now as he was when he came out of the Juſtice's.

Could you know all the people?—No.

Did you ſee Simpſon?——I ſaw a tall thin man that had his head cut, I knew him inſtantly yeſterday at Hicks's-hall.

Did you ſee him at the corner of Hart-ſtreet, leaning againſt a poſt?—No, I ſaw him at the top of St. Giles's leaning againſt a poſt.

You did not ſee him there at all?—No.

Of courſe you ſaw no body ſtrike him there?——No, it may be the diſtance of a hundred yards, I cannot aſcertain to ten or twenty yards, I do not recollect ſeeing him at the corner of Hart-ſtreet.

That is all you can ſay with reſpect to this Shelley, that according to the beſt of your recollection and belief, the priſoner was not among the people?—To the beſt of my belief he was not there, I think I ſhould have ſeen as much of it as any body, the cart ſtopped oppoſite an eating-houſe about eight or ten doors from Holborn, at firſt they could not ſtop the horſe immediately, that was very near Drury-lane.

Then that was before they came to Hart-ſtreet?——Oh, yes, the ſcuffle was all intirely there, and the goods were driven right up Bow-ſtreet, and the reſcue was in St. Giles's,

How came you to ſee this man come from the Juſtice's?—I heard that ſome of them were taken and I went out of curioſity, no otherwiſe I aſſure you, I ſaw this was very deſperate affair, and I had a mind to ſee who they were, I ſaid to ſome of the neighbours, the man they have taken up is a very creditable looking man, and I never ſaw him in the ſcuffle.

Mr. Garrow. And it is in conſequence of that, that you came here to day?—Yes, I was ſubpœned.

THOMAS ALEXANDER *ſworn.*

Examined by Mr. Garrow.

Where do you live?—In Broad-ſtreet, St. Giles's, I was ſtanding at my own door and ſaw ſeveral people aſſemble together, I went to ſee, and there was this cart and a number of people aſſembled, and ſome fighting with ſticks, but I do not from any knowledge or recollection, remember ſeeing the priſoner among them, the cart was reſcued and driven away, and went up Bow-ſtreet.

Till the cart had been driven away towards Bow-ſtreet, did you ſee the priſoner there?——I did not, I never ſaw him till the officer was leading him to Bow-ſtreet, it occurred to me that I had not ſeen him there, I never ſaw him to my knowledge till the cart was reſcued.

Do you think you ſhould have ſeen him if he had been active in the reſcue?——I think I ſhould, I was not in the mob, but I was pretty near them.

You could ſee more of it than thoſe that were engaged?—I ſhould think ſo, I went from my own door ſix houſes diſtant, I went into the middle of the road.

Croſs-examined by Mr. Wilſon.

Suppoſing three creditable people had ſworn he was there, would you afterwards have ſworn that he was not; might not he have been there without your ſeeing him?——He might, and a great many more people.

JAMES TIBBS *ſworn.*

Examined by Mr. Sheppard.

I live in Broad-ſtreet, St. Giles's, I ſaw this affray, I was in my ſhop when it begun, it was immediately facing my door, I was ſo ſituated that I could ſee the whole, I ſaw the whole of it, but I was in my ſhop

Look at the priſoner, do you recollect among the people that were ſcuffling about this cart, that the priſoner was one ?—I do not recollect that he was, they appeared to me in general to be bricklayers labourers or working people.

Did you ſee him at all after the cart was reſcued ?——I cannot ſay I ſaw the man there at all.

Do you think if he had been there in the ſcuffle and active, you were ſo ſituated that you ſhould have ſeen him ?—I really think I ſhould, but it was ſuch an inſtant; I certainly muſt have ſeen him if he was there, but I do not recollect ſeeing the man there at all, I ſaw him at the magiſtrate's, he was dreſſed as he is now.

Were there any people among theſe fighters that were dreſſed like the priſoner or had any appearance of being dreſſed like him ?—I did not ſee any.

Croſs-examined by Mr. Wilſon.

What are you ?——I keep a pork ſhop.

Do you know the priſoner ?——No.

It was in your ſhop that you ſaw it ?—I went out to look about it as the reſt of my neighbours did, but during ſome part of the ſcuffle I was in the ſhop, and ſome part out; the priſoner could not be in the riot to be one of the very active ones, becauſe I really think I ſaw every tranſaction of that ſort.

Court. How do you know but part of this paſſed while you was in the ſhop; when you was in the ſhop could you ſee every thing that paſſed ?——I could certainly.

Did you ?——I ſaw the greateſt part, I did not ſee Hart-ſtreet at all, I only ſaw Broad-ſtreet; the cart ſtopped immediately oppoſite my window, I ſaw it ſtop, I ſaw the very beginning of it, and the whole that paſſed in Broad-ſtreet, I cannot take upon me to ſay that I ſaw every tranſaction.

Mr. Garrow. Did you ſee the whole of what paſſed till the cart was driven away ?——I ſaw the cart ſtop, and I ſaw them a fighting, I ſaw the whole of it till the cart was driven away.

Court. Do you poſitively ſay now, that no tranſaction paſſed but what you ſaw ?—I do not take upon me to be ſure, to ſay that I ſaw every part.

Jury. Could you ſee on both ſides the cart ?——The cart was very low, and I could ſee people's heads over the cart.

If any body was knocked down behind the cart could you ſee ?—Yes, unleſs they were very ſhort people, I ſaw ſeveral people knocked down in the ſtreet, I believe I ſaw the officer knocked down, I remember ſeeing that man knocked down, but I cannot ſay by whom.

Do you think it was by the priſoner at the bar that knocked down Simpſon ?——No, I really do not think it was, I did not notice who knocked him down, I could not take upon me to identify any one particular perſon, becauſe I was noticing the officers, I do not recollect ſeeing this man's face there.

Court. Where do you live ?——The third door from Bow-ſtreet, on the right hand ſide as you go from Holborn.

JOHN PRICE *ſworn.*

Examined by Mr. Garrow.

I live at Milbank. I was at St. Giles's on the 19th of June, I had been at the Three Compaſſes in High Holborn, and coming back there was a great croud of people, and there was a cart and four or five men about that cart, ſeizing it or making a great piece of work, ſome knocking and ſome ſtriking; the cart was driven up Bow-ſtreet, and into Ruſſel-ſtreet, there were four or five men, two or three in blue jackets, ſhort men, I ſtood with a friend of mine, I was there juſt as the fighting began, I ſtood there till the cart was driven away.

What part of the ſtreet was it that the cart ſtopped ?——Within leſs than eighty yards of Drury-lane, between the broker's and a pork ſhop.

remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 7th of JULY, 1784, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;
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9

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of John Shelley.

Look at the priſoner, did you from the time that you firſt obſerved the cart, till the time the cart was driven away, ſee him there?—No, Sir, I am ſure I did not ſee him there, I ſaw him afterwards, I ſaw him dragged by a parcel of men, I certainly ſhould have ſeen him and noticed him if he had been there, and active; I looked at every perſon with particular attention, becauſe I thought there would have been murder, I am perfectly ſure I did not ſee him, I did not know him before.

Croſs-examined by Mr. Wilſon.

What are you?—I am a Coal-merchant.

You do not deal in tea?——I buy it for my wife when I want it.

When you firſt ſaw them what diſtance was it?—About ten yards, I firſt ſaw the priſoner dragged to the Juſtice's, the corner of Hart-ſtreet.

Did you ſee Simpſon in Broad-ſtreet, St. Giles's?——I ſaw a parcel of men that were knocked down, I believe that Gentleman was there, and there was two more there, I think I could be ſure that that Gentleman was knocked down, I am as ſure he was there, as I am that the priſoner was not there.

Did you ſee him at the corner of Hart-ſtreet?——I did not.

By what was he knocked down?—By a ſtick.

Who knocked him down?——If I could tell that I ſhould, I cannot tell, but I think I ſhould know ſome of the people if I was to ſee them, there were ſeveral blows, there was only one knocked that man down, there were ſeveral blows at once made at him and others; I ſaw ſeveral blows made at him.

Did you ſee the perſons who made the blows at him?—Yes, I ſhould know the perſons again, I think I ſhould.

But could you ſwear to every one in that ſcuffle that made a blow?——I think I could.

How long did it laſt?—About five minutes, there were five or ſix that were ſtriking, they were partly all on the ſide of Bow-ſtreet.

Had you ever ſeen any of theſe people before?—Never, to my knowledge.

Will you take upon you to ſwear, that ſeeing them in that buſtle, ſtriking and knocking down the officers, at the diſtance of ten yards, that from that five minutes obſervation you could know them again?—I think I ſhould know their faces in the ſame dreſs they were then.

You are quite ſure of that?—Yes, I am quite ſure of that.

Deſcribe the man that knocked Simpſon down?—It was a man like a bricklayer's labourer, he was taller than me, he was a man fatter than me, a luſtier man than me in every reſpect.

Where was Simpſon when he was knocked down?—He was juſt by the cart, juſt down out of the cart.

Did you ever ſee Simpſon in the cart?—No, Sir, I did not, when I firſt came up he was out of the cart, I never ſaw him in the cart, there was another perſon in the cart and they were ſtriking.

Now you ſwear it was another perſon and not Simpſon that was in the cart upon your oath?——Yes, a man in a blue coat and a red collar was in the cart, I am ſure it was not that gentleman.

If he had been ſtruck in the cart he muſt have been ſtruck in your ſight?——There was no ſtriking at all, I ſaw the horſe's collar ſeized firſt.

When you firſt came up Simpſon was not in the cart?——No, Sir.

He was ſtanding when you firſt ſaw him?—They were all in a hurly burly.

He was upon the ground and not in the cart?——Yes, he was.

Then if there was any ſtriking at Simpſon in the cart, it muſt have been before you ſaw it?—But there was no ſtriking in that place.

How can you tell that?—I do not preſume to know.

Did you ſee the cart in motion when you firſt ſaw it?—When I firſt ſaw it I ſaw it in motion, I was up even before the man ſeized the horſe by the bridle, I was within fifty yards of it before it was ſtopped at all; I was within ſight of it long before it was ſtopped, I was within ten yards of it when it was ſtopped; Simpſon was not in the cart when I firſt ſaw it, it was a man in a blue coat and a red collar.

Are you or are you not certain?—I am poſitive that he was not in the cart, that I did not ſee him in the cart.

If he was ſtruck in the cart it muſt be before you came up?——Yes.

And there muſt have been a ſtriking before you came up to make that true?——Yes.

JAMES AGAR *ſworn.*

Examined by Mr. Sheppard.

On the 19th of June I was at the Broad Way, St. Giles's, four doors from Monmouth-ſtreet, I remember very well ſeeing a cart go by, and about three or four along with it, and preſently I ſaw five or ſix more with ſticks following the cart, I ſaw the cart at the bottom of the ſtreet, it might be one hundred and fifty, or one hundred and ſixty yards, it ſtopped as near as I can tell between a pork-ſhop and a broker's, there was a battle I ſuppoſe for a minute or two, and I ſaw the cart run up to a linen-draper's ſhop, at the corner going up to Holborn, then I ſaw ſomebody turn into Bow-ſtreet; at that very time the priſoner came by, and he made a motion this way, and paſſed by, I was between him and the cart, when he ſpoke to me the cart was turning up Bow-ſtreet, he made a motion, how do you do, and paſſed me; the cart was going into Bow-ſtreet at the time.

Croſs-examined by Mr. Wilſon.

What buſineſs are you?—A publican.

You have known Shelley before?—Yes, for ſome time, we have known one another a good many years.

Beſides being a publican you deal a little in tea ſometimes?——No, never in my life.

There never was an information againſt you for ſmuggling?—Yes, ſeveral times, but there never was none found againſt me, nor nothing of the kind.

Have they been more frequent or leſs ſince your acqaintance with Mr. Shelley?—Leſs, for I was fined once in the Broad Way, St. Giles's, for a little that a man gave me, that was all that I was ever fined in my life.

Which way was Shelley coming, the ſame way that the cart had gone?——The cart had gone about two or three minutes before Mr. Shelly came up.

Had he a ſtick in his hand?—He had indeed as nigh as I can tell; I ſaw a battle at the bottom before I ſaw him, he did not ſtop, he only made a motion, he was walking along a good pace down towards the bottom, I ſaw the cart turn to the beſt of my opinion.

Recollect what you are about, upon your oath did the cart turn before Shelley paſſed?—To the beſt of my opinion it did.

Mind what you are about; did the cart turn before Shelley paſſed you?——I tell you before to the beſt of my opinion, I cannot ſay any other.

You do not know whether it had or not?——To the beſt of my opinion it had.

Will you ſwear it had?—I only ſwear to the beſt of my opinion, I believe it had, but I ſwear nothing but what I am ſure.

The battle was all over in a minute or two.—It was for what I ſaw of it.

Court. Gentlemen of the Jury, this indictment is founded on an act of parliament, made in the 19th year of the late King, in order to repreſs the daring conduct and behaviour of the ſmugglers, who endeavoured, not only to violate the laws, but to reſiſt them with force. *(Here the learned Judge ſummed up the evidence on the part of the proſecution, and then added:)* Gentlemen, you will firſt of all conſider how matters ſtand on the evidence for the proſecution: on the part of the priſoner two objections have been taken, and the firſt objection was, that they ought to ſhew that they were Cuſtom-houſe officers; this is an act of parliament that makes it unneceſſary to ſhew their deputation, it is ſufficient that they were reputed to be ſuch, that they acted as ſuch, and were then in the diſcharge of their duty; the next queſtion is, how far it is proved to your ſatisfaction that theſe goods were unaccuſtomed; it is impoſſible for the Crown to ſhew that the duties were not paid; the defendant may prove they were paid; it is for your conſideration whether the facts and circumſtances do not make out theſe goods to be unaccuſtomed; firſt, they were in a houſe concealed under ſtraw, the maſter denying any knowledge of them; they were in oil-caſe packages, which are known to be the conveyance of ſmuggled goods, and the queſtion is, whether theſe circumſtances are not ſufficient for you to believe that theſe were unaccuſtomed goods; or at leaſt it lays the burthen of the proof on the defendants, it is for them to prove the contrary; to be ſure, if the priſoner was only, as their Council would have you believe, an accidental ſpectator, he could not fall within the meaning of this act of parliament; the two firſt witneſſes only prove in general the affray, they themſelves were aſſaulted on all ſides, and it was impoſſible for them to ſee every body engaged in that aſſault; they were not attacked themſelves, and therefore can ſay nothing of it; but Simpſon, Chatterton, Newton, and two more, ſwear poſitively to his taking an active part in it in two different places, one in Dyot-ſtreet, and the other in Hart-ſtreet; and Cook too, when he ſtopped him, tells you he ran away, and when he ſtopped him he gave a falſe account of himſelf; now if a perſon is ſtopped and apprehended, and tells a falſe ſtory, that is an evidence of guilt; falſhood is always accompanied with guilt, and truth with innocence; was he an officer's ſervant? certainly not. The priſoner has called ſeveral witneſſes. *(Here the learned Judge ſummed up the evidence for the priſoner, and then added:)* Gentlemen, here is certainly groſs perjury on one ſide or other, you are to weigh it; but there is one very ſtrong circumſtance, the Exciſe officers cannot be miſtaken in the perſon; if they ſwear wrong it is not through miſtake; they firſt ſaw him at Hanger-hill, and then paſſed him at Kenſington Gravel-pits, then they ſaw him at Broad St. Giles's, and if they ſwear falſly, they are moſt wickedly and corruptly perjured; I ſhould have been glad to have heard why the perſon paſſed by theſe people again from Apperton, and how this mob aroſe: who gave intelligence? was it the man that paſſed the cart the firſt time, and repaſſed, and came to London, or was it another man? the two firſt witneſſes that were called may ſwear very innocently, and yet it may be very true that the priſoner was there; there was a great noiſe and buſtle, and it is a great deal for you to take into your conſideration, how they are warranted to ſay that ſuch or ſuch a perſon whom they did not know, and whom they had no reaſon to look for, or at, did not give a blow, or whether he might not have given a blow without their knowing it; and as to the tranſaction at Hart-ſtreet, there are people no way connected with the Exciſe officer that confirm him in every reſpect.

The Jury retired for ſome time, and returned with a verdict,

GUILTY, Death.

Jury. My Lord, it is the unanimous and earneſt wiſh of the Jury, that the priſoner may be humbly recommended as an object of his Majeſty's mercy.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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759. JOHN WHITE was indicted for feloniouſly returning from tranſportation, and being found at large on the 14th of June laſt, before the expiration of the term of ſeven years, for which he had been tranſported.

(*The record produced and read by Edward Reynolds, Eſq; Clerk of the Arraigns.*)

THOMAS MUMFORD *ſworn.*

I ſaw the certificate ſigned by Mr. Reynolds.

Court. Do you know the priſoner at the bar?—I have ſeen him before, but not here, I have ſeen him in New Priſon; on the 14th of June, a perſon came and gave information to Blacketer and me at Litchfield-ſtreet, that the priſoner was at a public houſe in Earl-ſtreet, Seven Dials, and that he was there at large; when we took him before the Juſtice he owned himſelf he was the right perſon, he ſaid it was uſeleſs for him to deny it, becauſe the people at Newgate knew him ſo well.

WILLIAM BLACKETER *ſworn.*

I had information that he was at a public houſe, I went with Mumford and Young, and took him.

CHARLES YOUNG *ſworn.*

I was with Mumford and Blacketer the 14th of June, and apprehended the priſoner and brought him to the Office; he confeſſed that he was one of the returned tranſports.

Court. State diſtinctly what he did ſay.—He ſaid it was uſeleſs for him to deny it, he was one of the returned tranſports, and that the people at Newgate knew him.

JOHN OWEN *ſworn.*

I know the priſoner, he was tried in July 1782, for robbing the ſtables of Robert Kilby Cox; I was preſent when he received ſentence, which was to be tranſported to America for ſeven years, that is the ſame man, I am poſitive of it.

PRISONER's DEFENCE.

I own myſelf guilty of leaving the ſhip, I was obliged to do it by the reſt of my fellow ſufferers, they wanted me to mend the boat and I denied it, and they came with a blunderbuſs; I have been hard at work ever ſince I returned, in order to maintain an aged mother and children; my wife died in the country; I had not been in town three hours before they took me; my maſter was with me on Saturday and Friday.

Mumford. When we apprehended him he behaved very quiet in every reſpect.

GUILTY, Death.

Jury. We wiſh to recommend him to mercy, my Lord, very ſtrongly.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

760. JOHN SPONSONBY was indicted for that he having in his cuſtody a certain bill of exchange, commonly called an inland bill of exchange, purporting to be drawn by one Richard Davis, in favour of William Pearce, directed to Mr. Crofts and Co. bankers in London, for 4l. 4s. afterwards on the 7th of May, did falſly make, forge, and counterfeit, and cauſe and procure to be falſly made, forged, and counterfeited, a certain indorſement, in the name of the ſaid William Pearce, purporting to be an aſſignment of the ſame by and under the hand of the ſaid William Pearce, with intent to defraud Meſſrs. Crofts and Co.

A Second Count for uttering the ſame with like intention.

A Third Count, the ſame as the firſt, with intent to defraud John Churchill.

A Fourth Count, the ſame as the ſecond, with the like intention.

——— CLOSE *ſworn.*

About the 4th or 5th of May the priſoner came to the door of Crofts and Co. bankers in Pall-mall, on horſeback, he came in with a bill of exchange for four pounds four ſhillings, he laid it down upon the counter, and I took it up, I told him it was not due till the 7th of May, accordingly I wrote the 7th of May on the corner of the bill; I thought he might come out of the country, I aſked one of our gentlemen if I might pay it, he told me no, ſo I gave it him again, and he aſked me if we would allow for it, I told him we never did any thing of the kind to ſtrangers, ſo on the 7th of May he came again on horſeback with the bill, and I told him to write his name upon it, and he wrote the name of J. Churchill, on the back of the bill, then I paid him the four guineas, *(the bill produced)* it has been in my poſſeſſion ever ſince; the bill was indorſed when he brought it.

Court. How came you to deſire him to write his name upon it?—We do ſo to all perſons that come for payment.

What, if you have a draft payable to bearer?——No, where a bill is made payable to order.

That bill when indorſed becomes payable to bearer?—No.

Why not?——It is not a proper diſcharge.

Why cannot you write a receipt over the indorſement; ſuppoſe I bring a bill, payable to William Pearce, and indorſe William Pearce, is not the indorſement a ſufficient receipt to you?—No.

Why not?—We do not know that their name is Pearce.

Suppoſe a bill is made payable to bearer? ——We always aſk for their names.

Suppoſe I bring a bill to your houſe indorſed by John Thomſon, ſuppoſe I ſay I will not write my name, can you refuſe payment of the bill?——Yes.

Mr. Silveſter, Priſoner's Council. Suppoſe I bring a bill to you, payable to bearer, are not you accountable for that bill to me?——Yes.

What is the indorſement of that bill but making it payable to bearer; the name of John Churchill is a receipt to the bill.

WILLIAM PEARCE *ſworn.*

Mr. Silveſter. Is your name William Pearce?——Yes.

Mr. Silveſter. My Lord, on the face of this note Mr. Pearce has indorſed it, and therefore he certainly cannot be a witneſs to prove that this is not his hand writing.

Court. He has a property in the bill.

Court to Pearce. You ſuppoſe yourſelf to be the perſon to whom this bill is made payable?——Certainly

Then if the bankers had paid it without your indorſing it, they are liable to pay it again?—No, my Lord.

They certainly are, you have a right to recover it certainly?——It is not my property, I never had it in my poſſeſſion, I never ſaw the note till I ſaw it at Mr. Croft's.

Mr. Silveſter. Have not you a claim of 4l. 4s. on Mr. Davis?—No this bill was to have been remitted to me with a bank note, to pay a debt of Lieutenant Cole, it was an act of friendſhip, I paid the debt for him, it is no property of mine.

You never indorſed the bill you ſay?—I never ſaw it.

Court. Then how do you know that you are the perſon to whom this bill is made payable?—I have it here in writing.

Court. That will not do?——I can do no more, it is no fault of mine, there is an indorſement upon the back of the bill that is eraſed, and I would infer from that, that it is very much like the name of the priſoner, I do not ſay that he wrote it, if it was to be held to the light the letters that are eraſed will appear very much like it.

Court. That is a matter of conſideration.

Mr. Silveſter. How many are there of your name in the world?—I cannot tell; there is never another in the Exciſe office.

Court. But there is no mention of the Exciſe office in the bill, and Mr. Davis is not here to ſhew us who William Pearce was.

Mr. Silveſter. Here was a William Pearce tried for ſetting his houſe on fire, I believe it was payable to him.

Court. Is there any further evidence?——No.

Court to Jury. Gentlemen of the Jury, I do not think in this caſe that in point of law, I ought to put the priſoner on his defence, I have no doubt but the third and fourth Counts ſhould have been for a receipt; the priſoner is indicted on four diſtinct charges, the firſt is for forging an indorſement on a Bill of Exchange in the name of William Pearce.

Court to Pearce. Do you know the priſoner at all?——No.

Court to Cloſe. Do you know the perſon of the priſoner, do you know who he is?——No.

Court to Jury. Then Gentlemen there is no difficulty at all in it, the priſoner is indicted for forging an indorſement in the name of William Pearce, and in a ſecond Count for uttering ſuch indorſement knowing it to be forged; as to theſe two firſt Counts there is a deficiency in point of evidence, for in order to enable you upon your oaths to ſay, that the priſoner forged the name of William Pearce on this indorſement, or uttered it knowing it to be forged, you ought to have evidence before you to enable you to ſay to what William Pearce it was made payable; for a bill made payable to Mr. William Pearce generally may fit an hundred people: it is not Mr. William Pearce of London, not ſo looſe a deſcription as that: now if Davis the drawer was here, and told you that the bill was intended to be made payable to this Mr. William Pearce who is come into Court, that would be good evidence to identify the perſon to whom it was made payable; the conſequence is that we can have no evidence that the indorſement of William Pearce is forged, becauſe though it is not the hand writing of this Gentleman which I am perfectly ſatisfied it is not, yet it is only from circumſtance, not now in evidence before us, that this Gentleman ſuppoſes this bill was made payable to him, but it may for ought we know be made payable to another William Pearce, therefore there can be no forgery: and with reſpect to writing the name of J. Churchill there are two objections; the firſt is, neither of the witneſſes knowing the priſoner, they cannot ſay but his name may be John Churchill; the next is, this bill being indorſed with a blank indorſement, has the ſame effect as a draft payable to the bearer, it makes that bill payable to the holder, and the writing the name upon it for the ſatisfaction of the Banker is merely an atteſtation to the receipt from the Banker: therefore this ſhould have been deſcribed as a receipt for the money; in which caſe if they had called evidence that this man's name was not John Churchill, it might have been a caſe for your determination: but at preſent there is nothing in this caſe in point of law, on which you can convict the priſoner.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

761. The ſaid **JOHN SPONSONBY** was again indicted (by the name of John Ponſonby) for that he having in his cuſtody and poſſeſſion a certain Bill of Exchange, with the names Watkins and Smith ſubſcribed thereto, purporting to bear date at Daintree the 21ſt of April, directed to Meſſrs. Boldero and Co. Bankers in London, for payment of twenty-three pounds to Mr. John Churchill, ſeven days after date, value received, did falſly make, forge, and counterfeit, and cauſe and procure to be falſly made, forged, and counterfeited, a certain indorſement on the ſaid Bill of Exchange, in the name of the ſaid John Churchill, purporting to be the indorſement of the ſaid John Churchill with intention to defraud him, againſt the ſtatute.

A Second Count for uttering the ſaid forged indorſement, knowing it to be forged, with the like intention.

A third Count for forging the ſaid indorſement, with intention to defraud William Jacobſon.

A fourth Count for uttering the ſame with the like intention.

Mr. Keys, Counſel for the Proſecution opened the caſe.

WILLIAM JACOBSON *ſworn.*

I am a Linen-draper in the Poultry, I know the priſoner, I never ſaw him before he came to my ſhop on the 29th of April laſt, he came to buy a piece of Iriſh cloth, and a yard of lawn, he bought it and after he had bought it, he produced a bill for twenty-three pounds drawn upon Boldero, Barnſton, and Smith.

Court. Had you given him the goods? ——Yes, and I went to Mr. Boldero to know whether it was a true acceptance before I took the bill, and they told me it was.

What converſation was there between you and the priſoner?——My man ſerved him, I heard no converſation between them, my man gave me the bill at that time in the preſence of the priſoner.

Mr. Keys, Counſel for the Proſecution. Did any converſation paſs between you and the priſoner at the bar, reſpecting the indorſement of this bill?——None at all.

Court. Was there an indorſement upon the bill when you took it?——Yes.

What was that indorſement?——John Churchill.

You are ſure as to the perſon of the priſoner?—Yes.

No doubt?—None.

Mr. Silveſter, Priſoner's Counſel. You keep a ſhop in the Poultry?—Yes.

A very large ſhop?—A good ſized ſhop.

You have a good many cuſtomers I preſume?——Sometimes more ſometimes leſs, I ſhould be very glad to ſee you there, Sir.

Sir, I ſhall certainly take the firſt opportunity; did you ever ſee the priſoner before?—I never ſaw the priſoner before, I did not take that accurate notice of his perſon that I ſhould have done had I ſuſpected him to be wrong, but I had no doubt in my own mind.

Can you poſitively ſwear he is the man or only to the beſt of your knowledge?—Only to the beſt of my knowledge.

What was the names of the Bankers you carried it to?——Boldero, Barnſton, and Smith.

Mr. Silveſter. When was this?—The twenty-ninth.

Why Mr. Barnſton was dead then?—No, he died ſince.

Do you know their Chriſtian names? ——No.

Nor who are the partners I take it for granted?——No.

Court. What did you do with the bill afterwards?—On the 30th of April I paid it to Mr. Clement Belemy in Charlotte-row, the priſoner had the goods, he took them away in my preſence, I offered to ſend them home.

Was the name of John Churchill upon it when you paid it away?—It was.

WILLIAM WINGFIELD *ſworn.*

I am ſervant to Mr. Jacobſon, I remember the priſoner coming in on Thurſday the 29th day of April, about ten.

Are you quite clear as to his perſon?—

Was there any other perſon in the ſhop?——The boy, he is here.

WILLIAM FIELD *ſworn.*

Do you know the perſon of the priſoner; are you ſure it is the ſame perſon?—Yes, Sir, I am ſure it is the perſon that bought the cloth at my maſter's ſhop, I have no doubt; the man rung me down directly when he came in, and I ſtood in the ſhop all the time he was there, he bought a piece of Iriſh cloth and ſome frills for ſhirts.

What did he pay for what he bought there?—I do not know, I did not ſee him pay any money.

Did you ſee him produce any paper?—I ſaw him give my maſter a piece of paper, and I ſaw my maſter go out.

Do you know what that piece of paper contained?——Twenty three pounds.

Mr. Silveſter. It may be a bank note for what you know?——My maſter went out with it, I do not know where he went with it; I heard no converſation between the priſoner and Wingfield.

Mr. Keys. Was the man that talked with William Wingfield the priſoner at the bar?——Yes.

Was there any other man in the ſhop at the time?——Only us three.

Mr. Silveſter. What are you?——I am porter to Mr. Jacobſon.

Then you do not ſtand behind the counter, I take it for granted?——No, I ſtand at the door, and carry out parcels.

And look at people paſſing by?—Yes.

How many people came into your houſe that day?—I do not know.

Do you remember my coming in?—Not as I ſaw.

But I might?—Yes, you might, and I not ſee you, I was not in the ſhop all day.

When you was in the ſhop how many cuſtomers came in?——I cannot tell.

How can you diſtinguiſh this man then in particular?——I ſaw the priſoner.

How do you know it was a note?——It was the firſt note that ever I ſaw in my life, they called it a twenty-three pound note, and I took more particular notice of it; my maſter had it in his hand, and I looked at it.

Was it a bank note?——I do not know a bank note; they called it a twenty-three pound note.

How many bank notes did your maſter take that day?—I do not know.

Then you do not know any thing more but that this young man bought ſome things, and paid for them with a twenty-three pound note?——No.

How many minutes were you in the ſhop?—I do not know.

You have heard what your maſter ſaid?——Yes.

He was there, and the journeyman was there?——Yes.

This gentleman will not ſwear to him; how many people did you ſee buy linen that day?——I cannot tell.

Can you ſwear to any one man beſides this young man?—No, I cannot.

Court. Do you know what day this was at all?——The 29th.

How do you know?—I am ſure it was.

Mr. Silveſter. It is ſo becauſe it is; how do you know it?——I know it was the 29th.

Can you write or read?——No.

How long have you lived with Mr. Jacobſon?——Half a year.

You never ſaw a bill in your life before?——No.

Why you have ſeen ſhop bills, have not you?——Yes; a day or two afterwards I ſaw the man in Moorfields, I took particular notice of the man, I know it was the man that bought the cloth.

JOHN THORNTON *ſworn.*

I produce this bill of exchange, drawn by Watkins and Smith at Daventry, upon Boldero, Barnſton, and Snaith, for twenty-three pounds, dated the 21ſt of April, 1784.

Who had you that bill from?—We had it from Mr. William Fuller and ſon.

(The bill ſhewn to Mr. Jacobſon.)

Jacobſon. I believe this is the ſame bill that I received, but I did not make any mark upon it, but the perſon they paid it to did, and he can identify it; I delivered it to Mr. Spencer, Mr. Belemy's warehouſe man.

Court. Can Wingfield identify it?——No.

KNIGHT SPENCER *ſworn.*

I am warehouſe man to Mr. Clement Belemy.

From whom did you receive that bill?——I received this bill from William Jacobſon.

What did you do with it?——I put it in a ſmall book, I took it home and copied it immediately in our bill book.

Who did you pay it to?—Mr. Belemy paid it to Mr. Mayor; neither he nor Mr. Belemy is here.

Mr. Silveſter. Now ſuppoſe the writing is forged, what do you think of that?——I know that to be my writing.

It is like it?—No, it is my writing.

Court. What was upon that bill indorſed?—John Churchill, I did not indorſe it, nor ſee it paid away.

Court to Thornton. Can you ſay with certainty whether Boldero and Barnſton had accepted any other bills to that amount, or to a ſimilar amount?——I cannot ſay.

Can you ſay with certainty that there was any bill of the ſame tenor or date?—I cannot be ſure.

Court. This bill has been travelling about, unleſs it is identified in ſome way it will not do; now the parties might have come forward, and in caſes of forgery they uſually trace the bill quite through, therefore you muſt prove this the ſame bill, he believes it to be of the tenor and date, now I am really of opinion that is not a ſufficient circumſtance to put a man on his defence before a Jury in a caſe of this ſort.

Mr. Silveſter. I admit this man receives a bill of Jacobſon, which he enters in a book, he has not the book here, he parts with it to Bellamy, Bellamy parts with it to twenty people, I have a right to ſay that every part of that bill is an abſolute forgery; I have a right to ſay that every letter, every mark, every figure on that bill is an abſolute forgery; it would have been very eaſy to trace it: what the Jury think in their own private feelings is one thing, and perhaps in an action might be ſufficient, but when a man ſtands on his trial for life it certainly is not.

HENRY CHURCHILL *ſworn.*

Mr. Silveſter. Before you examine him I ſhall object to his being called; you muſt prove the bill and many other things.

Mr. Keys to Thornton. Who was this bill drawn by?——Watkins and Smith.

Mr. Silveſter. Did you ever ſee them both write?——I have ſeen Mr. Watkins write.

Whoſe hand writing is that?—Charles Watkins's.

Where does Mr. Watkins live, Sir?—At Daventry.

Was you ever there?——No, but I have ſeen him often at our houſe, I have ſeen him write his name.

Did you know old Mr. Watkins, the father?—I have ſeen him, he has been dead for ſome years; I am clear it is not Charles Watkins's hand writing.

How often have you ſeen Charles Watkins write?——Three or four times.

Upon what occaſions?——Receipts for money when in town.

How does he ſign thoſe receipts for money?—Watkins and Smith, like that; he uſed before he took in Smith, the partner, to write Charles Watkins; I have ſeen him write Charles Watkins, Junior, repeatedly.

The bill read; indorſed " John Churchill."

Mr. Silveſter to Thornton. How long have you known Mr. Smith?—I have ſeen him three or four times.

HENRY CHURCHILL *ſworn.*

Mr. Keys. You are brother to John Churchill?——Yes.

Mr. Silveſter. Do you know Mr. John Churchill, in Parliament-ſtreet ?—No.

Is he your brother ?——No.

Are you ſure of that ?—Moſt likely, I ſhould have known him if he had.

Very likely, this is the hand writing ?—It is not my brother's hand writing.

You do know Mr. John Churchill in Parliament-ſtreet, I am ſure ?—Then you need not put the queſtion if you are ſure: this, Sir, is not my brother's hand writing, it is as much unlike it as one hand can be to another.

Court to Thornton. Do you know any thing of this bill ?—We had advice about ſuch a bill.

Mr. Silveſter. Where is the letter ?——I have not got it.

Then do not talk about it.

Mr. Silveſter. My Lord, I ſay it is Mr. John Churchill's hand writing.

Court to Jury. They are taking for granted a thing that is not proved, how can they prove that the priſoner has forged the name of John Churchill ? how do we know this is not the name of John Churchill, of Parliament-ſtreet for inſtance ? This caſe was in fact decided yeſterday. I ſtate it to you as my opinion ; but if you wiſh it I will go regularly through it.

Jury. We are ſatisfied, my Lord.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

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762. WILLIAM THOMAS was indicted, for that he, on the 21ſt of June laſt, in the King's highway, with a certain offenſive weapon called a piſtol, which he in his right-hand had and held, upon Benjamin Dring unlawfully, wilfully, maliciouſly, and feloniouſly, did make an aſſault, with a felonious intent his monies from his perſon and againſt his will feloniouſly to ſteal.

The witneſſes examined apart at the requeſt of the priſoner.

BENJAMIN DRING *ſworn.*

I am a poſt boy ; the *gentleman*, the priſoner, rode up to me, and ſtopped me on the 21ſt of June.

Court. How was he mounted ?——Not very well.

What was the colour of his horſe ?—As nigh as I can gueſs it was a dark brown, or bay.

What time of night was it ?——About half paſt ten at night, as nigh as I can gueſs.

Was it moon-light ?—It was not.

Was it a cloudy night ?——Yes.

How was you ſtopped ?——I was driving a chaiſe, there were three people in it.

Could you ſee very well that night ?——Why it was rather cloudy, ſo that I could not ſee ſo well.

Had you ever ſeen the priſoner at the bar the night before you was ſtopped ?—No.

Was it light enough to ſee how he was dreſſed ?——As far as I can make out he had a light drab coloured ſurtout great coat on.

Can you deſcribe any thing elſe ?—No ; he followed the chaiſe through Ball's-pond gate, I was coming to town.

Had you obſerved him before he came to the chaiſe ?—Yes, I ſaw him before about five hundred yards, and I drove on as faſt as I could, and paſſed him.

How often had you paſſed him ?—Only once.

In what manner did he come up to you ?——He rode up quite oppoſite to me, and deſired me to ſtop.

Which ſide of the chaiſe ?——The right-hand ſide, near the oppoſite horſe to that I was upon, he was juſt oppoſite my horſe's head ; he deſired me to ſtop three or four times.

When you paſſed him once, had you any time to take notice of him, till he came to ſtop you again ?——No, I had not time, I went on, and he damned my eyes for not ſtopping, and preſented a piſtol to my head ; ſeeing the patrols ſo near, he made off directly, How do you know he preſented a piſtol?—Becauſe I ſaw the nozzle of it as plain as I ſee you now.

What ſize was it?—It ſeemed to be a large one.

Are you pretty ſure it was a piſtol?—Yes.

Did you ſee any thing but the nozzle?——No.

Did he aſk you for any thing?—No.

Jury. When he put the piſtol to your head, did he go round your horſe's head and go to the chaiſe?—Yes.

Priſoner. I was tried here on Friday for a ſimilar offence, and the poſt-boy could not then ſwear to my perſon.

(*See No.* 740 *and* 741.)

Court to Poſt-boy. How was that; did you ever ſay that you did not know this man?—I never ſaid ſo.

Did you give evidence againſt him before?—Yes, on Friday.

Priſoner. My Lord, I refer to the notes of Mr. Hodgſon, the ſhort-hand writer, if your Lordſhip will direct him to read his notes. This boy has been with the thief-takers ſince, and they have perſuaded him to ſwear to me.

Jury. My Lord, we tried this priſoner on Friday, and we perfectly remember the evidence that the boy gave.

Court to Jury. Gentlemen, I believe it is unneceſſary to go on with this proſecution; this is an indictment upon a particular act of parliament, in the ſeventh year of George III. chap. 32, which ſays, That if any perſon ſhall, after a certain day therein mentioned, unlawfully aſſault any perſon with a felonious intent to rob them, then every ſuch perſon ſhall be adjudged guilty of felony. The priſoner is charged with making an aſſault upon Benjamin Dring, with intention *to rob him*, and the account he gives is, that he being a poſtillion, the priſoner rode up to him, and preſented a piſtol and bid him ſtop, but aſked him for nothing, he never demanded his money, but damned him, and went up to the people in the chaiſe; therefore, ſuppoſing you believe the priſoner to be the man, which is by no means clear on the evidence, it is very clear he did not mean to rob the poſt-boy; but if you are clearly ſatisfied that he meant to rob the poſt-boy, and nobody elſe, then it will be a queſtion whether he ſpeaks to his identity or not.

GUILTY.

Tried by the London Jury before Mr. ROSE.

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763. THOMAS ORFORD, (a negro) was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Woodrow, about the hour of two in the night, on the 8th day of July, and burglariouſly ſtealing therein, a man's hat, value 6d. a ſheet, value 10s. a bed-gown, value 2s. three ſhifts, value 6s. ten ſhirts, value 4s. ten handkerchiefs, value 5s. three children's aprons, value 6d. his property.

WILLIAM WOODROW *ſworn*.

I am a taylor, I live in Fairfax-court, in the Strand, I keep a houſe there; on the 18th of July, I loſt theſe things a little after the clock ſtruck two.

Did you miſs all the things mentioned in the indictment?—Yes; my wife had been waſhing a day or two before, and we went to bed a little before twelve, and about two my wife ſaid, that is our yard door that makes a noiſe, I thought it had been the cat, I was between ſleep and awake, it was the one pair of ſtairs door, one window comes out into the yard, and the other into the paſſage that comes down into the Strand; I got up and came down and unbolted the back door.

Are you very ſure you unbolted the back door, that it was not open?—Yes, and I ſaw the yard door ſwing, then I looked round, it was rather dark, I did not obſerve the window at firſt, but when I looked round again I ſaw part of the window was gone off the ground floor.

What do you mean by the window being gone?——It is a ſmall ſaſh, it was taken out and gone.

Are there any window ſhutters?——No.

Do you know how this window was left the night before?——No, I do not.

Had this window ſhutter any faſtenings? It uſed in general to be faſtened with a nail, I ſtaid in the room ſometime, and then my wife called to me, and I found a coat that I pulled off in the night was gone, it was a light coloured cloth, and a hat over it, that was gone too.

Was there light enough to diſtinguiſh a man's face?——Yes, my Lord, there was.

If any perſon came into the houſe to take away theſe things do you apprehend that they came in at that window?——Yes.

You do not know any other way by which they could come in?——No.

SARAH WOODLOW *ſworn.*

I am wife to the laſt witneſs, on Thurſday morning, the 8th of July, I was ſitting up in my bed giving my child ſuck, and I heard the yard door flap to and fro, it frequently does with the wind, I awaked my huſband and told him it was our yard door, and deſired him to get up, and he went down ſtairs and ſtopped ſome time, and I called him two or three times, and he did not anſwer me; I was frightened at his ſtaying, thinking ſomebody had broke in and throttled him by his not ſpeaking, and went down and aſked him what made him ſtay, and he ſaid he had been in the yard and the door was open, I ſaid I am affraid all my things are ſtole which were on the ironing board, and he ſaid no; but I lighted a candle and looked, and I perceived my wet clothes gone from the line on the ground floor where the window was gone; I miſſed all the things from the ironing board conſiſting of ſhifts and ſhirts, I had been waſhing on the Wedneſday. I loſt the things mentioned in the indictment, *(The things depoſed to.)* I ſaw them all the night before, I faſtened the window myſelf at nine with a large nail, it has no ſcrew, and I locked the yard door with a padlock, I was the laſt that went to bed juſt before twelve.

RICHARD EVANS *ſworn.*

I am a watchman of St. Martin's pariſh; laſt Thurſday morning about three or a quarter before as nigh as I can gueſs, my comrade and me were ſtanding together at the corner of St. Martin's-lane.

How far is that from the court where the proſecutor's houſe is?——I ſuppoſe it is a quarter of a mile; we were ſtanding together and this priſoner came by me, I was ſtanding with my back towards him, he croſſed up St. Martin's and went into Newport-ſtreet.

Which way did he come?—Down Long Acre, I did not obſerve him till he was croſſed into Newport-ſtreet, as ſoon as I ſaw him, I ſaw a bundle in his hand and another under his arm, I went and ſeized him, and my comrade came to my aſſiſtance, I aſked him how he came by the bundle, and he ſpoke in broken Engliſh, and ſaid his miſtreſs gave it him to carry into the country to iron; I thought it was a bad ſtory, we took the bundle from him and took him to the watch-houſe; and when he came there I found two linen handkerchiefs in his pocket, the conſtable put the things by; at ten o'clock, they were taken to the magiſtrates, there they were opened, and they have been in my poſſeſſion ever ſince.

Are you ſure to the priſoner?—Yes.

WILLIAM KEEN *ſworn.*

About a little before three I ſaw the priſoner come paſt the end of Long Acre, croſſing St. Martin's-lane going into Newport-ſtreet, he had two bundles, he ſaid he was going to carry them into the country, and his miſtreſs had given them to him to carry there; we took him to the watch-houſe, and the proſecutor's wife was there a little paſt three.

PRISONER's DEFENCE.

I came from on board ſhip, and a man gave me a pint of beer to carry theſe to a houſe about two o'clock, and they came and took me, the man told me to ſay theſe things were to go into the country: *no more.*

GUILTY.

Of ſtealing to the value of 39s. but not guilty of the burglary.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Rose.

764. ANN FOSTER was indicted for feloniouſly ſtealing on the 8th of June, one ſilver tea ſpoon, value 6d. a ſilk cloak, value 5s. a gown and petticoat, value 5s. a dimity petticoat, value 4s. a pair of ſtays, value 2s. a linen ſhift, value 12d. the property of Patrick Neale.

SARAH NEALE *ſworn*.

I am wife to Patrick Neale, I keep a green ſtall, on the 8th of June between the hours of ſix and eight in the morning I miſſed the things mentioned in the indictment, I went to the market and left the priſoner in bed, and ſhe was gone before I came home, I ſaw the things that morning in the room, when I went out, I had them in my hand, that morning, and they lay ſeparate they were in the kitchen, we kept the kitchen for ourſelves, and let the other part of the houſe, my huſband is a debtor in priſon.

Priſoner. Mrs. Neale, you know very well you left me in the room, did I rob you of your clothes, did not you lend them to me?—No, I did not.

ELIZABETH EWER *ſworn*.

I live in Long Acre, I have ſeen the priſoner at the proſecutor's houſe, I made the gown and coat, and I went with Mrs. Neale to the pawnbrokers to ſee if it was the ſame.

Court to Mrs. Neale. What did you find at the pawnbroker's?—A white petticoat, and one ſilver tea ſpoon, the cloak ſhe had on and the ſtays, I knew the things directly when I ſaw them (*The ſpoon depoſed to marked W. M. T.*) I had half a dozen of theſe ſpoons, I have had them for theſe twelve months, I bought them with that mark on, the white petticoat I know by the marks, I am poſitive ſure of it.

(*The gown and coat depoſed to by Mrs Evans.*)

JOSEPH LIGHTFOOT *ſworn*.

I am a pawnbroker's ſervant in Oxford-ſtreet, No. 156, on the 8th of June in the afternoon, the priſoner at the bar pawned a white dimity petticoat with me for eighteen pence, I am ſure of the priſoner, ſhe has uſed my ſhop a long while, I have had the cuſtody of it ever ſince.

PRISONER's DEFENCE.

I took a lodging with her three weeks, and ſhe lent me her cloak to go out every night to get her money, and them things ſhe told me to pawn, the petticoat ſhe lent me and the ſtays; I have witneſſes.

The Priſoner called one witneſs to her character.

GUILTY.

To be confined to hardlabour twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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765. DANIEL DICKS and DANIEL TYLER were indicted for feloniouſly ſtealing on the 14th of June laſt, eight hundred pounds weight of lead, value 4l. belonging to Robert Gauble, affixed to a certain building of his, againſt the ſtatute.

There being no evidence but that of an accomplice the priſoners were

ACQUITTED.

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766. ELIZABETH BICKNELL otherwiſe HILL, otherwiſe WILD and THOMAS HASBRIDGE and ELIZABETH his wife, were indicted for that they on the 3d day of June laſt, with force and arms, one piece of falſe, feigned, and counterfeit money called a half-penny, did make, coin, and counterfeit, againſt the ſtatute.

JOHN DIXON *ſworn*.

I was at Edmunton about one at night about the 3d of July, with McDonald, Grubb, and Divine; I went to the houſe of Mr. Weatherby's, I received information that there was ſome coining, and that the buſineſs was carried on in the night, on ſearching his houſe I found ſome halfpence packed up in a hamper, ten or twelve pieces there are 30s. in each paper, that is what they uſually ſell for a guinea.

Jury. Was there any direction upon them?—No, I have opened them and examined them, and there appeared to be 30s. wrote on them *(a few of the half-pence handed to the Jury)* the dies I found in the preſs, and this half penny I found in the die, there is no connection between the houſes; I went up ſtairs, I ſaid pray Mr. Weatherby where do you get them half-pence, ſays he, I had them from the people next door, I went and broke the ſtreet door open which faces the ſtreet, and went in, and there I found Mrs. Wild in the front parlour ſtanding up near the fire place, ſhe had a bed gown on, ſuch as women work in, there was nothing particular in her dreſs, I did not take much notice of her, I left her with M'Donald, I aſked her for the key of the back parlour, ſhe ſaid ſhe had not got it, this was about one in the morning, I looked round and found they key laying on the chimney piece, and I took it off and opened the door, in the back parlour I found a cutting preſs, a quantity of half-pence laying round the preſs, and a ſtamping preſs with the dies fixed and that halfpenny between the dies, and a quantity of half-pence laying round the preſs, and ſome ceſil laying by the ſide of the cutting preſs in the back parlour, and ſome blanks, and a bag hung up in which they ſhake the half pence to make them black; *(Produced)* there are a great many flaws in the head of the die and ſo are the half-pence, I went up ſtairs in the one pair of ſtairs back room, and I found Mr. Haſbridge and his wife in bed.

Did you find every thing complete for coining?—Yes.

What was on the fire?——A little hot water, I deſired Mr. Haſbridge to get up which he did, he had a very dirty ſhirt on, a pair of breeches lay by the feet of the bed all over dirt and greaſe, when he got up he put a clean ſhirt on, and clean breeches, his hands appeared to be dirty and ſo did his wife's; I then brought him down ſtairs, and went into Mrs. Wild's apartments, for ſhe went to lock up her clothes, there I found theſe half-pence, and a quantity of half-pence beſides, and a quantity of cecil and ſome blanks in that room; and in the room that ſhe carried me for her things; two or three young men in bed and another lad in a cloſet, they were brought to the office and diſcharged; I have frequently remarked it when I have apprehended ſuch ſort of people, it has appeared by the ſmell of their clothes, what ſort of buſineſs they had been about, for they uſe a great deal of brimſtone in the colouring of half-pence, that made me think ſo here, for his hands were all over dirt.

What kind of dirt?——Why ſuch dirt as would come to any body from handling ſuch half-pence as theſe.

Priſoner Haſbridge. I had waſhed myſelf before I went to bed.

Mrs. Wild. You ſay there ſtood a ſaucepan on the fire?——I ſaid it was a copper pot.

Did you look into that?——There was nothing but water.

DENNIS M'DONALD *ſworn.*

I went and found the things as Dixon has deſcribed; Dixon and I took the things up and brought them away.

Priſoner Wild. Had I a bed gown on?—No, I ſaw you after you came down, you had ſhifted your clothes.

WILLIAM WEATHERBY *ſworn.*

I live next door to the priſoner, I have been there pretty nigh two years, I believe Mrs. Wild came about the beginning of May, ſhe was the miſtreſs of the houſe; there were ſome halfpence found in my houſe, I had them from them, I deal in ſtack wood from the chace, and I came up to town with two or three load a week, and I uſed to bring now and then a parcel of half-pence for them.

Do you know where they got them?——Make them.

You uſed to ſell them?—I never ſold any, I have ſeen Mrs. Wild, Mr. Haſbridge, and Mrs. Haſbridge making them by mere chance when I have gone in to know whether there was any thing going to London.

What room did they uſe to make them in?—In the back room.

Where did you bring them to?—I took only one load, and I left them in Holywell-lane, I was with Mrs. Wild when ſhe took the houſe, I ſaw them all at work one evening, and twice in the day time, I have ſeen them all at work I believe three times.

JOHN NICHOLLS *ſworn.*

I am one of the moniers of the Mint, theſe half-pence are all counterfeits.

Court. Was that half-penny made from that die?—I cannot ſay that, it is very poſſible it was, it is made by that die or one like it; becauſe one die may be like another as well as one half-penny like another.

Was this die made in the Tower?——I did not ſee it.

Priſoner Haſbridge to Weatherby. What kind of work did you ſee us about?——At this here.

But at what part of them?—Mrs. Wild was pulling the fly and Mr. Haſbridge put the half-pence in.

Priſoner Wild. Put your hand to your heart?—So I can.

Priſoner. And ſwear falſly too?——I would not take a falſe oath if it coſt me my life.

PRISONER WILD's DEFENCE.

I have nothing to ſay more than I have ſaid, they all ſay I was in a bed-gown, I was not, I had never had this gown off my back ſince Thurſday morning was a week, ſo help me God; and as to that pot that ſtood by the fire I was waſhing with it, he came to our houſe on Friday night, in the middle of the night and broke open the door, I was in the kitchen faſt aſleep in a chair, I had no light but what we burn in a little lanthorn, I thought it was thieves breaking in, it ſurprized me; Dixon went up ſtairs with me, if he can ſay I ſhifted my clothes I yield myſelf guilty, I turned every thing out in the world for him, and he ſaid he was very well ſatisfied; there was nothing in my boxes that belonged to them upon my honour, I had no light, but a log of wood; Weatherby ſays he never ſold or bought a piece in his life ſo help him God; now did you never in your life Mr. Weatherby? put your hand to your heart and anſwer.

PRISONER HASBRIDGE's DEFENCE.

I went down into the country and took this place for the benefit of my wife's health, my wife had the back room, I uſed to go down there two or three times a week and come back again.

ELIZABETH BICKNELL } GUILTY.
THOMAS HASBRIDGE. }

Each to be fined 1s. and impriſoned twelve months in Newgate.

ELIZABETH HASBRIDGE NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Roſe.

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767. THOMAS PEARSON was indicted for feloniouſly ſtealing fifty pounds weight of lead, value 8s. belonging to John Warburton, affixed to a certain building of his, againſt the ſtatute.

There being no evidence to affect the priſoner he was

ACQUITTED.

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768 THOMAS BURGES was indicted for feloniouſly ſtealing on the 7th of June, one earthen ſugar baſon, value 1s. 6d. the property of John Pincham.

JOHN PINCHAM *ſworn.*

I keep a ſtand in Covent Garden market, I miſſed a ſugar baſon, there was no mark on it.

GEORGE PASSENGER *ſworn.*

I am the proſecutor's ſervant, I took this baſon out of the priſoner's pocket in Covent Garden, I ſaw him with it in his hand at

Mr. Pincham's door, he put it down, and I ſaw him with it again, I ſpoke to him about ten minutes after, and I aſked him if he had paid for it, and he ſaid pho! pho! I took hold of him and took it out of his pocket; at the Juſtice's he made ſome excuſe that he paid ſome woman, I do not know whether he did or not.

Jury. Might not he go from your ſtall to another and buy one?——Yes.

PRISONER's DEFENCE.

Laſt Wedneſday evening I was coming along Covent Garden, I recollected my ſervant had broke a ſugar diſh, I cheapened one, the proſecutor aſked 1s. 6d. I offered him 1s. he went backwards, and a woman that was there ſaid you may take it; I put down a ſhilling and put it in my handkerchief, and they followed me, I ſaid I bought it and paid your maſter, or his ſiſter, or his wife one ſhilling for it, when I came back the woman was not to be found; they wanted to perſuade me that the woman belonged to me, I never was from the ſtall, we went to a magiſtrate, I told him I would ſend for two gentlemen to bail me, if it was 1500l. I could get it; the next morning we went before Juſtice Addington, I told him the ſame; I was then committed: I am of opinion both the maſter and man, and ſiſter ought to be ſet in the pillory; here I have been confined three or four days, and my credit at ſtake.

Court. Do you know the woman?—It was in the duſk of the evening, I cannot ſay I can ſwear to the woman, but it was a woman that I am ſenſible belonged to the ſhop.

Have you any witneſſes to your character?—Yes.

The priſoner called two witneſſes, who gave him a very good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

769. **JOHN YOUNG** was indicted for feloniouſly ſtealing, on the 21ſt of June laſt, one wicker baſket, value 2s. and eight quartern loaves of bread, value 5s. the property of James Fiſher.

JOHN THOMAS *ſworn.*

At twelve o'clock I went into Mary-bone-ſtreet, and pitched my baſket at the end of Berner's-ſtreet.

Had you left it in charge of anybody?—No.

How long was you gone?——About ten minutes, or not a quarter of a hour, and the baſket was gone; there were eight quartern loaves in it, and in a little time after a gentleman came with the priſoner and the bread which I left in the baſket; our ſhop is in Berner's-ſtreet; I can pick my own loaves out from five hundred, I work it; every man can know his own workmanſhip.

Court. What in a quartern loaf?—Yes, I think ſo, we put a W upon it.

Do not other bakers do ſo?——I cannot inform you, there is no particular mark further, but I can ſwear to my own workmanſhip.

—— WINTER *ſworn.*

I detected the priſoner with a baſket of bread on his back, containing eight quartern loaves, in New Ormond-ſtreet, about a quarter paſt twelve; I ſuſpected him to be a thief from the over hurry, and he ſeemed to be very much flurried; we ſtopped him, and he ſaid he lived with Mr. Smith, in Baldwin's-gardens, I immediately replied, my lad, the very worſt man you can pitch upon, he is a near neighbour of mine, I am ſure you are not his man, nor it is not his baſket, I am a baker and we will take you there; he conſented to go till we came to John-ſtreet, then he objected to going, obſerving he had married a niece of Mr. Smith's, and it would ruin him; I took him there, and Mr. Smith ſaid he knew nothing of him; Mr. Smith ſaid

I have heard of a baker that did marry a niece of mine, but whether this is the man or no I cannot tell; he conſented to go to the top of Berner's-ſtreet, where he declared he took this property from, I told him the beſt way for him would be to tell where he ſtole it, and he ſaid——

Court. Then ſtop a little; you went there?——Yes, we went there with ſome of the bread, and took him to Mr. Fiſher's, and he owned the baſket and bread, and the foreman likewiſe.

Can you tell a loaf of your own making from another loaf?——Yes, I hope ſo.

Does not it change in the oven?——No doubt.

If you were to ſee them at another place how could you know them?—I could tell my own bread from one hundred, I do not imagine you underſtand it.

If there is nothing but a W how can you know your own baking?—From the mode of working it.

ANOTHER WITNESS *ſworn.*

I ſaw him carrying it down Ormond-ſtreet, and ſtopped him with the baſket and eight quartern loaves, we took the baſket to Mr. Smith's, in Baldwin's-gardens, the baſket and bread were fetched away to Mr. Fiſher's, and left there, the baſket is here at the door; the account was as he has told you; I am a baker, and work for Mr. Simpſon, in New North-ſtreet; every baker has a different way of working his bread.

Do you ſuppoſe every baker could tell his own bread if he ſaw it twenty miles off?——I could tell my own workmanſhip, I ſhould think it very hard if I could not.

One of the London Jury. My Lord, every man can tell his own workmanſhip.

PRISONER's DEFENCE.

A man offered to give me ſixpence to carry this baſket, I went over the fields and down this ſtreet, and they ſtopped me, he told me he lived at Mr. Smith's, in Baldwin's-gardens, and when they went there, they found it was not the place, and I told them where I got it: they could only ſwear to one loaf.

GUILTY.

To be publickly whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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770. JOHN CASTLE and WILLIAM HOWSE were indicted for feloniouſly ſtealing, on the 1ſt of June laſt, one ſilver watch, value 40s. one ſteel chain, value 6d. two ſeals, value 12d. one pair of leather ſhoes, value 1s. one ſilk handkerchief, value 1s. the property of John Hanbury.

The witneſſes examined apart at the requeſt of the priſoners.

JOHN HANBURY *ſworn.*

I was robbed either on Whitſun Monday, or the next morning, I cannot ſay the time.

Were you in liquor?——Yes, I was going home from the Horſe-ſhoe in Goſwell-ſtreet to Black Friars, where I live, I was robbed of a ſilver watch, a pair of plated buckles, a pair of ſhoes, a black handkerchief off my neck, and my knife out of my pocket, and what money I had about me; I cannot tell how I was robbed, I was inſenſible, it rained very hard, I had been drinking, I thought myſelf capable of going home; when I came into the ſtreet I went into Fleet-market, and ſat down there on a bulk and fell aſleep.

When did you laſt perceive your things, when you were ſober?——When I was in the houſe the people wanted me to leave the things there, but I would not; I was awaked in the morning by ſome of the porters, by one Sam. Biningham that worked in the market, his mother did keep a butcher's-ſhop, and then I miſſed my things; I did not hear of them till the 4th of June, he brought the watch in his pocket, I ſaw it after I made mention of it, not before, I ſaw the handkerchief and ſhoes at the conſtable's houſe, I have not got them yet, the ſhoes were on my feet when they were taken, and the buckles out of them; the buckles I have never found yet.

RICHARD MORDANT *ſworn.*

I am conſtable, on the 4th of June, in the afternoon, one Jeffries and Walker came to my houſe and ſhewed me a watch, and nothing elſe; they came to me as an officer to apprehend the parties, they are two labouring men, I went down to Puddle-dock, to a public houſe there, and charged Caſtle with having the watch, I aſked him how he came by it, he ſaid he found it, I went and fetched the other priſoner; the other priſoner Howſe ſaid Caſtle gave it to him to ſell to Jeffries, he ſaid ſo in the preſence of Caſtle; when I had them both in cuſtody, Howſe ſaid to Jeffries I gave you the watch, and ſays Caſtle I had it of you, and he acknowledged he had it from him; I aſked Caſtle where he found it, he told me by Bridge-ſtreet, near Black Friars Bridge, then Jeffries produced a pair of ſhoes, Caſtle ſaid he found them alſo, and a black handkerchief, he ſaid he found that too.

Did Howſe ſay that Caſtle had given all the things to him?——No, my Lord, only the watch, and Caſtle acknowledged that, and acknowledged that he found the other things, and I took them and put them into cuſtody, I advertiſed them, and on enquiry I found that a man had been ſtripped of ſome things in Fleet-market, and I found out the proſecutor, and he deſcribed the things to me before he ſaw them; there is an R. and M. I think in the ſhoes, it is the maker's name in Holborn; he deſcribed the ſhoes, he deſcribed the watch by a particular ſeal, but he could not tell the name or number, he ſaid the minute hand was broke.

(*The things produced and depoſed to.*)

GEORGE JEFFRIES *ſworn.*

I got theſe things from the priſoner Caſtle, and the ſhoes and the watch of William Howſe, at ſix in the morning the 1ſt of June; they told me they found them, about eleven in the ſame day they came to me and ſaid they had a watch too which they found; John Caſtle ſaid he found it, I aſked where that watch was, he told me that William Howſe had in his pocket, I ſaid let me ſee it; I went with him and looked at it, they took me into a private room, they aſked a guinea and a half, and then I ſaid well, I will have it, and they deſired me to throw away the chain and the ſeals, and I went to this officer for advice.

Court. Could not they as well have taken that off before they ſhewed it you?——That they knew beſt about.

What connection had you with theſe men before?——Only drinking a pot of beer with them.

What are you?——A labouring man, I work for Mr. Newitt at Puddle-dock, I never bought ſuch a thing in my life, Howſe ſaid he knew where to ſell it, he ſaid he was not with the other when he found them; Caſtle ſaid he found them, he did not ſay whether Howſe was with him, or not.

THOMAS WALKER *ſworn.*

I bought a handkerchief of John Caſtle on the 1ſt of June laſt, which he ſaid he found, that is all I know; I went to Wood-ſtreet compter, and heard John Caſtle ſay that he lighted on a man in Fleet market, and picked his pocket completely, but ſays he, my blaſted brother blowed me, I never aſked him any queſtions at all.

Did you ever hear Howſe ſay any thing about it?——No.

PRISONER CASTLE'S DEFENCE.

I was at work down at Puddle dock, and I ſaw theſe things lay one morning, and I went and picked them up, I went a little further and I ſaw a watch lay, further on I ſaw a handkerchief lay, all in the mud, and I picked it up.

PRISONER HOWSE's DEFENCE.

He came to a houſe where I was, and he put his hand in his pocket, ſays he I have found this watch, will you take it and ſell it for me; I did not chuſe it; I was at home and in bed all the night, and the witneſs Walker knows that.

Court to Walker. Are you acquainted with Howſe?——Yes I was, I knew him before, he lodged where I lodg'd, I do not know where he was on the night of the Whitſun Monday.

WILLIAM ELLIOTT *ſworn.*

I am Headman at Puddle dock, I know both the priſoners; I have known Caſtle going on three years, and Howſe about twelve months, I can ſay nothing againſt them, they worked for me, and I paid them, I heard one of the witneſſes ſay to the other, ſays he never mind, there will be thirty pounds for you, and thirty pounds for me, and we will take a public houſe; and I thought it very bad, I heard Jeffries ſay ſo to Walker.

—— WALKER *ſworn.*

This is a brother in law of mine, he fell out with me and left the place, he has ſaved that man once for doing the ſame thing that is done now; and I do not chuſe to do it.

THOMAS MATTHEWS *ſworn.*

I am a ſhoe maker, I have known Caſtle two years, the other about a quarter of a year, I looked upon them as hard working men, never heard any other, I heard a diſpute between the parties, and I heard one of them ſay, he would hang his own brother for the ſake of the reward.

JOHN CASTLE GUILTY.

Tranſported for ſeven years.

WILLIAM HOWSE NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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771. PETER CORBETT was indicted for ſtealing a quart pewter tankard, value 1s. 6d. the property of Alexander Clegg.

ALEXANDER CLEGG *ſworn.*

Laſt Thurſday I loſt a pewter tankard.

How did you loſe it?—The priſoner came into the bar, and called for three-pennyworth of crank, I ſaid you have ſtole the pot, and I found it upon him.

(The pot produced.)

MARY GRIFFITHS *ſworn.*

The priſoner came and called for three penny-worth of gin and water, I ſaw him take the tankard, and I told my maſter, he took it from him and ſhoved him out, and he run away, and I run after him.

PRISONER's DEFENCE.

I was along with a young man, we called for a pot of beer, and we were coming to bring the pot to the bar.

The priſoner called five witneſſes, who gave him a good character.

GUILTY.

To be publicly whipped and diſcharged.

Tried by the London Jury before Mr. RECORDER.

772. **THOMAS PORTER** was indicted for feloniouſly ſtealing on the 31ſt of May laſt, one linen ſheet, value 3s. a piece of linen cloth containing ſix yards, value 6s. a linen ſhirt, value 2s. two linen ſhirts, value 2s. a cloth coat, value 10s. 6d. a ſtuff waiſtcoat, value 4s. a pair of ſtuff breeches, value 1s. 6d. a gown and petticoat, value 10s. a Marſeilles petticoat, value 3s. two ſtocks, value 1d. a gown, value 4d. a cloak, value 4d. a towel, value 3d. a black ſilk handkerchief, value 2d. a handkerchief, value 6d. another handkerchief, value 2d. a towel, value 1d. two aprons, value 2s. a pair of ſtays, value 2s. the property of Thomas Julphs, in his dwelling houſe.

THOMAS JULPHS *ſworn.*

I went out about two o'clock on the 31ſt of May, I left my wife at home, and I came home paſt ſix.

MARY JULPHS *ſworn.*

I am wife to the laſt witneſs, I went out about ten minutes before ſix, my huſband left me at home when he went out, the kitchen door was locked, and the ſtreet door was upon the ſpring lock, I returned twenty minutes after ſix, when I returned there were a number of people gathered together, and told me my houſe was robbed and the perſon taken, and the things upon him, the property were all ſet down before I came home.

EDWARD ATKINSON *ſworn.*

I was getting ſome goods into my maſter's warehouſe the 31ſt of May, and I ſaw the priſoner come down the alley a quarter after ſix, he dropped ſomething white, before he came to me, and a girl called after him to pick it up, and he never returned to pick it up, and when he came by me he hung his head, and I thought he had ſtole them, and I ſtopped him, and another man went for the conſtable.

Priſoner. Did not I point to the man that gave me the things?——I ſaw no man near him, he ſaid nothing; I told him I believed he had ſtole the things, I told him to lay them down and he did.

THOMAS WING *ſworn.*

I live in the ſame court where the proſecutor lives, it is no thoroughfare, but the proſecutor lives in the laſt houſe, I live in the middle, I heard ſomebody run by my houſe on the laſt day of May, I looked out and it was the priſoner with an arm full of things, I knew no body was at home at the proſecutor's, I thought it had an odd look, ſo I followed him, but before I overtook him Atkins had ſtopped him, I went for a conſtable.

JOHN CHABREY *ſworn.*

I took the priſoner into cuſtody, he had the things mentioned in the indictment, they have been in my cuſtody ever ſince.

(The things produced and depoſed to by Mrs. Julphs.)

I know the gown and coat by the make and wearing of it, I made it, a white petticoat, a pair of ſtays, they are mine, three bed-gowns, two white and one printed cotton my own work, a new piece of cloth for a ſheet I can particular ſpeak to, it is begun to be ſown at each end; theſe three handkerchiefs, here is a white one, and I have half of it on, here is a pocket handkerchief that is mine, a ſilk handkerchief it is worn out and mended at the corner.

Court. What may be the value of theſe things?——I think they are worth four pounds.

Court. That is a great deal more than they are valued at in the indictment.

(The other things depoſed to.)

PRISONER's DEFENCE.

I move goods as much as lays in my power to ſupport my wife and four ſmall children; a man employed me to move theſe things, he took me up to Paul's alley, he told me to ſtop, he brought me theſe things that were looſe and put them acroſs my arm, and ſaid if I went along he would follow me.

SAMUEL NEWMAN *ſworn.*

I live in Golden-lane, No 56, I know the priſoner, he is a porter, I never heard any harm of him before in my life.

GRIFFITH SMITH *ſworn.*

I am a carpenter and joiner, I live at No. 13 Fleet-lane, and keep a broker's ſhop, I have known the priſoner five or ſix years, I have intruſted him to carry out goods, I never heard any blemiſh on him before.

CATHERINE SHAW *ſworn.*

I live in Roſemary-lane, I have known him ten years; he is a porter, I never heard any harm of him before.

Court to Mrs. Julphs. How did you find the doors?—As I left them, but the windows were open.

GUILTY

Of ſtealing to the value of 35s.

To be confined to hard labour twelve months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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773. **JOHN MONK** was indicted for feloniouſly ſtealing, on the 16th of June laſt, one pair of cotton ſtockings, value 1s. three deſert knives and forks, value 1s. 6d. the property of Benjamin Flint.

BENJAMIN FLINT *ſworn.*

I loſt the things mentioned in the indictment, I have every reaſon to ſuſpect the priſoner, he lived a ſervant with me, but not in the houſe, he lodged out, I found the things in his bed and the conſtable was a witneſs, and likewiſe the landlord, they were worth altogether 2s. 6d.

HENRY KIMBER *ſworn.*

I found theſe things under the priſoner's bed between the ſacking and the bolſter, it was in the day time between eleven and twelve, I ſwear to the knives and forks, but cannot ſwear to the ſtockings, there were ſeveral cracks in the handles of the knives and forks, they are ſo nice I could ſwear to them, the priſoner owned it.

Was any promiſe made him?——I told him he ſhould ſuffer the ſeverity of the law.

SARAH FLINT *ſworn.*

Court. Look at theſe ſtockings?—They are mine.

PRISONER's DEFENCE.

I had the misfortune to loſe all my clothes, I had only one pair of ſtockings, and I aſked Jane Dandy to lend me a pair of ſtockings while I got mine waſhed, which I had worn two or three weeks; ſhe ſaid ſhe had none, and this pair of ſtockings lay on the dreſſer in the kitchen, and I aſked her to lend me them, ſhe ſaid they were none of hers, but if I thought they would not be miſſed I might take them.

JANE DANDY *ſworn.*

I never ſaid ſuch a ſyllable in the world.

JOHN CAVE *ſworn.*

I have known the priſoner about ſixteen years, I never heard any bad character of him before this.

RICHARD CRESCE *ſworn.*

I have known him about ten years, a very good character, I never heard any harm of him.

THOMAS SOUTH *ſworn.*

I have known him ever ſince he was firſt apprentice, I never heard any thing the leaſt to the diſparagement of his character before this, I knew him quite a boy, he kept a ſhop in the cheeſemongery way.

JOSEPH WHEELER *ſworn.*

I have known him about eleven or twelve years, he was a man of great opulence in the town of Graveſend, I never heard a bad character of him.

WILLIAM FARR *ſworn.*

I have known him for about eight or nine years, he lodged with me, I never heard any bad of him till this preſent time, in the world.

GUILTY.

To be fined 1s. and impriſoned three months in Newgate.

Tried by the London Jury before Mr. Juſtice ASHURST.

MISDEMEANORS.

774. ELIZABETH BUTTERWORTH was indicted for feloniouſly receiving four ells of black ſilk mode, the property of Thomas Amery, well knowing the ſame to be ſtolen.

THOMAS AMERY *ſworn.*

I am a Weaver, I live in St. John-ſtreet, Bethnall-green, my loom and my work were in a houſe where I pay for their ſtanding, there was twenty-ſix ells of black ſilk mode ready made, all at the houſe of Mr. Forme, in Great Eagle-ſtreet, on the 12th of June I miſſed it, they were all ready manufactured by me, I left it in the upper ſhop in the garret, on the Saturday, and never ſaw it afterwards till I ſaw it in the hands of James Shakeſhaft.

(The ſilk produced and depoſed to by a white mark in the ſelvages, which the proſecutor put in for his own uſe.)

Do not other people put ſuch marks?—Not that I know of, I know nothing of the priſoner.

———— FORME *ſworn.*

Had you any property belonging to Mr. Amery, that was intruſted from his maſter that he works for?——It was in my houſe; the proſecutor works with me, and has done for a great many years; I ſaw this in my garret on Sunday in the afternoon, the wall was broke, and the work taken out, by ſome people, I do not know who, the things were miſſing on the 14th in the morning, when I got up in the morning, I ſaw the hole in the wall, and the property gone (*Depoſes to the ſilk*) I knew this by the white mark, I know nothing of the priſoner.

JAMES SHAKESHAFT *ſworn.*

I went on the 17th of June, into a place called Five-inkhorn court, Petticoat-lane, to the priſoner, I told her I wanted to ſearch the room up one pair of ſtairs, ſhe ſaid, ſays ſhe, I will not hinder you, and ſhe unlocked the door.

Had ſhe the key?—Yes, when I went into the room, I aſked her who lived there, ſays ſhe, no body but me.

Did you tell her it would be better for her to confeſs?——No, ſhe ſaid nobody lives here but me, I live with no thieves now, I have had my belly full of thieves; ſhe made no reſiſtance, I ſearched the drawers they were not locked, in one of which I found this piece of ſilk.

JOHN ARMSTRONG *ſworn.*

I am an officer; I went with the laſt witneſs, on the 17th of June, to this woman's lodgings, ſhe was at the outſide of the ſtreet door, ſhe unlocked the door, and we went in and we found this ſilk in the drawers.

Priſoner. Have not you ſince had a perſon in cuſtody that that room did belong to, and ſhe has been diſcharged?——No, we did take up another woman for receiving, and we were informed, there was two women lived in the room, and ſhe was diſcharged, there was no appearance of any things of any other woman.

Priſoner. Whether that Gentleman did not take a pair of ſtays off the bed, belonging to this other woman that has been in cuſtody, ſince I was taken?——No, there was a pocket book, and a pair of breeches belonging to a man that is gone away.

Priſoner. The room did not belong to me, I did not take the room, pay no rent, nor receive no key.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

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775. **MATTHEW JAMES EVERINGHAM** was indicted, for that he being a profligate perſon, on the 17th of June did falſly pretend to Owen Owens ſervant to Samuel Shepherd, Eſq; in the Middle Temple, that he was ſent to Mr. Shepherd, from Mr. Clermont's for Burn's Juſtice or Compton's Practice meaning certain books, by which he obtained the ſame books, value 10s. the property of the ſaid Samuel Shepherd, whereas he was not ſent with that meſſage.

OWEN OWENS *ſworn.*

I am ſervant to Mr. Shepherd, I was ſervant to him on the 17th of June laſt, the priſoner came to me on the 17th of June in the morning, about ten or eleven, he came with Mr. Clermont's compliments to Mr. Shepherd, and he would be obliged to him, if he would lend him Burn's Juſtice or Compton's Practice, I gave him the books, and aſked him whether he lived with Mr. Clermont's or not, he ſaid yes, he did, and he had had the fever and ague, and was come back again.

——— CLERMONT, Eſq. *ſworn.*

The priſoner at the bar was my ſervant, but not on the 17th of June.

Did you ſend him any where?——I did not ſend him any where.

RICHARD BANNISTER *ſworn.*

I am a bookſeller in Bell-yard, Temple-bar, the priſoner came to me about the middle of June, I did not take any particular notice then of the time, he brought to me to ſell Compton's Practice, I gave him five ſhillings for it, if it had been the laſt edition of the book it would have been worth more, but not being the laſt, it was the full value of it.

What does the laſt edition ſell for?——Sixteen ſhillings; I aſked him whoſe they were, he aſked me but three ſhillings, I ſaid my lad I can give you five ſhillings for them, but you muſt produce me ſome authority, or I ſhall detain the books, he ſaid he himſelf lived in Elm Court, Temple, upon which he went away, and returned and brought me a letter, on the authority of which I bought them; I thought it might be ſome diſtreſſed member of the law that wanted money, I could not tell.

PRISONER's DEFENCE.

I was in great diſtreſs.

Court to Owen Owens. Were Mr. Shepherd and Mr. Clermont acquainted?—Yes, they were.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

WILLIAM

776. **WILLIAM ELLOR** was indicted for that he, intending to defraud Anthony Songer and Bartholomew Songer, unlawfully and wilfully did produce a paper, purporting to be a paper ſigned by Elizabeth Wery, wife of Francis Wery, directed to Meſſrs. Songer, deſiring them to ſend by the bearer ten pounds, which ſaid paper was in the words and figures following, that is to ſay: "Pleaſe to ſend ten pounds by bearer, as I "am ſo ill I cannot wait upon you. Eli-"zabeth Wery." And that he the ſaid William, with intent to defraud the ſaid Anthony and Bartholomew, did falſly pretend to the ſaid Anthony, that he was ſent with the ſaid paper, written by the ſaid Elizabeth, whereas in truth and in fact he was not ſo ſent.

A Second and Third Count, charging this offence in a different manner. (See No. V. Part IX. Page 833.)

——— SONGER, Eſq; *ſworn*.

Captain Wery when he went to India deſired me to pay any money to his wife ſhe might want for houſe-keeping, and on the 22d of April the priſoner brought me this letter, I knew ſhe was ill, and had before enquired of her if the boy belonged to her, ſhe told me yes, becauſe he uſed to bring flowers and fruit the year before.

Did you ſee that receipt put to the letter?——No, I gave directions to one of my clerks to write a draft and receipt for the money.

GEORGE GIFFORD *ſworn*.

I am clerk to Mr. Songer, I filled up the draft, and took the receipt, it is my hand writing, I ſaw the priſoner put his mark to it.

Court. Was the receipt read to him when the mark was put to it?——I did not read it, I told him I would write a receipt for ten pounds, and he ſhould put his mark to it; the draft to the banker was given to this young gentleman, who went with him to receive the money.

ALEXANDER ALLOT *ſworn*.

I went with this draft to the Bankers, Meſſ. Martin, Stone, and Co. I received the money myſelf, and I gave it to the boy that was waiting, I gave him ten pounds.

ELIZABETH WERY *ſworn*.

I am wife of Captain Francis Wery.

Is that your hand writing?——No, Sir, nor by my order.

Was the priſoner a ſervant of your's at that time?——No, Sir, nor for ſix weeks or two months before.

Did you ſend him?—No, I never ſaw him after he left my houſe.

(The letter read.)

PRISONER's DEFENCE.

I cannot write nor read, I had theſe notes delivered to me, a man gave them to me, I did not know the conſequence of them.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

The Trials being ended, the Court proceeded to paſs Sentence as follows:

Received ſentence of death, 18.

James Stoddart, John Codd, Robert alias John Moore, Richard Edwards, James Shiers, Joſeph Tuſo, William Holmes, John Ponti, John Matthew Cox, alias Banbury Jack, John Foreman, Charles Culley, John Ruffler, Mary Marſhall, John Shelley, alias Shirley, alias

Shirlock, Richard Middleton, and John White.

Thomas Turner, convicted in a former Seſſions for ſtealing goods in a dwelling houſe, whoſe caſe was reſerved for the opinion of the Judges, was alſo brought to the bar, and informed by Mr. Reynolds, that his caſe had been conſidered by the Judges, and that they were of opinion that he was guilty of the felony charged againſt him in the indictment.

James Napier, convicted at the laſt Seſſions of a highway robbery, was alſo put to the bar, and informed by Mr. Reynolds, that his caſe had been conſidered by the Judges, and that they were of opinion that he was guilty of the felony charged againſt him in the indictment.

Tranſported for ſeven years, 42.

William Butler, Andrew Goodwin, Thomas Hill, James Jackſon, William Watkins, Robert Nunn, Edward Cunningham, William Stone, James Taylor, William Marney, Daniel Gilfoy, Thomas Chadwick, Nathaniel Lucas, John Wootton, Thomas Orford, James Pulett, Peter Woodcock, Nicholas Engliſh, Francis Joyce, William Cole, William Holmes, James Thompſon, James Cryer, John Caſtle, Thomas Porter, William Hinton, James Willis, James Burley, George Barland, Peter Sampſon, Charles Allen, Joſeph Collins, John Richardſon, William Prudence, Thomas Barker, Thomas Clements, James Morriſby, Charles Williams, Matthew James Everingham, William Ellor, and Richard Percival.

John Henry Aickles, convicted at a former Seſſions, whoſe puniſhment was reſerved, was put to the bar, and ordered to be tranſported for ſeven years, to be computed from the time of his conviction.

To be confined to hard labour twelve months in the Houſe of Correction, 12.

Suſannah Hughes, Iſabella Vere, Ann Smith, Elizabeth White, George Whiteford, Hugh Mars, Thomas Porter, Margaret Johnſon, Ann Forſter, Sarah Harris, John Eades, Sarah Davis.

Confined to hard labour ſix months in the Houſe of Correction, 11.

Mary Wall, Mary Boydin, Ann Duff, otherwiſe Fielding, Margaret Hewitt, Elizabeth Jigger, Elizabeth Knox, Catherine Penny, Mary Sutton, Ann Martin, John Glaven, John Young.

To be impriſoned in Newgate twelve months and fined one ſhilling, 2.

Elizabeth Bicknell and Thomas Harbridge.

N. B. They were informed by the Court that if ever they were convicted of a ſimilar offence in future, that offence will then be capital, and they will forfeit their lives.

To be impriſoned in Newgate ſix months, 1.

Eleanor M'Carty.

To be impriſoned in Newgate three months and fined one ſhilling, 1.

John Monk.

To be impriſoned one month in Newgate, 1.

Michael Fitzpatrick.

Whipped, 4.

Thomas Dennis, (twice,) Peter Corbett, John Hogan, Michael Fitzpatrick.

ERRATUM. In the Trial of William Thomas No. 762, for GUILTY, read NOT GUILTY.

The next Seſſions will begin on Wedneſday the 15th of September, at the Old Bailey.

THE TRIAL OF COSMO GORDON, *Eſq;*

COMMONLY CALLED

The Honourable COSMO GORDON,

FOR THE

WILFUL MURDER

OF

FREDERICK THOMAS, Eſq;

In a DUEL in Hyde Park,

On the FOURTH of SEPTEMBER, 1783:

Who was TRIED at

JUSTICE HALL *in the* OLD BAILEY,

On FRIDAY the 17th of SEPTEMBER, 1784.

TAKEN VERBATIM IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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(Of the SESSIONS PAPER.)

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M DCC LXXXIV.

[PRICE SIX-PENCE.]

BEFORE the Right Honourable ROBERT PECKHAM, Eſq; Lor Mayor of the City of London; the Honourable Sir Henry Gould, Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; the Honourable Sir James Eyre, Knt. and the Honourable Sir Beaumont Hotham, Knt. two of the Barons of his Majeſty's Court of Exchequer; the Honourable James Adair, Serjeant at Law, Recorder of the ſaid City; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol-Delivery of Newgate, holden for the ſaid City and County of Middleſex.

INDICTMENT.

COSMO GORDON, late of the Pariſh of St. George, Hanover-ſquare, in the County of Middleſex, Eſq; otherwiſe called the Honourable Coſmo Gordon, late of the ſame, was indicted, for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 4th day of September, in the 23d year of his preſent Majeſty's reign, with force and arms in and upon Frederick Thomas, Eſq; in the peace of God and our lord the King then and there being, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault, and that he a certain piſtol, value 5s. then and there charged with gunpowder, and one leaden bullet, which he the ſaid Coſmo Gordon in his right-hand then and there had and held, did diſcharge and ſhoot off, well knowing the ſame to be charged as aforeſaid; and then and there, by force of the gunpowder aforeſaid, the ſaid Frederick Thomas with the leaden bullet aforeſaid, ſo diſcharged and ſhot off from the ſaid piſtol as aforeſaid, feloniouſly, wilfully, and of his malice aforethought, did ſtrike, penetrate, and wound, giving to him, the ſaid Frederick Thomas, with the ſaid leaden bullet as aforeſaid, by force of the gunpowder from and out of the ſaid piſtol ſo diſcharged and ſhot off as aforeſaid, in and upon the right ſide of the belly of the ſaid Frederick, one mortal wound of the length of one inch, and of the depth of fourteen inches, of which ſaid mortal wound the ſaid Frederick Thomas, from the ſaid 4th to the 5th day of September did languiſh, and languiſhing did live; and on which ſaid 5th day of September the ſaid Frederick Thomas of the ſaid mortal wound, ſo given by the ſaid Coſmo Gordon by the ſaid leaden bullet as aforeſaid, by force of the gunpowder from and out of the ſaid piſtol ſo diſcharged and ſhot off as aforeſaid, did die; and ſo the Jurors aforeſaid, upon their oaths ſay, that him the ſaid Frederick Thomas, he the ſaid Coſmo Gordon did kill and murder.

He was alſo charged upon the Coroner's inquiſition with the like murder.

JURY.

Joſeph Wateridge,	John Kupky,
Richard Egan,	John Marſhall,
Edward Bower,	Ebenezer Taylor,
Thomas Burne,	William Wootton,
John Fenn,	Joſeph Nunn,
George Preſſer,	Edward Palmer.

Council for the Crown.

Mr. Graham, Mr. Reeve.

Council for the Priſoner.

Mr. Mansfield, Mr. Fielding.
Mr. Silveſter, Mr. Garrow.

Mr. Reeves opened the indictment; and Mr. Graham opened the caſe as follows:

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, I am likewiſe of Council in this proſecution; the charges have been diſtinctly read and repeated to you, and it is ſcarcely neceſſary for me to ſay, that they amount to no leſs than this, the wilfully and maliciouſly taking away the life of a fellow ſubject. Gentlemen, with reſpect to the law relating to the matter now in queſtion, I ſhall ſay nothing, becauſe that experience which you have of queſtions of this kind, grafted upon natural good ſenſe, has given you a ſagacity and judgment that is fully adequate to ordinary caſes, and if the caſe I am about to ſtate to you gives riſe to any circumſtances of novelty or doubt, you may be confident of receiving every light, that the nature of ſuch a caſe may admit of, and the moſt luminous and moſt ſatisfactory explanation from the learned Judges. Gentlemen, I think it neceſſary, and I hope I ſhall not exceed the bounds of my duty (but if I do, I hope I ſhall be interrupted) by going back to the origin of that unfortunate quarrel, which terminated with the loſs of a valuable life; valuable to the public, and more ſo to his private connections; and for the loſs of which, you are now to make a ſolemn enquiry. Gentlemen, the deceaſed, Colonel Frederick Thomas, was captain of a company in the third regiment, which ranks as you well know as Lieutenant Colonel; the priſoner at the bar, the Honourable Coſmo Gordon, had likewiſe a company in the ſame regiment, with the rank of Lieutenant Colonel, but was the ſenior officer: they were in America, the main body of the army was encamped at Elizabeth Town, in the Jerſeys; the corps, conſiſting of two battalions, was, in June 1782, detached on ſome military ſervice, not neceſſary to mention; in the courſe of this ſervice, it became neceſſary on the 23d of June, that the Guards particularly ſhould be employed in diſlodging a part of the enemy, from a certain heighth they had occupied in a neighbourhood, called Bran Fields, in the Jerſeys, the command of theſe two battalions devolved on the priſoner; Colonel Thomas was his junior officer; it happened moſt unfortunately, that in the performance of that ſervice, which was attended with ſome riſque, Colonel Thomas was one of the firſt officers to aſcend the heighths, and knowing he had not the command of the buſineſs of that day, he ſent, I believe, more than one meſſenger to require the aſſiſtance of Colonel Gordon; ſtill more unfortunately, this meſſenger brought a report that Colonel Gordon was not to be found: that work of riſque, whatever it was, was performed without much loſs on our ſide, and Colonel Thomas remained maſter of the heighth, with no enemy near. Soon after this, which perhaps was not deſerving the name of an engagement, Colonel Thomas, with an impetuoſity which cannot be juſtified, as he ought certainly to have poſſeſſed himſelf more than he did, immediately at the ſight of the priſoner, expoſtulated with him in terms of more than mere enquiry, and conveying conſiderable reproof that he was not there; Colonel Gordon gave him his reaſons, which no doubt appeared to be ſuch as juſtified the conduct of an honourable man; thoſe reaſons did not ſatisfy Colonel Thomas, he perſiſted in his charge, Colonel Gordon took no notice of it, they returned to the camp, and on their return Colonel Thomas ſpoke very freely his diſapprobation of the conduct of the priſoner in his hearing, but no notice was taken of that: it happened however that the priſoner received from a ſtraggling ſhot of the enemy a contuſion, which made it neceſſary to quit the army; he continued abſent near a month, on his return to join the camp, he found, in converſation with more than one officer, Colonel Thomas had perſiſted in thoſe charges of miſconduct, and found it neceſſary, in vindication of his character as a ſoldier and a man of honour, to bring the matter to ſome ſort of explanation, with that view he applied to the Brigade Major to aſſemble two battalions of Guards, they were aſſembled, and Colonel Gordon then intimated to the officers then preſent, that ſome gentleman had been free with his reputation as a ſoldier, and called upon them publickly to avow it; after ſome little reluctance Colonel Thomas ſtepped forwards, and avowed himſelf the author of thoſe charges, that he had made them publickly, that he had made them under a conviction which appearances at that time gave him, and was ready upon any occaſion to avow and maintain them: upon this the priſoner, as his ſuperior commanding officer, ordered him under an arreſt, and his ſword was taken from him, and he was very ſoon after brought to trial at a Court Martial; that trial took place, and, Gentlemen, you will pleaſe to attend to the dates, as they may be material. On the 15th of September 1780, this charge was preferred by the priſoner on that occaſion, which was in ſubſtance, and I believe pretty nearly in terms thus: That the deceaſed Colonel Thomas had ſecretly and ſcandalouſly aſperſed his character as an officer, in a manner unbecoming a ſoldier and a gentleman, during his abſence, by ſaying that he, Colonel Thomas, had commanded the Guards on the day of the affair at Bran Fields. This charge was brought forward and ſupported by ſuch evidence as the priſoner could procure, and defended by Colonel Thomas: the iſſue of that enquiry, which laſted from the 15th of September to the 23d of the ſame month, was, the Court Martial found Colonel Thomas was not guilty of the charge, therefore they acquitted him. But, Gentlemen, I thing it is but juſtice, and a debt I owe to truth, I think myſelf bound to ſay, that the acquittal of Colonel Thomas upon that occaſion does not conclude the truth of his charge againſt the priſoner, and only applies to this, that the priſoner had miſconceived the charge, it was that ſort of open public charge, which he made from that conviction in his own mind, reſulting from appearances in diſfavour of the priſoner, which till then had not been explained: and, Gentlemen, ſoon after this acquittal, and while the deceaſed Colonel Thomas remained under an arreſt, the priſoner ſent him a challenge, conceived in the ordinary terms; the anſwer to which was, he ſhould not meet him, being under an arreſt*, and he accompanied that anſwer with poſitive orders to his ſervant, to receive no letters of any kind from the priſoner at the bar. Gentlemen, this matter reſted between the deceaſed and the priſoner, during the whole of the two years in which both of them remained abroad, employed in the ſervice of their country; and I am not appriſed of any fact that is at all material to the caſe now before you down to the month of Auguſt 1782; but in Auguſt 1782, the priſoner at the bar applied for, and obtained a Court Martial upon this ſuppoſed charge, which had ſo frequently been aſſerted: Colonel Thomas ſtood forward on that occaſion to maintain the charge, which was in words this: That the priſoner had not done his duty on the 23d of June 1780. I need hardly obſerve to you, that in the long interval of two years, at a time and ſeaſon abounding with riſques and perils of many kinds, that many of thoſe perſons competent to ſubſtantiate or defend the charge, were either dead or diſperſed; but when I ſay this, I ſhould act contrary to my feelings as a man, and alſo to juſtice, if I did not at the ſame time inform you, that Colonel Gordon, whoſe character is now at ſtake as well as his life, and perhaps to him as a man of honour is more valuable, Colonel Gordon did conſent that the enquiry then inſtituted ſhould receive every light which the then circumſtances of affairs would admit, and by his conſent, all that evidence which had been brought forward on the one ſide and on the other ſhould be read on this Court Martial; it is true, that the caſes being ſomewhat different, much of that evidence might not be ſo much ſuited to ſubſtantiate the charge, which was of a different nature, and brought forward againſt the priſoner. Colonel Thomas on that occaſion did go conſiderably out of the line of his defence, and call evidence tending to ſubſtantiate that charge he had put about, for ſeveral witneſſes were examined who ſpoke to thoſe circumſtances, which unfortunately for the deceaſed, he had conſidered in an unfavourable manner to the priſoner at the bar.—Gentlemen, this enquiry commenced in Auguſt, 1782, and determined the 4th of September following, when that was ended the army broke up, or very ſoon after, and Colonel Thomas came to England, for on the 14th of November, 1782, Colonel Thomas returned to England, the priſoner did not return till the latter end of May, or the beginning of June following; and upon his returning to England, about three weeks after he returned, he ſent a letter, which you will have read in evidence preſently; that letter was dated the 20th of June, 1783, and was in the ordinary terms of perſons who conceived their honour was injured, and demanding peremptory ſatisfaction; Gentlemen, it will be neceſſary for me to read to you, that it may be impreſſed upon your minds, the anſwer ſent upon that occaſion; it was thus—it is dated on the ſame day, Friday morning, 20th of June 1783, "Sir, I have received your challenge, which as I am not a fool or a mad man, I ſhall not accept at this late hour; almoſt three years have elapſed ſince the Court-Martial you brought me to, acquitted me of your charge; and I ſhall not now be reſponſible to you, for any part of my conduct previous to it, as you preferred, and actually ſought a public inveſtigation of the matter; the charge on which you was tried was not juſtly or unjuſtly brought by me, and the witneſſes who were all exiſting in September, 1780, were either killed or diſperſed in September, 1782; however, Sir, do not deceive yourſelf, for as I have acted hitherto with firmneſs and propriety, I do not mean now to lay them aſide, and be aſſured the man who dares to attack me, ſhall find me inclined, and perfectly able to make uſe of my ſword, as he who dares inſult me, ſhall abide by the conſequence: I am, Sir, your obedient ſervant, Frederick Thomas.—Addreſſed to the honourable Colonel Gordon:——Gentlemen, after this letter, about ten days afterwards, the deceaſed, Colonel Thomas went into the country, and remained there till the 3d of September, in the ſame year; upon his return to town about one o'clock, he found laying upon his table, a letter from an officer of rank and conſideration in the army, Major Skelly; begging to ſpeak to him, he thought himſelf bound to ſee him and talk to him on the ſubject, he did ſee him in the courſe of the next day; what paſſed particularly in converſation between them we do not know, but this is perfectly clear from a paper which has been ſince found in the cuſtody of Colonel Thomas, in the hand writing of Colonel Gordon, but Major Skelly delivered the letter now about to be read to you, to Colonel Thomas: the letter is dated the 18th of September, 1783. "Poland-ſtreet, No. 8. September 3d, 1783. Sir, your return for which I have impatiently waited, gives me at laſt an opportunity of expreſſing my aſtoniſhment at the purport of your letter, dated the 20th of June, wherein you a ſecond time deny me that ſatisfaction, which as an injured perſon I have a right to expect at your hands, I am equally ſurprized that you again make uſe of this expreſſion, that late hour, when you muſt be ſenſible it was the hour you appointed, likewiſe when I have proved upon oath your original accuſation was ill-grounded:"—Gentlemen, I beg to obſerve, that the Court-Martial of General Officers, found the priſoner at the bar not guilty of neglect of duty that day, and that he was honourably acquitted. "I delayed till the Court-Martial had fully and honourably acquitted me, and till I had made my obeiſance to his Majeſty for the gracious mark of his favour I had lately received, looking then upon every objection to be removed, I requeſted you to fulfil your promiſe, which you thought proper to decline; I am now Sir, under the neceſſity of acquainting you, that you muſt either reſolve to meet me at ſix to-morrow morning with piſtols, at the ring at Hyde Park, in company with a friend; or ſubmit to be held up to the world in a moſt diſhonourable light; with reſpect to what you mentioned of defending your perſon, I have only to obſerve, that whilſt there are other modes by which gentlemen may decide their differences, I ſhall never adopt that of an aſſaſſin: I am, Sir, your moſt obedient ſervant, Coſmo Gordon.—Addreſſed to Lieutenant Colonel Thomas."—Gentlemen, this letter with the viſit of Major Skelly, produced the effect of bringing to the field the deceaſed, with great reluctance on his part, purely ariſing from an unhappy opinion which he had conceived, and which I do not myſelf think well founded, that the conduct of the priſoner at the bar to him, and throughout as an officer, had not intitled him to that ſort of ſatisfaction; the day appointed to meet was the ſucceeding day of the date of this letter; Colonel Thomas applied to a friend of his, to accompany him on this fatal occaſion, that friend conſented with all the reluctance of a man of feeling, he called on him at four, at five they were ready to proceed to the ring, there they were ſoon afterwards joined by the priſoner, and I believe Major Skelly; and I think it my duty to ſtate to you, that upon this occaſion as far as I am informed, every thing was tranſacted fairly as it is ſaid, between men of honour; the deceaſed, Colonel Thomas, attended with two brace of piſtols, one larger and the other pocket piſtols, he loaded his own piſtol, Captain Hill was his ſecond, Colonel Gordon loaded his on the ſpot, they advanced about the diſtance of eight yards, and both fired, or meant to fire at the ſame time; the piſtol of the deceaſed flaſhed in the pan, the priſoner applied to the gentlemen preſent—whether that ought not to be deemed the deceaſed's fire; he was ſoon after over-ruled, and the deceaſed was permitted to fire; after this they took other piſtols and fired again, the piſtol ball of the deceaſed ſtruck the priſoner ſomewhere on the right ſide, but did not penetrate his body, unfortunately the piſtol ſhot of the priſoner ſtruck the deceaſed, and penetrated into his bowels, he fell with the wound, a Surgeon was at hand, and he ſaw the ſtate of the wound, he extracted the ball, and the deceaſed was carried home to his own lodgings, where another Surgeon of great ſkill and ability was called in; they very ſoon ſaw it was impoſſible that the deceaſed ſhould live, and it is hardly neceſſary for me to ſtate, that the next day this unfortunate young gentleman died, in conſequence of that wound:—Gentlemen, I have thus as faithfully as I am able, ſtated to you the circumſtances of this melancholly caſe; and, Gentlemen, how far the reſentment of a man of feeling may be kept alive by an injury, or ſuppoſed injury of a ſerious nature, it is not for me to decide; far leſs is it for me to preſcribe to you Gentlemen, that latitude of indulgence which you may allow to a Soldier, irritated by a wound to his honour, and labouring under the dominion of prevailing prejudices; I ſhould be extremely unwilling to ſtate to you my ideas of the law upon the ſubject, leſt profeſſional habits, and abſtract reaſoning ſhould have tied up my notions of indulgence, inconſiſtent with the manners of the times; I would rather chuſe that the proſecution ſhould reſt on the evidence, or upon that which you will receive from thoſe whoſe duty it is, and whoſe inclination I am ſure it will be, to repreſent the caſe to you, in it's pure and genuine light and complexion; I, Gentlemen, am perfectly perſuaded, that on the one hand you will beſtow the moſt indulgent attention to every favourable circumſtance, in extenuation of human infirmity, which the nature of the caſe will admit; while on the other hand, I truſt you will not be too much deluded by thoſe fantaſtical rules of honour, which cuſtom has ſet up in oppoſition, I am affraid, to ſounder rules of conduct: and I am perſuaded that in this caſe, you will give force and efficacy to thoſe laws, which are formed by the wiſdom of ages, and founded in the eſtabliſhed principles of truth and juſtice.

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* Had Colonel Gordon entered upon his Defence at large, he would have explained this matter, in which the learned Council who opened the Caſe was miſinſtructed, for Colonel Thomas was not in arreſt; when the firſt Challenge was ſent, which was the 15th of October 1780, Colonel Thomas was then walking the Parade and ſtreets of New York, wearing his ſword, and in his refuſal to meet Colonel Gordon he did not pretend to be in arreſt, but declined the meeting, aſſighing for a reaſon, that the matter was then depending, and undetermined.

JAMES MEYRICK *ſworn.*

Examined by Mr. Reeves.

I think you are agent to Colonel Gordon?—Yes.

Have you ever ſeen him write?—Yes.

Did you frequently receive letters from him on buſineſs?—Yes.

Mr. Mansfield, Colonel Gordon's Council. I beg your pardon; not ſeen his writing, but ſeen him write?——Seen him write, Sir.

Mr. Reeves. Do you take that to be Colonel Gordon's hand writing?——I do.

Mr. Baron Eyre. You produce papers at preſent, I do not know whether they relate to the ſubject, or whether they were ever out of the Colonel's poſſeſſion.

THOMAS HOBBS *ſworn.*

Examined by Mr. Graham.

I think you lived ſome time with, and was ſervant to Colonel Thomas?—I was.

Was you ſervant with him on the 3d of September?——I was.

Do you know Major Skelly?——Yes.

Do you remember Major Skelly being at your maſter's houſe, either on the 2d or 3d of September 1783?—On my return home on the 3d of September 1783, I met Major Skelly coming out of the door.

Look at that letter, and ſee whether you know any thing of that letter, and tell us where that letter was found?—I know nothing of it.

Did you ever ſee that letter any where?—I did not.

Look at this letter?—That letter I have ſeen.

Where did you ſee that letter?—On my maſter's table, in his room, he ſhewed it to me himſelf.

Do you know of any converſation that paſſed between Major Skelly and your maſter?—No.

Mr. Graham. I ſubmit to your Lordſhips, that this firſt letter in June is now fully in proof to be read.

Croſs-examined by Mr. Mansfield.

You was ſervant you ſay to Colonel Thomas?——Yes.

The gentleman has put a letter into your hand, which you ſay you ſaw in his poſſeſſion; did you read it?—I did.

Did you make any mark upon it?——I took a copy of it.

Have you got that copy?——I have got it, but I have not got the date of it.

Let me ſee it; when did you write this?——The day that I firſt ſaw the letter.

Then you have not written it lately?—No.

Mr. Graham. Do you remember when your maſter came to town?—In the beginning of September laſt.

What time was it?—About one o'clock on Tueſday the 2d.

There were ſeveral notes left for him?—A gentleman in the afternoon brought a letter for him, I was not at home, but there were poſitive orders to give it to Colonel Thomas, and I gave Colonel Thomas a letter that night, which he did not open.

When did he open it?—I carried it up to him on the 3d of September, in the morning, when he was in bed; he aſked me when it came; I ſaid yeſterday, I gave it you; he immediately wrote an anſwer, he ſent me up ſtairs into the bed room to fetch the letter, I ſaw it was ſigned Skelly, Bury-ſtreet, St. James's, but which number I do not know.

(A chair was ordered for the Colonel.)

Do you remember the deceaſed Colonel having had any converſation with an officer in the army on the 3d of September 1783?—No other gentleman was with him that day but Major Skelly, for after that he told me to ſay, if any gentleman called, he was not at home.

Do you remember any particular orders that he gave you on the 3d of September, about calling him the next morning?

Mr. Mansfield. I do not know whether I ſhould object to this converſation?

Mr. Baron Eyre. Converſation is one thing, orders are another; that is a matter of fact.——He went out about ſeven in the evening, and returned about eleven; when he went up ſtairs he ſaid, Hobbs, you muſt call me as ſoon as it is light to-morrow morning.

Did you call him the next morning?—I did, a little after four.

Did any gentleman come to meet him about that time, or ſoon after that time, and who was it?—Captain Hill came in about twenty minutes after.

Did they ſtay long in your maſter's houſe together?——Half an hour, or three quarters of an hour.

Did they go out together any where?—Both of them went out together.

Did you ſee them take any thing with them?——I ſaw nothing but my maſter's ſword, they had piſtols in the room, I ſaw them before they went out, but I did not ſee them take any.

Court. Where were the piſtols laying?—In the room, on the table.

How many?——A brace of large piſtols and a brace of ſmall ones.

Do you recollect any thing of loading the piſtols?——To the beſt of my remembrance I ſaw Captain Hill load them.

What time did they go out?——About half after five.

After they were gone out were the piſtols in the ſame place?——They were not.

Mr. Graham. Whereabouts was your maſter Colonel Thomas's houſe?—In Park-ſtreet, oppoſite Groſvenor-gate.

Had it any view to Hyde-Park?——It had.

From your maſter's houſe did you ſee where they went?——I ſaw them go into Hyde-Park.

Did they go on foot?—They did through Groſvenor-gate.

Do you know to what place they made?—They turned to the left-hand, and went ſtrait down, and then went to the place they call the Ring, I ſaw that diſtinctly.

You know the perſon of Colonel Gordon?—I do.

Did you that morning ſee Colonel Gordon, and any body with him?—I ſaw him get out of a coach, and another Gentleman with him, which I took to be Major Skelly, I am perfect it was Major Skelly, I met him going out of the Park afterwards.

To what part did they go?—They went ſtraight on.

Court. Where did they get out of the coach?——At Groſvenor-gate, that was before my maſter went to the Park, they went to the ſame place where I obſerved my maſter to go.

You could not ſee Colonel Gordon and Colonel Thomas together?—I could diſtinguiſh at that diſtance which was Colonel Thomas, but not which was Colonel Gordon.

Did you obſerve or hear the firing of piſtols?——Preſently after they met about the Ring I heard two.

Court. Did you watch them with your eyes ſo as to ſee them meet?——I did, from my own garret window.

Mr. Graham. Did you hear the firing of any more piſtols than two?——Yes, ſoon after that I heard the firing of another, and then another.

After the firing the next piſtol what did you next obſerve?—I ſaw two gentlemen run up to Colonel Thomas; I ſaw him fall.

Court. At what moment?—At the firing the fourth piſtol, which was the laſt that I heard; I ſaw two men run in the Ring, and I ſaw my maſter lay down.

Your maſter was ſoon after brought home?——He was.

He had received a wound, did you ſee it?——I did, it was ſomewhere on the left or right ſide, I cannot ſay which, I believe it was the right ſide; the ball was extracted as ſoon as he was brought home: on ſeeing him fall I ran to him, and immediately Mr. Grant met me, and ſaid go back and get the bed ready; he was brought home in about twenty minutes after, then in undreſſing him I perceived the wound.

Was any other ſurgeon ſent for?—Mr. Hunter was there, but who ſent for him I do not know.

How long did your maſter lay in bed before he died?——About twenty-four hours; he died the next morning at a quarter paſt ſix.

Had you any converſation with him?—I had.

After he had received the wound?——Yes.

Did he ſay of whom he received the wound?——He never mentioned the name.

He was ſenſible he had received his death wound?——He was ſenſible to the very laſt.

Do you remember any thing particular that he ſaid in the few hours he lived?——In the courſe of the night I remember his uſing the expreſſion, the villain! the villain!

You was ſervant to him in America in the year 1780?——Yes.

You were a ſoldier in the Guards then?——Yes.

Do you recollect in the year 1782 any meſſage ſent by the priſoner to the deceaſed Colonel Thomas?—I recollect very well, in October 1782.

Who brought that meſſage?—Colonel Gordon's ſervant, his name was Varr, he brought a letter ſealed up.

Did you ſee the contents of that letter?—I did.

Was that letter left with your maſter?—My maſter was then at Mr. Kemp's, the King's Attorney General, I have ſeen the letter ſince hundreds of times, I ſaw it about ten weeks before he died, when we went to Wales.

Do you remember when that note was received whether Colonel Thomas ſent any anſwer?—I carried an anſwer back.

Was it a verbal anſwer, or a written letter?——A letter, I delivered it to Colonel Gordon's ſervant.

Did you ſee the contents of that letter?——I did not.

Do you know what it contained?——I do not.

Do you remember, that on the 20th of June, after your maſter returned to England, a letter was received by your maſter from Colonel Gordon?—It was in June, I carried an anſwer back to Colonel Gordon, I delivered it to Colonel Gordon's ſervant, No. 52, Great Marlborough-ſtreet.

Was it copied in your preſence?—Yes.

Is that a copy of it?——Yes.

Mr. Graham. My Lord, now I propoſe to read, what appears to me to be ſufficiently proved, the letter dated the 20th of June 1783; and the anſwer that Colonel Thomas ſent to it.

Mr. Mansfield. My Lord, as to the copy, which they call the anſwer, I ſhall certainly object to its being produced; it is for your Lordſhip's judgment to ſay, whether as there is no mark put upon it, the original anſwer ought not to be produced and read?

(The letter read.)

Signed "Coſmo Gordon, Great Marlborough-ſtreet, 20th of June, 1783, ſeven o'clock."

"Sir,

"Having had a full and honourable acquittal of the charge you brought againſt me, I deſire you will give me perſonal ſatisfaction, and meet me with a friend and two brace of piſtols and a ſword, at the Ring, in Hyde Park.

"Your injured obedient ſervant,

"Coſmo Gordon."

Addreſſed to Colonel Thomas.

Mr. Graham. My Lord, with reſpect to the anſwer, that anſwer cannot be in our cuſtody, and I ſubmit to your Lordſhips, that in this caſe, the beſt evidence is an examined copy, which we now produce.

Mr. Mansfield. I do not know that it is a copy at preſent; the ſervant to whom it was delivered is not produced, nor any notice given to that ſervant to produce the letter; therefore, ſuppoſing it to be a copy, I take it to be very clear it cannot be read; the objection is, that notice ſhould have been given to the ſervant to whom the original was delivered.

Mr. Graham. My Lord, we have given notice to Colonel Gordon to produce it.

Court. What! notice to the man who ſtands charged to produce a paper againſt himſelf! It is very well in point of candour to be ſure to apprize him, that he may have an opportunity of checking the evidence.

Mr. Graham. My Lord, I ſubmit, that with reſpect to the ſervant, it is a fair preſumption that this letter, being delivered at the door of his maſter's houſe, it was received by his maſter.

Mr. Manſfield. My Lord, they ought to have gone to that ſervant, to have enquired of him what became of that letter, and to have given him notice to have produced that letter here; they have not done that, they have taken no pains to produce that original which exiſts for any thing that appears to the contrary. Your Lordſhip ſees the original may exiſt, and they have taken no pains to produce it to this Court.

Mr. Graham. In a common courſe of buſineſs, if a letter is delivered to a man's ſervant, it is ſuppoſed that his maſter receives it, and this letter not being produced from that quarter, where it could alone be produced, I ſubmit to your Lordſhip this copy is the beſt evidence that we are now in poſſeſſion of, and I humbly hope we may be permitted to read it, without any offence to juſtice.

Mr. Manſfield. My Lord, I do not reſt my objection ſimply upon this letter not being proved to have come to Colonel Gordon's hands, but your Lordſhip ſees here is no notice whatever proved, not even the notice to Colonel Gordon; but indeed, as to that, I never knew any ſuch notice in a criminal caſe. There is no proof of the letters coming to Colonel Gordon, there is no proof of any notice to that ſervant.

Mr. Graham. In caſes of foreign correſpondence I do not apprehend it is ever required of the parties in common and ordinary buſineſs, to give ſuch notice, or to prove any particular letter in ſuch correſpondence, becauſe the perſon who originally received a particular letter may be removed to the remoteſt corner of the earth, but the copy being the next evidence, is admitted.

Mr. Baron Eyre. This caſe may poſſibly be governed beſt in civil ſuits, upon principles of convenience rather than ſtrict rigorous juſtice; the only difficulty I feel in this caſe is, with reſpect to the ſervant not having been produced, but my preſent ſentiments on that ſubject are, that it ought not to prevent the letter going to the Jury, ſubject to the obſervations which may be made upon it of the poſſibility of its not having reached Colonel Gordon, and ſubject to any evidence Colonel Gordon may bring to prove it did not reach him. The ground of my reaſon is this, Colonel Gordon's ſervant is the perſon who brings the letter to Colonel Thomas, to which this letter is an anſwer, therefore he makes his ſervant the agent, firſt to bring the letter, and then to receive the letter, which is the anſwer; therefore, I think it is evident that that letter did come to the hands of Colonel Gordon, and I think it is admiſſible evidence, though not concluſive: in a criminal caſe notice is not neceſſary to the party accuſed, and it lays no obligation at all on the perſon to produce the paper called for, and the next beſt evidence cannot be admitted upon that ground, namely, becauſe the party upon notice has refuſed to produce the beſt evidence; but it ought to be received upon this ground, namely, that it is the beſt evidence *he can produce*, for he has no right to call on the priſoner to produce a better. It has happened, there are many caſe in the trials on this point, and, I believe, the rule was ſo laid down in Mr. Layer's trial; and lately, in a caſe in the Exchequer, there was an information againſt Mr. La Merchant, for ſome ſmuggling practices, and it was held, that it was not neceſſary to give the notice, and that the next beſt evidence in the power of the party, which was the contents of the paper, was admiſſible: and I hold further, it is not at all neceſſary the next beſt evidence ſhould be *a copy*, if a copy was taken, that being the beſt evidence is to be produced? but if not a copy, minutes; if not minutes, I hold that the recollection of the party who ſaw the letter is admiſſible; ſubject to obſervations certainly on the fallibility of it to the Jury; but as to the admiſſibility I have no doubt. But as I have the happineſs of very great aſſiſtance at this time, I hope I ſhall have the opinions of my learned brothers; I am ſure I ſhall be very ready to abandon mine.

Mr. Mansfield. It does not, nor can it appear, that this letter ſo written by Colonel Thomas, was in anſwer to that letter which Colonel Gordon's ſervant carried to Colonel Thomas, becauſe the contents of that letter did not appear.

Mr. Baron Eyre. That is matter of obſervation upon the evidence; the queſtion is, whether it ſhould go to the Jury: if an anſwer appears to be ſent to Colonel Gordon, referring to ſuch a letter, I ſhould think it ſufficient.

Mr. Juſtice Gould. I have ſome difficulty on this matter: the rule of law is, that the beſt evidence ought to be given, and I remember in the caſe of the King *verſus* Francia, in the State Trials, when the meſſengers ſeized the papers, they found a book, which the priſoner ſaid contained a copy of his literary correſpondence, in which were inſerted copies of a great number of letters, and anſwers between foreigners and ſome that were tried for high treaſon, in correſponding with the King's enemies, and in that caſe the Court admitted the contents and purport of theſe copies, as evidence *that he had received letters from abroad* from the French Miniſters, without producing them; it was collected therefore from the nature of the anſwers, the copies of which were inſerted in this book; that he had received ſuch treaſonable letters, although the originals could not be produced, that being impoſſible: but in the preſent caſe the queſtion is, whether this letter, of which Mr. Hobbs, the witneſs, ſays he took this copy now offered to be produced, did come to the hands of Colonel Gordon; he ſays he delivered the original, of which he ſwears that is a copy, into the hands of Colonel Gordon's ſervant, at his houſe; the probability and natural preſumption is, that it did come to the hands of Colonel Gordon; but the Jury are not to go upon preſumptions, there is nothing but a violent preſumption that is admiſſible evidence at all to charge a perſon with a crime; it is probable that this letter was delivered by this ſervant to Colonel Gordon, but it might be otherwiſe, and that matter muſt be cleared up before the copy of this letter can go to the Jury. There is no pretence that this ſervant is out of the kingdom, if he was, it would be a ground for admitting this evidence on a different principle, but here has been remiſſneſs on the part of the proſecution, in not calling on this ſervant and ordering him to attend here; therefore, that being ſo, and life being at ſtake, ſo far as this is a circumſtance, and it appearing to the Court that clear and unqueſtionable evidence might have been given of this circumſtance, I, for my own part, am of opinion, that the copy ſhould not be read; I give it with great deference to the opinion of my learned brother.

Mr. Baron Hotham. I apprehend that we are not now arrived at that ſtage of this buſineſs to ſay how far this, as to the ultimate event of things, is to affect Colonel Gordon or not; the only queſtion is, whether this is admiſſible evidence to go to the Jury; I apprehend, from what we have heard, namely, that a letter was ſent by Colonel Gordon to Colonel Thomas, and delivered to him by Colonel Gordon's ſervant, and he, the witneſs Colonel Thomas's ſervant, carried an anſwer to that letter, which he delivered to Colonel Gordon's ſervant; I think it is admiſſible evidence to go to a Jury: how far it will affect Colonel Gordon or no, is matter of obſervation, and for the Jury to decide on, but it ſeems to me, in the preſent ſtate of things, to be the beſt evidence that the proſecutor's Council have in their power to produce; the original anſwer itſelf they cannot have, that is in the cuſtody of Colonel Gordon: they might have ſubpœned Colonel Gordon's ſervant, but they have not, nor do I ſee it neceſſary that they ſhould: if they meant to have proved, that Colonel Gordon's ſervant actually delivered it to Colonel Gordon himſelf, they might have done it; but if they chuſe to reſt with what evidence they are poſſeſſed of, namely, that ſuch a letter was delivered, and chuſe to reſt it with the Jury, to decide whether they will ſuppoſe and preſume the ſervant delivered it to his maſter, Colonel Gordon, I think they have gone far enough; and my opinion is, that in this ſtage of the buſineſs, the evidence is admiſſible; the conſequences of it will be for the Jury to obſerve, ſubject to ſuch obſervations as ſhall be made upon it.

Mr. Manſfield to Hobbs. This is a copy; who made this copy?—Colonel Thomas.

You did not read it when he had written it?——I read it myſelf.

Did you compare this with what was carried away?—Yes, and Colonel Thomas at the ſame time wrapped it up and the anſwer with it, and wrote upon it at the ſame time, "Colonel Gordon's challenge to me, and my anſwer."

(*The letter read, dated Friday morning, the 23d of June, as ſtated in the opening.*)

Mr. Manſfield. How long after this letter was received was it the anſwer was carried?——In an hour.

ALEXANDER GRANT *ſworn.*

Examined by Mr. Reeves.

I am a ſurgeon, I attended this unfortunate affair; on hearing the ſound of a piſtol I went towards the ſpot.

Where was you?—I was at Groſvenor's-gate.

You came with ſomebody I ſuppoſe?—I came with Major Skelly and Colonel Gordon to Groſvenor-gate, a little before ſix, between five and ſix.

Court. Where did you come from?——From Bury-ſtreet.

Whoſe houſe?——Major Skelly's.

Did you come in company with Major Skelly and Colonel Gordon?—Yes, they got out of the coach, and went into the Park, I remained in the coach, but hearing a piſtol go off, I got out.

Was you able from the coach to ſee what paſſed in the Park?——No, I was not, but when I heard the ſound of one piſtol I got out of the coach and went into the Park, and I ſaw a great number of people; I went on towards the ſpot where I heard the ſound, fronting the place called the Ring, I ran towards the place, and met Major Skelly coming for me, he told me to be as quick as poſſible, and go to Colonel Thomas, who was wounded; in going to Colonel Thomas, Colonel Gordon ſpoke to me, and likewiſe deſired me to go directly to Colonel Thomas.

What did he ſay to you?—I do not exactly remember the words, I believe he deſired me to go to *the poor man*, meaning Colonel Thomas; upon my coming up to Colonel Thomas, I found he was wounded in the body, he was laying on the ground, I found a wound on the right ſide, the fleſhy part, between the hip and the ſmall ribs; on examining, I found ſomething directly on the oppoſite ſide, which I concluded was the ball; I extracted the ball, and then aſſiſted in removing him to his own houſe; I walked with him the whole way, where I did every thing that appeared to me to be proper; I called in Mr. Hunter; I attended him three or four times that day, and I ſat up with him all night, and remained with him till he died.

What in your judgment was the cauſe of his death?——To the beſt of my judgment he died in conſequence of the wound.

CAPTAIN HILL *ſworn.*

Examined by Mr. Graham.

You was well acquainted with the deceaſed, Colonel Thomas?——I was.

I believe you had the unfortunate taſk impoſed upon you, of attending him on this occaſion?——It was pretty near five in the morning of the 4th of September when I called on him.

Do you remember either on the morning, or any part of the day preceding, whether you ſaw any letter in the hands of Mr. Thomas, with the ſignature of the priſoner at the bar?——Yes, Sir, I certainly did.

Did you read the letter?——I did.

Look at that letter and ſee if it is the ſame letter?—To the beſt of my knowledge and belief it is.

This letter was in the hands of Colonel Thomas?—Yes, I ſaw it on Wedneſday, I went out on Thurſday morning.

Mr. Baron Eyre. What time of the day?——It was rather late in the evening.

Mr. Baron Eyre. Mr. Hill ſhould be apprized, that going out with Colonel Thomas, after ſuch a communication, is a circumſtance, which, if proved upon Mr. Hill, might be extremely penal to him, for you ſeem to have forgot, that ſeconds are deeply involved in the fate of their principals, in this ſort of unhappy buſineſs; after having ſaid that you may take your own courſe and go on.

Mr. Mansfield. Your Lordſhip ſees there is no proof that this is the letter, he only ſays to the beſt of his knowledge and belief.

Mr. Baron Eyre. I hold that the ſlighteſt circumſtance imaginable, that tends to fix the poſſeſſion of this letter in the hands of Colonel Thomas is ſufficient.

(The letter read, dated September 3d, 1783, *as in the opening.)*

Captain Hill. Am I to anſwer queſtions that tend to criminate myſelf?

Mr. Graham. Did you ſee any gentleman fire a piſtol, by which Colonel Thomas fell?—*(No anſwer.)*

As you do not anſwer I muſt call Hobbs again.

Mr. Graham to Hobbs. Do you remember when your maſter was brought home wounded?—Yes.

Between that time and his death, what happened the next morning, do you remember his ſaying to you by whoſe hand he received the wound?——He never mentioned any name, only that villain! that villain!

I underſtood you to ſay, that you could from the garret of your maſter's houſe ſee moſt of the perſons who were in the field together?—I could.

Could you ſee Colonel Gordon?——I could not; Colonel Thomas was in his regimentals, I ſaw my maſter fall, and I ſaw him brought home.

Mr. Graham to Captain Hill. I have only aſked you at preſent where you was on the night of the 3d of September, and the morning of the 4th; I now only repeat the queſtion I laſt aſked you, which is, whether you ſaw the hand by which this piſtol was fired, which gave this death wound to Colonel Thomas? and I am not aware that an anſwer to that queſtion will criminate you.

Captain Hill. I cannot conceive that I am obliged to anſwer any thing that is to injure myſelf; I have no objection to anſwer any queſtions but thoſe that would criminate myſelf.

Mr. Baron Eyre. That anſwer will not neceſſarily criminate you to be ſure; becauſe you might be perfectly unconnected with the tranſaction, and yet you might have ſeen from whoſe hand the ſhot was given; but otherwiſe as a ſecond in this unhappy buſineſs, it may then tend to fix that charge on you.

Mr. J. Gould to Mr. Graham. You ſtated that he went out as a ſecond to Colonel Thomas.

JOHN HUNTER *ſworn.*

Examined by Mr. Graham.

I think you was called in upon this unhappy occaſion?——I was, I do not remember the day, I was called in by Mr. Grant.

What time?——It was in the morning.

Was Colonel Thomas at that time in his own houſe?——In his own houſe.

Had you any converſation with him on the ſubject of this wound?——No farther converſation than reſpecting my profeſſion; I was informed by Mr. Grant of the circumſtances concerning him, therefore I proceeded to examine him as a ſurgeon; as far as we could examine the wound, it was hardly poſſible to judge what miſchief was done, only from the ſymptoms, which ſeemed rather alarming, and the direction of the wound in general; I attended him near his death.

Have you any doubt what was the occaſion of his death?——None.

JAMES ROBINSON *ſworn.*

Examined by Mr. Reeves.

I am a ſurgeon; I attended Colonel Thomas on his wound.

Had you any converſation on the occaſion of that wound?—No, only relating to the wound.

Did he ſpeak of the cauſe of it?——No.

Mr. Juſtice Gould. Every body muſt concur with my brother Eyre in what he has thrown out in reſpect to the ſituation of ſeconds.

Mr. Baron Eyre. Mr. Gordon, Sir, the evidence on the part of the proſecution being now finiſhed, this is the time you are to be called upon to enter into your defence; in making that defence, you can have the aſſiſtance of your Council only to the extent of examining and croſs examining witneſſes, and in making ſuch obſervations as may ariſe in point of law out of the facts that appear on the caſe; if there are any obſervations that occur to you to be made on the evidence, or if there is any relation to matters of fact that cannot be done by Council, you will judge for yourſelf, therefore, whether you will offer any thing to the Jury in that ſhape, or whether you will leave your caſe upon the examination of witneſſes by your Council.

Colonel Gordon. I humbly ſubmit my caſe to the good ſenſe, candour, and humanity, of this reſpectable Jury.

WITNESSES *for* COLONEL GORDON.

Sir HENRY CLINTON, Knight of the Bath, *ſworn.*

Examined by Mr. Manſfield.

I believe, Sir, you know the priſoner, Colonel Gordon?—Yes, Sir, I have known him a many years.

I would only aſk you, Sir, whether he has been, ſince you have known him, of a peaceable, quiet diſpoſition, and not likely to engage in ſuch an affair as we have heard of?——Perfectly ſo.

GENERAL PATERSON *ſworn.*

Have you been long acquainted with Colonel Gordon, Sir?—I have had the pleaſure of knowing him many years.

During the time you have known him, has he been of a peaceable, orderly diſpoſition, and not likely to engage in ſuch affairs as theſe?—I have long been in habits of intimacy and friendſhip with Colonel Gordon, particularly in North America, and I never ſaw the leaſt appearance that indicated his being of a quarrelſome or diſputable turn of temper.

The Right Honourable Lord DUNMORE *ſworn.*

Examined by Mr. Silveſter.

My Lord, I believe you have known Colonel Gordon for many years?—I have known him for above thirty years.

During that time has he been of a quiet, peaceable diſpoſition?—I was in the ſame regiment with him, and in the ſame meſs in that regiment; I never knew him otherwiſe than a perfectly peaceable, quiet, good humoured man.

ADMIRAL ARBUTHNOT *ſworn.*

Mr. Silveſter. How long have you known Colonel Gordon, Sir?—I have been intimate with him for a great many years; I have known him in many circumſtances that were trying, and I have always known him to be a peaceable, decent man, never in the leaſt engaged in any quarrel, or likely to be ſo.

COLONEL MARCH *ſworn.*

I have known Colonel Gordon a great many years.

How many?—Twenty-five years, I have been in habits of friendſhip with him, and I always eſteemed him a quiet, polite, well-bred man.

COLONEL DUNDASS *ſworn.*

I have known Colonel Gordon a great many years, he is a man of extraordinary character, and amiable diſpoſition.

COLONEL FOX *ſworn.*

I have known Colonel Gordon, ever ſince the year, 1778, I have been a great deal in his company, for three years in America, and always eſteemed him a peaceable good humoured man.

COLONEL JAMES STEWART *ſworn.*

Examined by Mr. Fielding.

Have you known Colonel Gordon long, Colonel Stewart?——I have known him theſe eighteen years.

Is he of a peaceable, quiet diſpoſition?——Remarkably ſo.

COLONEL WATSON *ſworn.*

Have you known Colonel Gordon long?—I have known him many years.

Is his diſpoſition peaceable?——Very emarkably ſo, if any diſſention was likely o take place among the officers, which I ave known in ſome inſtances, he always nterpoſed with his good offices to preent it.

Was that his general character?—Yes.

COLONEL ROBINSON *ſworn.*

Examined by Mr. Garrow.

How long have you known Colonel Gordon, Sir?——I have known him ever ſince he came to America.

Have you accounted him to be of a peaceable, and good diſpoſition, not likely to engage in quarrels?——Very much ſo, very unlikely to engage in quarrels.

GENERAL BIRCH *ſworn.*

Mr. Garrow. Pray, Sir, how long have you known Colonel Gordon?——Above twenty years.

Was he in your eſtimation, a peaceable friendly man?——I never found any perſon more peaceable and amicable.

——— DEROLLS Eſq; *ſworn.*

How long have you known Colonel Gordon, Sir?——Sir, I have known him theſe thirty years, I had the honour of being acquainted with him, when I had the honour of being employed by his late Majeſty, at Bruſſels.

What was his character?——He was a young gentleman at that time at the academy, and he was very much connected in the moſt reſpectable families, and if he had not been a remarkable well behaved young gentleman, he would not have been admitted amongſt them; he was the moſt peaceable, good humoured gentleman that ever was.

And ſo eſteemed by every body that knew him?——Yes.

Mr. UDNEY *ſworn.*

How long have you known Colonel Gordon?——Upwards of thirty years, I have always known him to be a humane good natured man, I never heard of any quarrel that he had.

Mr. FRAZER *ſworn.*

How long have you known him, Sir?—I have known him for a many years.

Did you know him to be a peaceable, amicable man?—As good a natured man, as any living.

COLONEL SETON *ſworn.*

How long have you known Colonel Gordon, Sir?——I have known him upwards of thirty years.

Has he had the reputation of a peaceable, good natured, well diſpoſed man?——Exceedingly ſo, the whole time, remarkably ſo for thirty-five years.

CAPTAIN HERON *ſworn.*

Mr. Fielding. How long have you known Colonel Gordon?—I have known him, during the courſe of the American war.

You have had an opportunity of obſerving him, Sir?—Yes, I have always heard his character ſpoke of, as the moſt harmleſs man alive.

Mr. SETON *ſworn.*

How long have you known Colonel Gordon?—I have lived in intimacy with him fifteen years.

What character does he deſerve from you?——He is the laſt man in the world likely to be troubleſome, quarrelſome, or any thing but what was pleaſant and agreeable.

Mr. DINGWELL *ſworn.*

Mr. Silveſter. How long have you known Colonel Gordon?—I have known him ever ſince he was a child.

What has been his general character?—He always was a good natured quiet man.

Mr. RACKET *ſworn.*

How long have you known Colonel Gordon?—I have known him thirty years.

What character has he born?——A humane, good natured, gentlemanlike man, for the whole time I have known him.

Mr. Manſfield. I have a great many more witneſſes if you think proper Gentlemen, but I would not wiſh to trouble you.

Jury. We are perfectly ſatisfied with the character of Colonel Gordon.

Mr. Baron Eyre. Gentlemen of the Jury, the Honourable Coſmo Gordon, is indicted for the wilful murder of Colonel Thomas, and in order to ſubſtantiate this charge againſt this Gentleman, Thomas Hobbs is called, &c. (*Here the learned Judge ſummed up the evidence, and then added*) Thus ſtands the caſe, the Counſel for the priſoner have called a number of reſpectable perſonages, of his having through life ſuſtained the character of a humane, quiet gentlemanlike man (*recites them*) moſt certainly a better character, for all the purpoſes of domeſtic peace and tranquility, and for the very purpoſe of this enquiry too, could not have been laid before you, and ſo far as it can have weight and application to a ſubject, circumſtanced as this is undoubtedly you will let it have its full effect: Gentlemen, it is your misfortune and mine, to be called upon by our duty to enter into this enquiry, upon a very critical and unfortunate caſe; we are however, in the courſe of a duty that is impoſed upon us, and we muſt diſcharge that duty: your firſt enquiry will therefore be, whether there is ſufficient evidence to ſatiſf you, that Colonel Thomas fell by th hands of Colonel Gordon; you will no want to have the evidence repeated to you you will judge of that fact from the ev dence you have heard, and I have no deſi to anticipate your judgment, or in a ca ſituated like this, to point to any leadin circumſtance, or even to throw out a obſervation at all: judge for yourſelv upon the ſubject; having determined th queſtion, if you do not find that Colo Thomas fell by the hands of Colonel G don, of courſe he is intitled to your acqu tal; but if you do find he fell by his han then you will be to enquire, whether degree of criminality is imputable to Co nel Gordon for that fact; and for this p poſe, it will be neceſſary for me to ſta you, what the law is upon the poſſible of the fact, which you may find upo evidence, and this fact being eſtabliſhe I am ſuppoſing now, with a view to ſubſequent enquiry, that Colonel G was in the unfortunate ſituation of h it fixed on him, that Colonel Thomas fell by his hand, he is called upon to juſtify himſelf, if he is able, and if he cannot, to extenuate it; if he cannot do either, then the charge remains fixed againſt him, that he is guilty of murder. With reſpect to the juſtification, that can only be on ſuppoſition, that Colonel Gordon was driven to the abſolute neceſſity of firing this piſtol on Colonel Thomas, in defence of his own life, after he had uſed all poſſible methods to avoid having recourſe to that deſperate expedient, and after he was ſo attacked by the deceaſed, as to make that expedient abſolutely neceſſary; whether there is any ground upon the fact before you, to find the defendant juſtified, will be for you to judge, if there is, upon that ground the defendant alſo may be acquitted, as having no blame imputable to him, though his hand was the hand by which Colonel Thomas fell: If that is not the fact, the next conſideration is, whether there is any thing in the caſe itſelf, which will extenuate the guilt of the action imputed to Colonel Gordon; you are familiar Gentlemen, with the diſtinction between murder and manſlaughter; manſlaughter being homicide, committed under circumſtances to which the law has extended an indulgence, by leſſening the malignity of the crime, and reducing it from an offence puniſhable with death, to one where what is called the benefit of clergy is allowed, and where conſequently a much milder puniſhment is inflicted; now, whether this crime can be extenuated in that manner, will depend on this diſtinction of Law; if the parties met together upon a ſudden quarrel, and proceeded to thoſe extremities upon the impulſe of that quarrel, when the blood was heated, and before there was a reaſonable time for it to cool, and for reaſon to aſſume its power, and its controul over the minds of the parties; the law has that indulgence for the infirmities of human nature, that it will not impute malice, and that degree of malevolence, to be the cauſe of the death of a man in thoſe moments, which it does, and will impute, where it was a cool and deliberate act; you will judge, whether this caſe can be ſo extenuated, if it can, you will ſay that the priſoner is not guilty of murder, but of manſlaughter; if neither of theſe ſhould turn out to be the caſe before you, I am extremely ſorry to add, that I know no rule of law, which can be applied to this caſe, which will extenuate it; I am very ſorry to add it, becauſe I feel what every man who hears me muſt feel, that the ſtrict and rigid rules of law, applied to the ſubject of deliberate duelling, is in direct oppoſition to the feelings of mankind, and the prevailing manners of the preſent time: be the rule of law what it may, in defiance of that rule, men do find it juſtifiable, commendable, and neceſſary, to riſk what is called in one of theſe letters, "The deciſion of their differences," before a tribunal which they erect for themſelves; and I am affraid, that unleſs it ſhall fortunately for this country, be taken up by thoſe who can give a direction to the manners of the people into another channel, and ſome other method found of deciding differences, I doubt theſe unfortunate ſubjects will ſometimes come before you; I know not what to ſay, it muſt be our conſolation to do our duty, according to our apprehenſions of it, by the beſt informations we can get; I am bound by the oath I have taken, to ſtate to you the law of the land; having done that, I have done the whole of my province; you are to find out the fact of the caſe, and then to apply that fact to the law, as you underſtand it; of that law and fact, your verdict is to be compounded, and you will now execute your duty to the beſt of your judgment, and to the ſatisfying of your own conſciences.

The Jury deliberated for ten minutes, and then gave their verdict.

NOT GUILTY.

Not Guilty on the Coroner's inquiſition.

Colonel Gordon then ſaid. My Lord and Gentlemen of the Jury, I beg permiſſion to return you my moſt ſincere thanks.

Tried by the firſt Middleſex Jury before Mr. BARON EYRE.

The next Number will contain, amongſt others, the remarkable Trial of Henry Morgan for the Murder of Mr. Charles Linton; and of Elizabeth Curtis, for the Murder of her Baſtard-Child.

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 15th of SEPTEMBER, 1784, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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M DCC LXXXIV.
[PRICE SIX-PENCE.]

THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable ROBERT PECKHAM, Eſq; LORD MAYOR of the City of London; the Honourable Sir HENRY GOULD, Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; the Honourable Sir JAMES EYRE, Knt. and the Honourable Sir BEAUMONT HOTHAM, Knt. two of the Barons of his Majeſty's Court of Exchequer; the Honourable JAMES ADAIR, Eſq; Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and Others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
William Tilſley	Joſeph Watridge	Richard Oldfield
William Horton	Richard Egan	George Dupple
Thomas Hunter	Edward Bower	John Lloyd
William Filloby	Thomas Burne	John Southerby
Charles Child	John Fenn	John Albright
William Child	* George Preſſer	William Morley
Mark Nesfield	John Kupky	John Heaford
William Watlington	John Marſhall	John Jarmans
Richard Fuller	Ebenezer Taylor	† John Prieſtman
William Hanſcomb	William Wooton	Daniel Ward
Thomas Muiter	Joſeph Nunn	James Chamberlain
Alexander Couts.	Edward Palmer.	Michael Walton.

* James Leſley *ſerved ſome time in the room of* George Preſſer.
† Ebenezer Taylor *ſerved ſome time in the room of* John Prieſtman.

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777. HENRY MORGAN was indicted, for that he, (together with one Alexander Dixon) not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 8th day of July, in the twenty-fourth year of his preſent Majeſty's reign, with force and arms, at the pariſh

of St. Martin in the Fields, in the county of Midddleſex, in and upon one Charles Linton, in the peace of God and our Lord the King then and there being, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault, and with a certain knife made of iron and ſteel, of the value of one penny, which the ſaid Henry then and there had and held in his right-hand, him the ſaid Charles Linton, in and upon the right ſide of the belly of the ſaid Charles, feloniouſly, wilfully, and of his malice aforeſaid, did ſtrike, thruſt, and ſtab, giving him, the ſaid Charles Linton, then and there, by ſuch ſtriking, thruſting, and ſtabbing with the knife aforeſaid, in and upon the right ſide of the belly of the ſaid Charles, one mortal wound of the depth of five inches, and of the breadth of half an inch, of which he inſtantly died: and ſo the Jurors upon their oaths ſay, that the ſaid Charles Linton he the ſaid Henry Morgan did kill and murder.

He was alſo charged upon the Coroner's inquiſition with the like murder.

Mr. Garrow opened the indictment; and Mr. Silveſter opened the caſe as follows:

May it pleaſe your Lordſhips, and you, Gentlemen of the Jury; this is an indictment, in which the priſoner at the bar is charged with the crime of murder; I ſhall ſhortly ſtate to you how the matter happened, and what evidence will be produced to affect the priſoner at the bar. Gentlemen, on the 8th of July laſt, about two in the morning, a Mr. Linton was met in New-ſtreet by two men, who came up to him and demanded his money; and after he had given them two guineas and a half they left him; they came back and demanded his watch, and ſome ſcuffle enſued, and during this time the priſoner at the bar ſtruck a knife into this poor man's ſide; the man called out to the watchman for aſſiſtance, who came up to him, and took him, as you will hear, to a ſurgeon; and, in ſhort, notwithſtanding every means was uſed, in leſs than half an hour the poor man died. Gentlemen, as ſoon as this murder was known at Bow-ſtreet, from the circumſtances which were recited, and from the general ſtory, the officers of juſtice had a man of the name of Dixon taken up, and committed to Tothill-fields Bridewell: when this man of the name of Dixon was there, the priſoner Henry Morgan was obſerved to come to him, and ſome ſuſpicions aroſe in the mind of the keeper, that this man, Morgan, known to be an acquaintance of Dixon's, might likewiſe be a partaker of the guilt; upon which he deſired a priſoner that was there, of the name of Davis, to attend to the converſation that ſhould paſs between them; Davis did ſo, and from that converſation he was ſoon too well convinced that this priſoner was a perpetrator of that fact; and therefore, when he went to go out, the officer immediately ſtopped him, and ſaid he was his priſoner, and charged him with the murder; he was then taken before a magiſtrate, and made an ample confeſſion of the whole. Gentlemen, as I never wiſh in any caſe, but more eſpecially in a caſe of blood, to miſrepreſent facts, or to bias your minds, I will forbear ſtating that confeſſion, becauſe it is reduced into writing, and it will be produced: if it is taken as I am inſtructed it was, freely, voluntarily, and under a compunction of mind, you will then be obliged to find the priſoner guilty.

ROBERT TAYLOR *ſworn.*

Examined by Mr. Garrow.

I believe you are a watchman?—Yes.

Of what place?——Of New-ſtreet, Covent-garden.

Do you remember any thing particular happening on Thurſday the 8th of July?——Yes, I fancy that was the day of the month; Gentlemen, about a quarter before two, to the beſt of my knowledge, I heard a rattle ſprung, I ran to the ſound of it in order to aſſiſt, and as I was running, I heard a perſon ſay, ſtop thief! ſtop! I ſaw at the end of Bedfordbury a man croſs New-ſtreet, I ran and caught hold of the deceaſed, it was dark, we had no lanthorns allowed us at that time, there had been a ſhower of rain juſt before, I caught hold of the man I ſaw coming acroſs, I ſaw no other man, and that man turned out to be the deceaſed; when I caught hold of him, I ſaid, come, I have you; he ſaid, no, watchman, I am robbed, I am ſtabbed, I am a dead man, do ſupport me! and he put his left arm round my neck acroſs my ſhoulders, he then pulled up his white waiſtcoat, to let me ſee he was ſtabbed, with his right hand, and there appeared very fluſh of blood; then another watchman came with three or four perſons altogether, and with the aſſiſtance of theſe perſons I got him to the corner of Bedfordbury, there I was obliged to let him ſit down, he was ſo far ſpent with the loſs of blood.

Court. Did he ſit down on a bench or any thing?—No, upon the ground; then with further aſſiſtance we carried him to Mr. Jarvis's, a ſurgeon, in May's-buildings; I continued there with him, he died with his head on my breaſt, and my arm round his ſhoulder.

How long was that?——I believe it was half an hour; Mr. Jarvis was called up, he dreſſed him, but it was without effect.

On which ſide was his wound?——On the right ſide; he ſpoke at Mr. Jarvis's, and ſaid, O my God! O my wife and children, my wife and children! then he went off: when I firſt laid hold on him he had a bit of his watch chain wrapped round the fore finger of his right hand.

Were there any ſeals to it?——I ſaw none.

Did he give you any account of that?—No, I did not think to aſk him, I was ſo confuſed, and he was ſo ſpent; his wound was on his right ſide, I had my thumb on it.

Court to Priſoner. This witneſs, Mr. Taylor, has not ſaid any thing to affect you at preſent, do you chuſe to aſk him any queſtions?——No, pleaſe you my Lord.

HENRY JARVIS *ſworn.*

Examined by Mr. Sylveſter.

I live in May's-buildings, I am a ſurgeon; a man of the name of Linton was brought to my houſe about three-quarters after one, I was awake before, and all of a ſudden I heard the cry of murder! I was rather alarmed at firſt, and I jumped out of bed, and I opened the window, I ſtill heard the cry, and hallooed out to know where the voice was; I dreſſed myſelf, and I went down ſtairs to ſee where it was, and I heard ſome people bringing a perſon along, it was the watchman brought the deceaſed into my houſe, I do not know who it was.

In what ſituation was Mr. Linton?——He was bleeding very much on the right ſide, I took him into my ſurgery, I aſked him what was the matter, he ſaid do not aſk me what is the matter, pray dreſs my wound; and he then kept working up his ſhirt in order to ſhew me the place where the wound was, for the orifice was ſo exceedingly ſmall, it was hardly perceptible; I aſked him to ſit down, he ſaid no, do not let me ſit down, let me lay on my back, pray let me lay on my back; I ſaid, Sir, pray can you inform me who has hurt you, who has done this buſineſs; he replied, do not talk to me, I am dying, do not talk to me, give me ſomething to comfort me.

What was the conſequence of this wound?——The conſequence was, it was the cauſe of his death.

How ſoon did he die afterwards?——In about twenty minutes.

Did you probe the orifice and ſee the direction how the wound went?—I opened the body afterwards by the direction of the Coroner.

Which direction did the knife appear to have gone, upwards or downwards?—The knife went in and turned rather upwards, and went right through the liver.

Court. How deep might the penetration be do you think?——I tried it with a large claſp knife, and I dare ſay it might go ſix inches or more.

Court to Priſoner. Would you aſk any queſtions of Mr. Jarvis?—No, pleaſe your Lordſhip, none at all.

MARTHA DAGGE *called, but did not anſwer.*

MARY

MARY HILL *ſworn.*

Examined by Mr. Garrow.

Where did you live in July?—In Vine-ſtreet, by Chandos-ſtreet.

Do you know Alexander Dixon?——Yes.

He lodged in the ſame houſe with you?——Yes.

Do you know Morgan, the priſoner?—Yes.

Court. What was you, ſervant?——I lodged in Dixon's mother's houſe.

Mr. Garrow. Do you remember the day that Dixon was taken up on the charge of murder?——I do not know the day.

Did you ſee Morgan come to the houſe that day?——Yes, he came and knocked at Dixon's door, to know if he was within.

Court. Do you mean the priſoner?——Yes.

Did you open the door him?—No, I live in the back parlour, I anſwered him, he aſked if Alexander Dixon was at home, I ſaid no, if he had any meſſage to deliver I would tell him, with that he turned out of doors and away he went.

What time of the day was this?—It was between nine and ten.

How ſoon after that was Dixon taken up?——About two hours, at his mother's houſe; one James Smith was taken up at the ſame houſe with him, I believe, but I did not ſee him.

Was he at home when Morgan came?—Upon my word, Sir, I cannot pretend to ſay.

Court. I think you ſay you cannot remember the day of the month that this happened?——No, Sir, I cannot.

Can you tell the day of the week?—No, Sir, I cannot.

Did you hear of a gentleman that had been ſtabbed?——No, Sir, not till after they were taken, I did not know any thing at all about it.

THOMAS CARPMEAL *ſworn.*

What was the day you apprehended Dixon?——The 8th of July.

What time of the day?——About two.

Where did you apprehend him?——In Vine-ſtreet, at his father's houſe.

Did any thing particular paſs?—When I firſt went, I opened a parlour door between the firſt floor and paſſage, and found Dixon in bed, and Smith in a two armed chair, at the foot of the bed.

Court. Was this Dixon committed to priſon?——Yes, to Tothill-fields the ſame day, I do not know what time of the day.

What is become of him?——He has ſince made his eſcape from Clerkenwell Bridewell.

How came he to be removed there?——After he was fully committed, he was ſent to Clerkenwell, and Morgan to Tothill-fields; here is a coat I took off from Dixon, upon which is ſome blood.

Then he was laying in his clothes, upon the bed?——Yes.

MARY DONNELLAN *ſworn.*

I live at the Queen's Head, Vine-ſtreet.

Do you know the priſoner, look round and ſee if you ſee him?—Yes, I have ſeen him, this may be the fourth time.

Do you remember ſeeing him at your houſe any time on Wedneſday, the 7th of July?——I do not know the day of the month, but it was on a Wedneſday.

Did you hear of a Gentleman being killed in your neighbourhood?——Yes.

How long was it after that?—One day.

Court. Did you hear the name of the perſon that was killed?——Yes, Linton, I believe.

It was the Wedneſday?——I believe it was.

Who was in company with the priſoner at your houſe?—Different people.

Name ſome of them?—One man's name was Smith, as I have heard him called.

Do you know Alexander Dixon?——I I have ſeen him.

Was he there?——I believe he was.

Have you any doubt about it?——No.

What time were they there?——They were ſome hours there, but I cannot ſay the time they came in or out.

Court. Was it the forenoon, or afternoon?—I believe it was both, it was not evening.

How many hours do you think they might be there?——Three or four.

Did they go away together?—I believe they did, I was not to my knowledge at the place the time they did go away.

SUSANNAH WRIGHT *ſworn.*

I live at Tothill-fields, I am wife of Mr. Wright, one of the under keepers, and knowing the priſoner Morgan's ſiſter, I ſent for her, he cried very much when his ſiſter firſt came, when ſhe came I went up with her to the priſoner, and I heard Mr. Morgan ſay, he was the man; it was the ſecond or third day after Dixon was brought when his ſiſter came, and he was in a room up ſtairs, and I went up into the room with his ſiſter, and Mr. Wright, and Mr. Davis.

Court. Where does his ſiſter live?—In Charles-ſtreet, Weſtminſter; he ſet down and cried very much, with that Mr. Davis and Mr. Wright left the room, then Mr. Morgan ſaid to his ſiſter, he was the man who did the murder.

Did anything elſe paſs?——No, nothing elſe.

Had he mentioned any thing before, who was murdered?——Yes, Mr. Linton.

What murder was they talking about?—His ſiſter heard he was detained for the murder of Mr. Linton, and he ſaid he was the man that gave the wound.

Court. What time of the day was this?——In the forenoon.

Was he quite ſober?——Yes.

HENRY WRIGHT *ſworn.*

I am under keeper of Tothill-fields Bridewell, and have been ſo theſe twenty years, I remember Dixon being committed to our cuſtody the 8th of July.

What was the charge on which he was committed?——On ſuſpicion of the murder of Mr. Linton.

Do you remember ſeeing the priſoner at your priſon?—Yes, on Saturday the 10th of July.

For what purpoſe did he come there?—He came to ſee Dixon.

What did he ſay?——I let him in, he went to Dixon, he did not aſk for any one, the mother of Dixon followed, and aſked me if I had let in Morgan, and ſhe ſaid Mr. Wright, Morgan is come to let my ſon know who did the murder, then I ſaid to Mr. Davis, ſays I, Davis, you go in and liſten if you can hear any thing, for if I go, they will not ſpeak any thing.

What was Davis?—He was a priſoner there at that time.

For what?——He was to give evidence againſt Nowland, for a forgery on the Bank, Davis went and came to me, and in conſequence of what he ſaid to me, I detained Morgan when he came to go away; he ſaid you will let me out Mr. Wright, no ſays I, I ſhall keep you, you have either done the murder or know of it.

Did he ſay any thing particular in your hearing?——Nothing.

You afterwards attended at the office in Bow-ſtreet?—Yes, on the next day, and the priſoner deſired us to ſend for his ſiſter, and ſhe being a very decent body, I ſaid to Mrs. Wright, you had better go up with his ſiſter, he cried, and his ſiſter cried moſt ſhockingly, and I ſaid to Davis, you and I will go down: I went on Monday to the public office in Bow-ſtreet, there he was examined, and his examination taken in writing by Mr. Bond, before Mr. Juſtice Gilbert and Mr. Juſtice Addington; I heard the examination read over, I ſaw him put his name to it, and ſaw the Magiſtrate ſign it.

Did he make that confeſſion voluntarily, or was he threatened or coaxed into it?—Not the leaſt in the world, he ſigned it on the Monday, I went up with him on the Wedneſday again, it was read over to him again, and on Saturday again, and he always ſaid that is the truth.

Priſoner. Was it on Monday or Sunday I ſigned that confeſſion?——On Sunday, my maſter, the Governor, Mr. Smith, took the confeſſion from him in the afternoon, there I ſaw him ſign it, and I ſigned it; but this I ſpeak of was taken on Monday.

Court. That was at the priſon?—Yes.

Not before the Juſtice?——No.

NICHOLAS BOND *ſworn.*

Examined by Mr. Silveſter.

You was preſent when this confeſſion was ſigned?—That is the confeſſion I myſelf took in writing.

Court. What are you, Mr. Bond?——Clerk to the Magiſtrates in Bow-ſtreet, I have the minutes which Mr. Wright ſpoke of before, which Mr. Smith took of his confeſſion, it was read over to him by Mr. Addington, he ſigned it before the Magiſtrate.

Was there any threat whatever made uſe of?——Not the leaſt in the world.

Was there any promiſe of favour?—Not the leaſt, a free, voluntary act; I read it to him on the Wedneſday again by the Magiſtrate's direction.

Did you again on another time?—I do not remember reading of it on Saturday, it was read over deliberately before Juſtice Addington and Juſtice Gilbert, and he ſigned it in the preſence of the Juſtice.

Court. What induced you to read it over again to him when he went?—By the direction of the Magiſtrate.

Did he make any ſort of heſitation at that time to any thing contained in it?—Not the leaſt, he avowed it to be the truth.

Priſoner. Did not Juſtice Addington ſay, that if I did not make ſome confeſſion or other I ſhould be ſent to priſon, and locked up, and loaded with irons, and nobody ſhould ſee me; and if I would make any confeſſion I ſhould have every thing done that could be, and ſhould be pardoned?

Court to Bond. You hear what is ſaid?

Bond. In the firſt place I do not recollect one ſyllable of what he ſays to be true.

Priſoner. Juſtice Addington took me into a room by himſelf, and ſpoke to me, and there he told me, that if I did not make a confeſſion I ſhould go to priſon, and have the liberty of ſeeing nobody, and if I did, I ſhould be pardoned, and nobody ſhould hurt me at all.

Court to Bond. When was it that you took his confeſſion from thoſe minutes you had from Mr. Smith?—On the Monday morning, I began the examination before the Magiſtrate came.

Court. Had you reduced that confeſſion which he afterwards ſigned into writing before the Juſtices came?——I had not finiſhed it.

How much had you done of it?—About three parts through.

Did the priſoner retreat with Mr. Addington before the confeſſion was made?—O dear! he never ſtirred out of the room till the confeſſion was made.

Court to Wright. What do you ſay?——He ſtood facing the Magiſtrate while he finiſhed it, then Juſtices Addington and Gilbert ordered Mr. Bond to read it very diſtinctly.

Priſoner. This was on the Saturday, and Mr. Wright did not go with me on the Monday.

Mr. Bond. On the Monday I ſpeak of. The priſoner was up on the Saturday; what paſſed then I know not, I cannot pretend to ſay.

Priſoner. It was on the Saturday this happened.

Court to Bond. Was any thing of this ſort ſuggeſted by the priſoner on Monday?—Not a ſyllable.

Priſoner. On Sunday I was taken and put into a room by myſelf, and nobody but one of the keepers with me, and they brought me tea, and they brought me ſpirits.

Court to Priſoner. Have you ſent to Mr. Addington to attend here?——No.

The confeſſion was then read by Edward Reynolds, Eſq; Clerk of the Arraigns, as follows:

“*Middleſex, to wit.* } THE examination and voluntary confeſſion of Henry Morgan, taken before me, William Addington, Eſquire, one of his Majeſty's Juſtices of the

peace in and for the County of
Middleſex, this 12th day of July,
1784.

"This examinant voluntary confeſſeth and ſaith, that between four and five o'clock on the morning of Wedneſday laſt, the 7th inſtant, he went to the houſe of the mother of Alexander Dixon, now preſent, ſituate in Vine-ſtreet, in the pariſh of St. Martin in the Fields, where he, this examinant, knocked with his hand againſt the window ſhutters, and in a few minutes the ſaid Alexander Dixon, and James Smith now preſent, came to him; that the ſaid Dixon, Smith, and this examinant took a walk into the fields behind Queen-ſquare, and returned about ſeven or eight o'clock the ſame morning to the Queen's-head, in Chandos-ſtreet, where they breakfaſted together on rolls buttered and beer, and remained therein till near five o'clock in the afternoon, when they went to Tothill-fields to ſee a fight; that the ſaid Dixon, Smith, and this examinant continued in Tothill-fields till near eight o'clock, and returned together to the Queen's-head aforeſaid about nine o'clock, where they had ſome beer, ſtaid about half an hour, and then left the ſaid houſe together, intending to rob. That the ſaid Dixon, Smith, and this examinant, went towards Lincoln's-inn-fields, where they continued in the ſtreets of that neighbourhood till paſt twelve o'clock, when the ſaid James Smith ſaid, 'we can get nothing, I will go home,' and accordingly left the ſaid Dixon and this examinant near Lincoln's-inn-fields. That the ſaid Alexander Dixon and this examinant then walked up Holborn, along the Queen-ſtreets, and into Covent-garden, it being then between one and two o'clock on Thurſday morning; when Dixon ſaid, 'let us go towards St. Martin's-lane.' That the ſaid Dixon and this examinant accordingly walked towards New-ſtreet, and in King-ſtreet, nearly oppoſite Bedford-ſtreet, they obſerved a man walking alone towards St. Martin's-lane, who appeared rather tall, luſty made, dreſſed in a dark coloured coat, with his hair tied behind, and a cocked hat, as this examinant believes. That this examinant went up to the ſaid man, ſwore at him, and demanded his money, at which time the ſaid Alexander Dixon ſtood at a few yards diſtance. That the ſaid man ſaid to this examinant, 'are you alone?' this examinant replied, 'no, others are cloſe by.' That the ſaid man then gave this examinant two guineas, one half guinea, and one ſhilling, and appeared to be diſguiſed with liquor. That the ſaid man then bid this examinant and the ſaid Dixon good night, and walked on; when the ſaid Dixon ſwore and ſaid to this examinant, 'he has got a watch, let us go back;' that the ſaid Dixon and this examinant accordingly followed the ſaid man, overtook him near the end of Roſe-ſtreet, where this examinant went up to him again, and bid him ſtop; that the ſaid Dixon demanded his watch, at which time the ſaid man had his watch in his hand, and the chain hanging over his fingers; that Dixon laid hold of the ſaid man's hand, in which his watch was, and ſaid, 'give me your watch, or I ſhall put an end to your life,' and ſwore many oaths: that the ſaid man kept faſt hold of his watch chain, when this examinant took a claſp knife out of his pocket, the blade of which was about ſix inches long, and which this examinant had opened when he firſt ſtopped the ſaid man, with his right hand, and ſtabbed the ſaid man in his ſide, and, as he believes, the left ſide; that the knife remained in the ſaid man's ſide a ſhort ſpace of time: that this examinant drew out the knife, when the ſaid man exclaimed, 'O my watch!' That Dixon ran towards Bedfordbury, and this examinant towards Covent-garden, leaving the ſaid man ſtanding. That this examinant threw away the knife oppoſite the end of James-ſtreet. That this examinant went to the Fiſh alehouſe, in Strand-lane, where he had ſome ſalop, and remained till about four o'clock, then went into the fields behind Bedford-ſquare, where he remained till about ten o'clock, and then went to Dixon's mother's houſe aforeſaid, where he found the ſaid Dixon upon a bed, with his clothes on. That this examinant aſked Dixon to get up, when Dixon replied, that 'he was ſleepy.' That nothing elſe paſſed between the ſaid Dixon and this examinant at this time; two young women being within hearing. That this examinant left the ſaid Dixon on the bed, and returned into the beforementioned fields again, and dined at a public houſe near them, and after dinner returned into the fields again, where he continued till the evening. That about eight o'clock the ſame evening, as this examinant was going towards Dixon's lodgings, he heard the people in the ſtreets ſay that Dixon was committed, which prevented this examinant from going there. That a brown waiſtcoat, which this examinant wore at the time he ſtabbed the ſaid man, he threw into a vault, at a public houſe near Primroſe-hill, it having ſome of the man's blood on it. That Dixon was dreſſed in an olive coloured lappelled coat, with white buttons. That no other perſon whatſoever was concerned with the ſaid Alexander Dixon and this examinant in robbing and ſtabbing the ſaid man as aforeſaid. And this examinant further ſays, that he does not make this confeſſion from any threats or perſuaſions whatſoever, but freely from conſcious guilt, and that no innocent perſon may be charged with the ſame wicked fact.

"Henry Morgan."

"Taken and ſigned before me, the 12th day of July, 1784.

"W. Addington."

Court to Henry Morgan. What have you to ſay in your defence?

Priſoner. On the Saturday I was taken up to Bow-ſtreet, and Mr. Addington ſaid to me, if you do not tell us now you are the perſon that has done this robbery, you ſhall be locked up, and nobody admitted to ſee you; and if you do, you ſhall be pardoned, and nobody hurt you; upon that I would not ſay any thing at all that night; I was ſent down, and they gave me ſome drink; on the Sunday morning I was taken and put into a room, and one of the keepers, and one perſon, one Stewart, and they gave me ſome tea, and there was ſpirits in it, and he brought me ſpirits ſeveral times; I was in liquor, and it is very well known, when I was in Clerkenwell that I was delirious, and ſo it is very well known in Newgate. On the Sunday I wanted to ſee my ſiſter, and they would make me ſay I was the perſon; I am as innocent as a child that is juſt come into the world.

Court. Have you any witneſſes to call?

No, I have no witneſſes; I have nobody to come nigh me at all.

Court. Gentlemen of the Jury, the confeſſion ſays, the man had this watch in his hand, with the chain hanging over his fingers, that correſponds with Taylor's evidence, who ſays, that when he went up to the man, he had part of his chain in his hand; and it is impoſſible to conceive, or ſuppoſe that a Magiſtrate could act in ſuch a manner as the priſoner repreſents, and it is certainly incumbent on the priſoner to lay ſomething of the ſort before you; his confeſſion therefore ſeems to me, to come before you perfectly proper; the confeſſion on Sunday before Mrs. Wright, was after this ſuppoſed promiſe and threat on Saturday, and if in full conſciouſneſs of what he had done, you believe he made that confeſſion to her, that would have been a clear and ſufficient teſtimony to convict him of the murder; but, if what he has ſuggeſted at the bar was true, and that it was in conſequence of that impreſſion upon his mind, that he was induced to make the confeſſion, that would alter the caſe, but of that you will judge: The connexion between the priſoner and Alexander Dixon is ſtrongly ſupported, for you find the priſoner called at Dixon's houſe to enquire after him, and the day before according to the evidence of the woman, they had been together for three or four hours; it muſt therefore be ſubmitted to you on this evidence, whether you are ſatisfied that the confeſſion the priſoner has made, has been free and voluntary, and not extorted from him, if you believe it is, there is no ſort of doubt in the world, but you will find him guilty; but to be ſure on the other hand, if you think he was entrapped, and enſnared into this confeſſion, it is certainly againſt the ſpirit of the law, that it ſhould be taken againſt him.

GUILTY, Death.

Guilty on the Coroner's Inquiſition.

The trial being ended, Mr. Reynolds then addreſſed the priſoner.

Priſoner at the bar, you ſtand convicted of the wilful murder of Charles Linton, have you any thing to ſay, why the Court ſhould not give you judgment to die according to law.

Priſoner. I only aſk for mercy, I am very unfit to die at preſent; if you will grant me one week or ſo, that I may be prepared to die.

Mr. Recorder then paſſed Sentence as follows.

Henry Morgan, you have been juſtly convicted of the crime of murder, a crime from which nature ſhrinks with horror, and which has, in all ages, and in all countries, in the ſight of both God and man, been ever deteſted as a moſt enormous crime; we have had the pain of ſeeing many unfortunate wretches repeatedly pay their juſtly forfeited lives to the laws of their country, for crimes of infinitely leſs magnitude; thoſe wretches who like beaſts of prey, go about on the purpoſes of rapine and deſtruction, to attack the properties, and upon the leaſt reſiſtance, the lives of their innocent fellow ſubjects, muſt be cut off from that country, to which they have proved ſo dangerous; you ſtand forth a melancholy example of the dreadful conſequences of a profligate and abandoned life, and of thoſe certain ſteps, by which the commiſſion of one crime but too frequently leads to that of others of a much deeper die; you have deprived an innocent fellow creature of his life, actuated by no other motive than thirſt of plunder and blood, and for no other provocation than the juſt defence of his property; you have deprived a wife of a huſband, the children of a father, and both of their protector; you have reduced an innocent family to miſery and diſtreſs, and deprived them of that ſupport, or forced them to ſeek it from the public, which they derived from the honeſt induſtry of the deceaſed; for crimes ſo enormous as theſe, you can expect no mercy from thoſe intruſted with the execution of the law; happy will it be for you, if that remorſe, and contrition of mind which ſeemed to have lead you to make that confeſſion, ſhould operate ſo on your wicked heart, as to produce that ſincere and deep repentance, which alone will obtain mercy in the ſight of that God, before whom you are ſoon, very ſoon, to render an account; after therefore exhorting you to make the beſt uſe of that little ſpace of life which now remains to you, it is my duty to pronounce the awful ſentence of the law, which is, That you, Henry Morgan, be on Monday next hanged by your neck until your are dead, and that your body be afterwards diſſected and anatomized according to the ſtatute, and the Lord have mercy upon your ſoul.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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778. WILLIAM HUTCHINSON, THOMAS LEWIS, and DANIEL WILKINSON, otherwiſe CROCKEY, otherwiſe CONK, were indicted, for that they, together with John Robbs, and John Thorp, and divers other perſons to the number of eight, whoſe names are unknown, being malefactors and diſturbers of the peace of our Lord the King, after the 24th day of July 1746, to wit, on the 13th day of November laſt, with force and arms, at the pariſh of Thornham, in the County of Norfolk, with fire arms and other offenſive weapons, to wit, with guns, piſtols, pitchforks, hoes, and ſtones, unlawfully, riotouſly, and feloniouſly did aſſemble themſelves together, in order to be aiding and

aſſiſting in reſcuing, and taking away from one William Turner, and Chriſtopher Stangroom, their being two of the officers of the Exciſe of our ſaid Lord the King, and in the due execution of their ſaid office, one hundred and fifty gallons of foreign geneva, being unaccuſtomed goods and liable to pay duties, which had not been paid or ſecured, after ſeizure of the ſaid foreign geneva by the ſaid William Turner and Chriſtopher Stangroom, as being ſuch officers of Exciſe as aforeſaid.

A Second Count for unlawfully, riotouſly, and forcibly, making an aſſault and affray, and hindering, obſtructing, oppoſing, and reſiſting the ſaid officers of Exciſe.

A Third Count for unlawfully, forcibly, and feloniouſly hindering, obſtructing, oppoſing, aſſaulting, and reſiſting the ſaid officers in ſecuring a large quantity of foreign geneva, which had been lately ſeized by ſuch officers as aforeſaid.

The indictment was opened by Mr. Silveſter.

(The witneſſes were ordered to withdraw.)

Mr. Solicitor General opened the caſe as follows:

May it pleaſe your Lordſhip, and you, Gentlemen of the Jury; my duty obliges me to call on you for a few minutes of your attention, in order to open to you one of thoſe caſes, that are now become of the laſt importance: this is an indictment found againſt the three priſoners at the bar, for reſcuing goods by force and violence, and with arms, after they were ſeized by the revenue officers; Gentlemen, ſeveral years ago the legiſlature found it neceſſary to enact—That if any number of perſons to the number of three or more, armed with fire arms or other offenſive weapons, ſhould reſcue or take away from any Exciſe-officer, any goods which had been ſeized by them, that they ſhould be puniſhed to the laſt extremity; and it becomes more neceſſary to advert to this regulation now, than it has ever been: Gentlemen, it would not become me to enlarge on that matter further, and I merely throw out theſe hints to you, that it is thus neceſſary for the public officers to bring before you thoſe offenders againſt the laws, in order, if poſſible, to ſuppreſs a practice, which, if not ſuppreſſed, will put an end abſolutely to the fair trade of this country: In that ſpirit it is, that this proſecution is brought forward; and Gentlemen, the facts on which this proſecution is founded, and which will be laid before you in evidence, are ſhortly theſe: On the 13th of November laſt, one William Turner, an Officer of the Exciſe, having had information that a certain quantity of geneva which had not paid duty, was concealed in the houſe of the priſoner Hutchinſon, he applied to the magiſtrate, and obtained a warrant for the purpoſe of ſearching the premiſes, and took into his company one Chriſtopher Stangroom another Exciſe-officer; they were told Hutchinſon was not at home, but they went into a field at a very little diſtance, part of his premiſes, and there they found rubbiſh, and furz, and boards, and a variety of things, which they conceived to indicate a door to a place of concealment, they then began to undo thoſe obſtructions, and Hutchinſon then made his appearance; a variety of threats were thrown out to deter the officers from the execution of their duty, but they proceeded in their ſearch, and found this geneva in half anchor caſks, ready ſlung in all appearance as ſmugglers ſling their goods; they proceeded to take out this geneva to the amount of eighteen or twenty caſks, being threatened by Hutchinſon, that he would call the ſmugglers, and that the ſmugglers ſhould come, and ſo forth; and there did come eight or ten or a dozen of perſons, and they attempted to take away theſe twenty caſks that were in this place of concealment; in the mean time Turner the Exciſe-officer, ſent off his companion for further aſſiſtance, and when he came back he found by the aſſiſtance of another perſon about fifteen or ſixteen anchors of geneva, and when he came out he was met by two of the priſoners with bludgeons, and one of them, the priſoner Wilkinſon, with a piſtol held to Stangroom's breaſt, and he was knocked down by a ſtone: the cant word was, damn them that won't ſtrike, and all theſe ſort of expreſſions: the priſoners immediately proceeded to take away thoſe caſks, and they took them two at a time; Gentlemen, a variety of circumſtances of force and of threat, and this actual preſentment of this piſtol to the breaſt of the Exciſe-officer, will be proved to you and one of the witneſſes will tell you, he was the perſon that called out to Stangroom, and that if he had not taken the information given to him, he might in all probability have loſt his life, for it is very providential to him, that the ſtone thrown at him fell to the ground, or he might have met with more miſchief: Gentlemen, if theſe circumſtances turn out ſo, if by force theſe number of perſons ſo armed, and among them the priſoners, did really reſcue this geneva from theſe Exciſe-officers, after they had taken it; they will fall within this act of parliament: You ſee, Gentlemen, there are but two ways by which force of this kind can be prevented, the one by ſuperior force, and that is a method the law of this country wiſhes to avoid, except in the laſt extremity; the other is by bringing a caſe, ſuch as this, before a Jury of the country; but at the ſame time that his Majeſty's officers wiſh to preſerve the ſecurity of the public on the one hand, they certainly do not forget the juſtice due to individuals on the other; Gentlemen, I ſhall therefore call my witneſſes, and if they make out the facts I have ſtated to your ſatisfaction, you will then be under the neceſſity of diſcharging your conſciences according to the oath you have taken, in finding the priſoners guilty; but if on the other hand, theſe facts are not ſo ſupported by evidence as to warrant ſuch a verdict, you will then perform the moſt agreeable part of your duty, in acquitting the priſoners.

WILLIAM TURNER *ſworn.*

Examined by Mr. Silveſter, one of the Council for the Proſecution.

I am a ſupervisor of the Exciſe at Lynn in Norfolk; on the 13th of November laſt, I went to the priſoner Hutchinſon's houſe, at Thornham, about three or four in the afternoon.

How far is Thornham from the ſea-coaſt?——It is within one mile.

When you came to Hutchinſon's houſe, what paſſed?——I enquired if he was at home.

Court. Did you go alone?—I had Chriſtopher Stangroom, an Exciſe-officer with me: they told me that Hutchinſon was not at home; I ſaw a man, and a woman that I thought was his wife; I told the perſon that I wanted to examine Hutchinſon's premiſes, and I immediately went down Hutchinſon's yard, into a ſmall field joining to his houſe; and in the corner of the field behind a ſhed, adjoining to Hutchinſon's houſe, where I ſuſpected the goods were, there I perceived a couple of furze buſhes, which rather made me ſuſpect the goods were about that place. Before we could get to the place, Hutchinſon came into the field, and in rather a violent and haſty manner, told us we had no buſineſs there; Stangroom was ſtepping forward to the concealment, and Hutchinſon laid hold of him, and a ſcuffle enſued, and I think they were both on the ground together; I immediately interfered, and took hold of Hutchinſon, and held him by the collar while Stangroom went to the place were the furze buſhes were.

Court. Did you ſay any thing to him?—Yes, I told him to be quiet, that I came there to ſearch for ſome ſmuggled things.

Mr. Silveſter. Did he know you?—I do not know whether he did; I am pretty ſure he knew Stangrove.

Court. What makes you pretty ſure he knew him?——He was the Exciſe-officer who uſed to ſurvey Thornham formerly; he is an Exciſe-officer now.

That is all your reaſon for ſuppoſing that he knew Stangroom?—Yes. Upon Stangroom's going to the place where I ſuſpected the goods were, during which time they held a piſtol, and pulling the furze buſhes away, I thought he ſaid they are here, or ſomething to that purpoſe: from Hutchinſon's behaviour, who rather ſeemed violent and riotous, I deſired Stangroom to go for a conſtable; he immediately mounted his horſe, and rode out of the field into Hutchinſon's yard, towards the high road; Hutchinſon followed into the road with a large hoe or bill, or ſomething of that kind, he was very violent and paſſionate, ſtriking his horſe with his hand, and told him to get off the premiſes; indeed he drove him off, but he was going off at the ſame time, and ſaid he would ſoon have ſomebody there. Soon after this, I went through Hutchinſon's yard into the high road myſelf, and I ſaw one Rennett, a Cuſtom-houſe-officer; I deſired Rennet to aſſiſt me to open the vault; he came with me into the field, and opened the vault, and Rennett brought up one half anchor of geneva: I then went into the high road a ſecond time, in order to ſee if Stangroom and the conſtable were coming; at this time one Brown an Exciſe-officer came in; on my returning into Hutchinſon's yard with Brown, Hutchinſon put himſelf againſt the gate which ſhuts from the high road, and with the ſame thing he had in his hand when Stangroom went out of the yard, he ſtood and ſaid I ſhould not enter into his premiſes any more: Brown I think took hold of his arm, and the hand that he had up with the hoe, and I ruſhed out of the gate, and forced myſelf by. I then went down again into the field with Brown, and deſired Brown to go into the vault; Brown went and handed up, I think, about twenty half anchors.

Mr. Sylveſter. What appearance had thoſe anchors?——They were four gallon caſks, with ſmall ſling cords round them; they are put round them to convey them on horſes backs, as the ſmugglers convey them. At this time there came into the field about ten men with ſticks or bludgeons, or largiſh ſticks in their hands.

Court. What do you mean?——They were not walking ſticks, they were a kind of a ſtick or bludgeon: they came into the field and ſtood at the tubs; I moved myſelf from the vault towards them; when they came in they ſaid nothing at all at firſt; I ſaid, my lads, you had better let them alone, you will not attempt to take them away I hope.

What did they ſay?——They made very little anſwer; one of them immediately ſaid, *come, come, lay hold*, and eight of them took two half anchors each of them, and threw them acroſs their ſhoulders: Brown came out of the vault a little fatigued; I deſired Rennet to go in, he went in, and handed out about twenty half anchors, I think. At this time Stangroom was returned, and was ſtanding in the field, very near the half anchors that I had handed from the vault farther from the concealment; at this time a man came up to Stangroom, and ſaid *have at them*, and with a very large ſtone or brick immediately knocked Stangroom down; at the ſame time there was a kind of outcry, rather a confuſion in the yard, making uſe of oaths, and ſo on; a ſtone was thrown towards me, but it did not ſtrike me. Stangroom being knocked down, Brown the Exciſe-officer went over the hedge, cloſe to where he ſtood, and retreated into the field, rather ſome diſtance from the concealment; I ſtood there for four or five minutes; there was a ſtill an outcry of *at them*, and rather confuſion or riot; there were twenty, thirty, or forty of all ſorts; there were many inhabitants of the place; there were not a great many in the field at that time; my horſe was tied in the field, I mounted and rode into the next field; I came round towards Hutchinſon's houſe by the high road; when I came to that place, Stangroom was there, and bleeding very much from the blow he received; alſo Rennett ſtood there, and finding that the ſmugglers had rather cauſed confuſion, and that the goods were carrying away, I deſired Rennett to go down with me a ſecond time into the vault, to bring ſome of the goods away; I rode on towards Hutchinſon's yard, and Rennett followed me, I went to the vault and deſired Rennett to take out one of the half anchors, which he did; I took it up with me on horſeback, I rode out of Hutchinſon's yard into the high road again. Finding that Stangroom was wounded, and that our ſtrength was but little, and that it was getting on towards the evening, and that the ſmugglers increaſed, I rode away with the half anchor, and Stangroom with me to a public houſe in the town; I examined it and found it to be geneva; after that I did not return to Hutchinſon's houſe.

Mr. Silveſter. Do you know either of the perſons that were there, either carrying away the geneva, or armed, or aſſiſting in taking it away?——I know one of the eight, his name was Lewis.

Did you obſerve how theſe men were armed?——I cannot particularly recollect how he was armed, but they were moſtly armed with ſticks; I cannot pretend to ſay that every man was.

Were they any other way armed than with ſticks?—I ſaw no other, the ſituation I was in at the time the tubs were handing out, did not afford me an opportunity of ſeeing what I otherwiſe ſhould have done; I only ſaw the ſticks, and the ſtone thrown.

Mr. Morgan, Priſoner Lewis's Council. When was this offence committed?—The 13th of November laſt.

At what place?—At Thornham, in Norfolk.

How many miles diſtance may it be from this place?——One hundred and twenty miles, I believe; the diſtance from Lynn I ſuppoſe to be exactly one hundred.

You knew Lewis before?——I had ſeen him before, I never had any particular converſation with him.

Do you reſide at Thornham?——No, I live at Lynn.

Have you been at Thornham ſince this tranſaction happened within the ſpace of a month?—I have more than once.

Did you at either of thoſe times ſee Lewis there?——I do not recollect that I did.

Did you make any enquiry after him?—No, I did not.

Do you know when he was taken up?—Yes.

When?—I do not recollect exactly the day of the month.

In what month?——In July I think, I did not make a memorandum of the day he was taken, I think it was the latter end of July, I am not quite ſure.

How many times might you have been at Thornham between the committing the offence and the time of Lewis's being taken up?——I think I have been there twice.

Did you aſſiſt in taking him?—I did.

Did you come up to town with him?—I did.

Now give me leave to aſk you, if in coming along you did not ſay ſomething to him to this purpoſe; that he might make himſelf eaſy, for that you could not ſay any thing to affect him, for he had no weapon?—I do not recollect that I ſaid thoſe words, he was very uneaſy coming up to town; I deſired him to make himſelf eaſy: I do not recollect I told him he had no weapon, nor can I poſitively ſwear now that he in particular had a weapon.

Did not you tell him, coming along, that he need not be uneaſy, for that you could ſay nothing to affect him?—I do not recollect I ſaid exactly thoſe words.

Was it to that purpoſe; did you aſſign that as a reaſon?——I do not recollect that I did.

Do you recollect that you might have ſaid ſomething of this kind, that you could not ſay any thing to affect him?——No, I did not ſay exactly that, becauſe he carried two half anchors; I can ſay this, that he made uſe of no bad language, he was not violent, he made uſe of no threats, he behaved quietly, except carrying away the two half anchors.

Did not he recommend peace to you and to them, to come to ſome terms?——Yes, Lewis mentioned, juſt at the time the half anchors were taken on the men's ſhoulders, he ſaid will you take a part, and I anſwered I ſhould not come into that propoſal.

What reaſon did he aſſign to you for making ſuch propoſal, was it or was it not for the ſake of preſerving peace, and preventing miſchief?—I do not recollect he ſaid any thing of that kind.

CHRISTOPHER STANGROOM *ſworn.*

Examined by Mr. Silveſter.

I am an Exciſe-officer at Stretcham in Norfolk.

Were you in company with William Turner in November laſt?—Yes, Sir, on the 13th of November laſt.

How did you happen to be in his company?—Mr. Turner and I, in conſequence of having an information, went on the 13th of November to Hutchinſon's houſe, after we had been on a ſurvey; Turner was ſupervisor of that diſtrict: I went with him to the houſe of William Hutchinſon, at Thornham, about three, on the 13th of November; upon enquiring whether he was at home, we were anſwered by his wife that he was not at home, another perſon ſaid he was not at home, and wanted to know our buſineſs; we told her we had information of ſmuggled goods, and in conſequence of that wanted to ſearch the premiſes; ſhe told us we had no buſineſs on the premiſes; immediately Hutchinſon came out of his houſe and ſwore we ſhould not go upon the premiſes; Hutchinſon laid hold of ſomething, I believe it was a pick bill, ſuch as they pick up ſtones with, that was immediately dropped, and he came to me as I was going towards the vault, he laid hold of me, I deſired him to be quiet; I laid hold of him, and he fell to the ground, I was upon him; I ſaid, Hutchinſon, be quiet, get up, and behave well, we are doing nothing more than we are obliged to do.

Court. Where were you at the time he laid hold of you?—I was in the encloſure, juſt by the vault; I went to the place, and ſaid, Mr. Turner, this is certainly the place, but we could not open it; after I was diſengaged from Hutchinſon, he was coming to me again, Turner prevented him; I went and ſaid to Turner, here they are, I have found them; when we were down Hutchinſon kept abuſing me, ſwearing he would knock me down.

How did you get from him ſo as to get into the vault?——I went round the vault to get a conſtable, and Hutchinſon followed me out of the yard with a hoe, he beat my horſe with the hoe ſeveral times, and ſaid he would ſend for the ſmugglers; whilſt he was beating me, Mr. Turner deſired me to look behind, and I found it was a hoe upon a handle; I went to the conſtable, and I met Rennett, and deſired him to aſſiſt, this was in my way to the conſtable; but before that I ſaw one Mr. Brown; I alſo ſaw Mr. Benton, a farmer and merchant at Thornham, and I deſired them to come, and they ſaid they would. In my way to the conſtable I ſaw Brown, I brought him back as far as the gate; after I had got to the gate I then went to the conſtable, which is the third time I ſet off for him, he came, and I deſired him to bring the cart. When I came to Hutchinſon's gate with the conſtable, Hutchinſon ſwore he would knock me down if I entered the gate; I puſhed by him, went through the yard, and went into the encloſure, where the tubs were taken out; the ſmugglers juſt before I had entered the gate were then gone out with the tubs already taken out, I ſaw eight of them with tubs coming out of the gate, juſt before I got to the gateway, and the laſt was juſt as I came to the gateway; there were ſome of them in the road when I ſaw them, and ſome of them coming out of the yard; then I entered the gateway and went into the encloſure. I ſaid to Turner, they have carried away the tubs; he ſaid they had carried away ſixteen: Brown was in the vault getting out more tubs; Lewis ſaid will you compound, will you have half; I ſaid no, we cannot do anything of that kind, you had better be quiet and let us alone: the ſmugglers then gave us abuſive language, which Lewis deſired them to deſiſt from; the ſmugglers were then very numerous.

What do you call very numerous?——Upon the whole I ſuppoſe there were near twenty, but the exact number I cannot tell; I then went to ſee if the cart was come, but I was told by the conſtable he could not get in, and I ſaw that they could not; the cart was there, and the horſes in it, and they ſwore it ſhould not enter the gateway; the priſoner, Wilkinſon, Conk, or Crocky, was there.

Court. What part of the premiſes was he upon?——He was upon the encloſure, where the tubs lay that were juſt taken out of the vault; he took up a tub, I begged of him to ſet it down; I aſked him by what authority he took it; I followed him into the yard, and I laid my hand upon the tub, he ſet it down, and he immediately ſtruck me ſeveral blows on each ſide my jaws with his fiſt, and I immediately fell backwards into a little puddle of water; I then went into the field, and took my ſtand by Mr. Benton. Sometime after that a piſtol was preſented by Wilkinſon to me, that was near the vault, in the encloſure where the vault was; Mr. Benton called out, there is a piſtol! there is a piſtol! and it preſently diſappeared.

Court. In what manner was the piſtol preſented?——It was preſented thus, with his right-hand.

How near was you to him?——As far as I am to Mr. Shelton.

What did he ſay?——He ſaid ſomething, but I could not exactly tell what; after that he retired, I did not ſee him; after that ſome time elapſed, I cannot tell how long, when there was a cry, *have at them, damn them, kill them! kill them!* and immediately I was knocked down, either with a ſtone or brickbat, but which I cannot tell; I got up, and got out of the encloſure; I found myſelf in the road, but I do not know which way, I was very much ſtunned and very dizzy; I then ſaw Clark the conſtable, and he told me I bled very much, I ſhould be very faint; I told him I was faint, and afterwards I found it was blood.

Mr. Solicitor General. Did you obſerve any thing afterwards reſpecting this geneva?——Yes, I obſerved they kept carrying it away, and there was general confuſion, and the brickbats were flying; when the conſtable deſired me to go, as I bled very much; I ſaid I would not till I knew where Mr. Turner was, and preſently Mr. Turner came, and called, how are you; how is it with you? Says I, I am very much bruiſed, my head is broke very much; I ſaid to Mr. Rennett, we will have one tub; Turner ſaid the ſame; Rennett ſaid I dare not; Turner ſaid I will go with you, and they went, and they got a tub out of the vault.

What became of this tub?—I have had it in my houſe ever ſince, it was examined in my preſence, and it contained geneva.

Had theſe twenty perſons any thing in their hands?—They had bludgeons, thoſe that I ſaw carry away the liquor.

What ſort of bludgeons?—As near as I can gueſs, about two feet long, and very thick.

Did you know Hutchinſon before this time?—I did.

How came you acquainted with him?—I was officer, and Thornham was under my ſurvey.

Then you was acquainted with him?—With reſpect to acquaintance, I had ſeen him very frequently, he knew me, he called me immediately by my name.

Croſs-examined by Mr. Macnally, one of the Council for Priſoner.

Have you been at Thornham ſince the ſeizure?——Yes.

Have you ſeen Lewis there from November, the time when the ſeizure was made, till July, when he was apprehended?——I have ſeen him there.

Did you aſſiſt in apprehending him?—I did.

Do you recollect any converſation between him and the laſt witneſs, reſpecting his ſafety after he was apprehended?—I do not.

Do you recollect Turner telling him he might be eaſy?——No, I cannot recollect any thing of that; I have heard Turner ſay, he imagined Lewis was not ſo bad as the reſt.

You did not hear any ſuch converſation?—I do not recollect any.

When Lewis came up, the ſmugglers, as you have called all theſe people, were all on the ground, did not Lewis come up alone?——He ſpoke to me by myſelf.

Then he did not appear to you to he one of the party that you termed ſmugglers?—He appeared to me to be a ſmuggler, becauſe he carried away two tubs.

Did he appear to you to be a mediator, and peace-maker?—He appeared to me to be a mediator, becauſe he deſired that the others ſhould behave well, and not behave riotous to the officers; I ſaw ſeveral of the ſmugglers with bludgeons.

How did they carry the tubs?—On their ſhoulders.

Mr. Peatt, Council for the two other Priſoners. What kind of cloſe is this where the vault is?—A little graſs cloſe, covered with graſs, in the yard.

Did you ſee the priſoner Hutchinſon's wife at all during this buſineſs?——Yes, I did.

What paſſed between her and you?——As ſoon as I was extricated from her huſband——

Court. What does that lead to?

Mr. Peatt. My Lord, I underſtand that there was a quarrel between this witneſs and the priſoner Hutchinſon's wife, and that the priſoner interpoſed on the behalf of his wife.

There was ſomething paſſed between you and the wife?——There was, but Hutchinſon and I were engaged firſt.

Did you ſee any weapon in Hutchinſon's hand before the quarrel took place between you and his wife?—I did.

Did any thing paſs about your doing damage to his premiſes?——He ſaid I had no buſineſs or right on his premiſes.

Did not he complain of your doing damages to the premiſes, to the graſs; how did you enter them?—By a gateway, and within a very few yards there was the vault.

Why did you tear the woman's ear-ring out of her ear?—I never touched her ears.

Will you ſay that he did not ſay that you ſhould not uſe his wife in that manner, or words to that effect?——I do not recollect that; he complained of a parcel of ſtuff that I knew was abſolutely falſe.

Court. What was that ſtuff?——Why, that I had pulled out her ear-rings out of her ears, and that I meant to be familiar with her.

Mr. Peatt. Would not that enrage you if a man was familiar with your wife?

Court. When was it that this report was propagated, that you ſhould take ſuch liberties with this woman?——Afterwards.

How long afterwards?—About a week or ten days when I heard of it.

At this time did nothing paſs about your damaging the things?——I never heard a word of it.

How many people were there that you ſaw?—I ſaw eight people carry away goods, how many people there might be in the whole I cannot ſay, the mixed number was very great.

Mr. Peatt. Was not there a good many of the ſize of Wilkinſon?—There were a good many, I never ſaw any body like him, I knew him; and the language he made uſe of I could not help obſerving.

How did you ſtand when the piſtol was preſented?——I ſtood rather obliquely.

Can you take upon you to ſay that the piſtol was preſented to you in particular?—I can, I ſaw the piſtol.

Your fears might make you think it was at your noſe, when it was a mile diſtant; can you ſay it was pointed at you?—It was pointed ſtraight forward.

Was he doing any thing elſe at that time?——No.

Did he ſay any thing to you?—He did.

Was not he buſy about other things?—Not at all, he ſtood thus, and preſented the piſtol thus.

JAMES BROWN *ſworn.*

Examined by Mr. Silveſter.

I am an officer, I was applied to, to aſſiſt Mr. Turner in ſome goods that had been ſeized

ſeized on Hutchinſon's premiſes, on the 13th of November, in the year 1783; I was called upon by Mr. Stangroom, officer of the Exciſe, who deſired my aſſiſtance, and ſignified to me, that he had found a vault full of goods; I immediately told him I would give him all the aſſiſtance that lay in my power, and mounted my mare and rode along with Mr. Stangroom to Hutchinſon's houſe in Thornham, where I ſaw Mr. Turner in the ſtreet, at the outſide of Hutchinſon's gate, and Hutchinſon in the yard, inſide, and he had in his hand what I call a pick bill, and he threatened to knock Mr. Turner down if he entered the gate; I diſmounted, and took Hutchinſon by the collar, who dropped his weapon; I ſaid to Hutchinſon, what are you about, the officers are in poſſeſſion of theſe goods: I ſaid, Turner, follow me; and at the north end of the houſe there was a vault; I ſaid I will enter the vault, I went into the vault and took out ſome part of the tubs, and I believe, as near as I can recollect, there might be twenty tubs or upwards, as I took account; then I was fatigued, and ſolicited Mr. Turner to call ſomebody to relieve me, and Samuel Rennett came to my aſſiſtance; I had not been out of the vault a long time before I ſaw Mr. Stangroom knocked down, with, it appeared to me to be the three-fourths of a brick, which came the left ſide of his head, which felled him to the ground; I thought he was knocked on the head; I then made my eſcape, but before that I did ſee one Thomas Lewis, and he moved ſome tubs, but whether he took any away or no I cannot pretend to ſay; I likewiſe ſaw one Daniel Wilkinſon there, but I cannot ſay whether he took any thing at all away; I ſaw alſo the other priſoners there; I heard a general cry at the time, and I made my eſcape; I cannot ſay to the number, they made a noiſe in the yard.

Mr. Garrow, Council for Priſoner Lewis. I believe when you went there you ſaw Mr. Bentum the farmer?—Yes.

You was not there at the commencement of the ſearch?——I was not.

When you came there then you ſaw Mr. Bentum the farmer there, and many other inhabitants of the town?—I ſaw Mr. Bentum and Lewis there then.

You ſaw Lewis moving a tub?——Yes.

Was not he looking at it?——Yes, I apprehend he was looking to ſee if they were marked.

Is not it your practice, as ſoon as you have ſeized any goods of this ſort, to mark them as things ſeized for his Majeſty's uſe?——I have ſeized goods with marks, and I have ſeized goods without marks.

You do not underſtand me; I aſk you whether you do not mark them after you have ſeized them?——I very often do that myſelf.

Were thoſe in truth ſo marked?—I cannot ſay, I handed them out of the vault, I did not obſerve.

Have you ſeen the that is at Stangroom's?—I have.

Do you know whether it had any mark when it was carried to Stangroom's?——I do not.

Did you hear Mr. Lewis hold any converſation with Stangroom, or interfere to prevent miſchief?—I heard a voice which I verily believe was Lewis's, but I cannot ſwear it was him.

Court. What did you hear?—It ſignified as if he wanted no miſchief to happen; it ſeemed to be his voice, ſignifying to molify matters; and aſked the officers if they would take half and leave half.

Are you the ſurveyor of Thornham?—Yes.

Do you know where Lewis lodges, and has lodged for two years paſt?—He lodges at one Johnſon's.

How often have you ſeen him ſince?—Very often.

Living under no concealment?—I have ſeen him frequently.

Were not theſe poor men indicted in January laſt?——I was not preſent when they were apprehended.

Have you had any converſation with Lewis about his making himſelf eaſy, that there was nothing that would affect him?

——I cannot ſay that, I told him it would depend on the evidence againſt him; I ſaid to him I did not ſee him take any thing away, but I cannot ſay what other people ſaid.

Mr. Peatt. When you came up to Hutchinſon, you ſay he dropped the weapon immediately?—Yes, when I took him by the collar.

He did not attempt to do you any injury of any kind?——He did not.

Did you ſee any thing that paſſed between Hutchinſon's wife, and the laſt witneſs Stangroom?——I was not there.

Did not Hutchinſon complain very heavily of the miſchief that had been done to him?——I heard him make a complaint, I heard him ſay that he miſuſed his wife.

The voice that you heard ſpeak ſome conciliatory words, and adviſe the ſmugglers to be quiet, you cannot ſay who that was?——I cannot ſwear to a man's voice, I rather believe it to be Lewis's voice.

It might be Hutchinſon's voice, you ſaw Wilkinſon there?—I did.

But you did not ſee him in the act of taking away theſe tubs?——I cannot ſay I did.

He did not oppoſe you in the execution of your duty?——I was not oppoſed by any body.

SAMUEL RENNET *ſworn.*

Examined by Mr. Solicitor General.

Were you in company with Stangroom? on the 13th of November laſt?—Yes.

How came you to be in his company?—By Mr. Turner calling me to his aſſiſtance.

Where did you go with Mr. Turner to aſſiſt him?—To William Hutchinſon's.

At what place?—At Thornham.

What paſſed then?—I went to aſſiſt him in making a ſurvey of run goods.

Deſcribe what paſſed?——I ſaw Hutchinſon beating Stangroom's horſe with a hoe.

Where was this?—In the ſtreet.

At what diſtance from Hutchinſon's door, or from his premiſes?——I do not know, it was juſt by the gate, Mr. Turner then deſired me to go into a green field juſt by his houſe, I did, and the woman Mrs. Hutchinſon came to me, and ſhewed me where the goods were, ſhe ſaid there Mr. Rennet, make you the ſeizure, accordingly I pulled the ſtone off the vault, and diſcovered the goods laying in the vault.

Court. Where was Hutchinſon at this time?——He was then keeping Mr. Stangroom off his premiſes.

He did not hear then what paſſed between you and the woman?—I believe not, I aſked a labouring man that was there, to get a tub out of the vault, he did, I told him I wanted a gimblet to prove the ſeizure, he fetched me one, I pierced the caſk and found it to be gin; Mr. Turner came to me, and ſays, what have you got, I told him it was gin; he immediately alighted off his horſe and taſted it, and Mr. Brown came up at the ſame time, Brown went into the vault and handed up the tubs, I took them to the amount of eighteen or twenty; Brown being fatigued in the vault, I went in and handed out about eighteen or twenty more, I came out of the vault ſeeing Brown run away, I went into the ſtreet and ſaw Stangroom bleeding; as ſoon as I came out of the vault, I was knocked down.

Court. By whom?—That I cannot ſay.

With what?——With a fiſt, by hands, and I believe Wilkinſon the priſoner picked me up, but I am not ſure.

What became of thoſe caſks that were handed out by you and Brown?——The ſmugglers carried them away, I ſaw them.

Court. How deep was the vault?——About my height, I was not in the vault when I ſaw them taken away a part of the goods, about ſixteen caſks, Brown was in the vault then.

How many ſmugglers might there be among them?—I cannot ſay, there might be a dozen of them.

Had they any thing in their hands?——I never ſaw any thing in the hands of any of them.

Did you return back again to this field, where the vault was ?——By the deſire of Mr. Turner.

What did you do then ?——I went into the vault, and fetched out a tub which Mr. Turner took away, Lewis took up a tub, whether he took it away I cannot ſay, there were ſeveral taken up, but who took them up I cannot ſay.

Were the heads of any of theſe caſks knocked in ?—One of them was.

By whom ?——By Hutchinſon.

Mr. Peatt. How far was Hutchinſon from his wife, at the time the wife undertook to conduct you to the vault ?—I cannot ſay.

Was he within hearing, think you ?—I cannot tell, he made no oppoſition, he ſent for me to my houſe, for me to make the ſeizure, and his wife conducted me to the place.

Did you ſee Hutchinſon take any of the tubs away, or aſſiſt the parties ?——No, I ſaw him knock in the head of one tub.

Wilkinſon behaved very kindly to you, when you was knocked down ?——Yes, he took and picked me up.

You ſaw no weapons ?——No, I never ſaw a piſtol, ſtone, or any thing at all, Wilkinſon behaved very quiet.

Mr. Solicitor General. I think you ſaid, that Hutchinſon's wife ſent for you to make the ſeizure ?——Yes, ſhe did.

You are acquainted too with him ?——Only I live in his neighbourhood.

Did he ſend to your houſe ?——Yes.

Court. When was it that the girl came to you, to make the ſeizure ?——When Mr. Stangroom and Mr. Turner were there, when he found they were there and would make the ſeizure, he ſent for me to make it.

HENRY BENTON *ſworn.*

Examined by Mr. Silveſter.

I underſtand you are a farmer and ſhopkeeper at Thoraham ?——No, Sir, I am a farmer and merchant, I do not doubt but the Gentlemen are willing to pay me, but I ſubmit to the Court, whether I am not to be paid my expences.

Court. You muſt give your evidence, we cannot make any bargains with you in a criminal caſe ?——I was riding home, it happened very near my houſe, I heard a great confuſion and noiſe, curioſity led me to ſee what was the matter, firſt Hutchinſon's wife told me that Mr. Stangroom had taken her by the throat, and would have pulled *her life out* ; I ſaid, you are under no apprehenſion, I am ſure Mr. Stangroom never intended any hurt ; then Stangroom came to me, and aſked me to ſtop, he ſaid, we have made a ſeizure, perhaps your preſence and influence will prevent its being taken from us ; I ſtopped, and went down to the vault where they had taken out the liquors, and uſed what arguments I could, they ſeemed every well reconciled, but before the cart came, there came a party drunk I ſuppoſe from the alehouſe eight or ten of them, and carried away a tub or two; one of them, I ſuppoſe one of the priſoners, ſeemed to me take one of the tubs in a very ſly manner, I heard afterwards his name was Wilkinſon, that is the man ; Stangroom returned and met him in the yard, with the tub under his arm; he aſked him what authority he had for taking that away, and he took ſome thing out of his boſom, which I took at that time to be a piſtol, for I immediately called to Stangroom, a piſtol, a piſtol, not that I can pretend to ſay that it was one, for it was a little duſkiſh, and the man returned it ſooner than I could ſpeak almoſt, and I ſaw no more of it; he did not ſay any thing only hid it; I cannot tell what they did with the caſks, they carried them out of my ſight, but the gable end of the houſe projected ; directly after Stangroom ſtood by me, and he fell juſt like a dead man, I ſaw his face all over blood, ſomebody ſtruck him, I did not ſee who it was.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO
The Gaol Delivery for the County of *Middleſex*;

HELD AT
JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 15th of SEPTEMBER, 1784, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of William Hutchinſon, Thomas Lewis, and Daniel Wilkinſon.

Did you obſerve thoſe men that came, whether they had any things in their hands? —I cannot ſay poſitively, I was a little matter confuſed, I ſtood from the beginning to the ending, I received a blow on my leg with a ſtone, or brickbat, or ſomething of that kind.

Mr. Peatt. Hutchinſon's wife complained very loudly to you?——Yes, but ſhe only complained once to me.

You do not know what it was in Wilkinſon's hands?—I believe it to be a piſtol.

You did not ſee any offenſive weapons to your certain knowledge?——Nothing except that was.

Court. Have you on the part of the priſoners any witneſſes to fact?——No, my Lord.

Court to Mr. Solicitor General. There are three counts; the firſt is for perſons being armed, aſſembling themſelves in order to aſſiſt in the reſcuing of goods: the ſecond count is, that theſe people, being armed, aſſembled themſelves, and that they aſſaulted the officers in the execution of their office: the third count is, that they did forcibly obſtruct, aſſault, oppoſe, and reſiſt the officers in the ſecuring of this geneva. On the firſt of theſe counts, I doubt whether on the whole of the evidence there is evidence to fix theſe perſons with having deliberately aſſembled themſelves, for that expreſs purpoſe: the ſecond of theſe counts I do not myſelf ſee any branch of the act of Parliament to which it applies; I wiſh, therefore, to know on what branch of the act of parliament that ſecond count has been drawn; with reſpect to the third count, undoubtedly there is evidence to prove the fact: but I ſuppoſe it has not eſcaped you, that by a ſubſequent act of parliament, the ſame ſpecific offence that is deſcribed in this act, the mere forcibly obſtructing, is made an offence, for which the party may proceed at the quarter ſeſſions, and be corporally puniſhed: now, if upon conſideration you ſhould be of opinion that you can ſuſtain upon the conſtruction of this act of parliament on the third count, I ſhall have no objection, with the concurrence of my brothers, to take a ſpecial verdict on that; but as a queſtion of diſcretion I put it to you for your conſideration, whether you preſs that in a cauſe ſo circumſtanced, where there is, by a ſubſequent act of parliament, an expreſs proviſion that the offence ſhould be puniſhed in ſo very inferior a degree and courſe by the quarter ſeſſions of the county, and by corporal puniſhment, whether you would preſs that to be brought here in the county of Middleſex, to proſecute the parties under thoſe diſadvantages as they muſt be under; undoubtedly it is a very fit thing, where an atrocious caſe does ariſe, that the law ſhould be executed in the manner here chalked out; and there are certain caſes may ariſe, in which it is extremely proper that caſe ſhould be taken; but on this caſe I doubt extremely whether this is one of thoſe caſes which you would wiſh to ſee ſo proſecuted. I do not think that the circumſtances were ſo fully underſtood by thoſe who conducted the proſecution, as they are now underſtood.

Mr. Juſtice Gould. There was a caſe were there was an indictment for killing a deer in ſome park in the county of Herts, and it was an indictment under the black act; it came on before me, and it happened to occur to my recollection, that I had a few years before that taken down an obſervation in Mr. Juſtice Blackſtone's fourth volume of his Commentaries, whether that part of the act of parliament was not virtually repealed by a ſubſequent ſtatute, and after a good deal of ſearch, we found out the act of parliament, which nobody there had heard of; upon which I would not try the man, but reſerved it for the opinion of the Judges; and all the Judges were unanimouſly of opinion, that it was a virtual repeal of that ſtatute.

Mr. Baron Eyre. A number of perſons aſſembling is out of the caſe; this act of Parliament provides, that if a number of perſons, being armed, ſhall aſſemble themſelves for the purpoſe of aiding and reſcuing ſmuggled goods, &c. it then goes on to another branch, that if any number of people ſhall aſſiſt, that is felony; there is a third ſubſtantive offence, if any perſon going in diſguiſe; and the fourth is, if any perſons armed or not armed ſhall forcibly reſiſt or obſtruct the officers in reſcuing goods; upon that the third count is founded, that has no regard to the number of perſons, nor to their being armed; the words are, "or if any perſon ſhall, from and after the 24th day of July, have his face blacked, or wear any vizard maſk, when paſſing with ſuch goods;" an individual therefore, with his face blacked, paſſing with ſuch goods, would, in all probability, be deemed to be within this act: the next clauſe is, "or ſhall forcibly aſſiſt," &c. that word *or*, being coupled with the proceeding ſentence, ſeems alſo to be a clauſe which would reach any individual who ſhall obſtruct; now that particular offence is, as I have particularly obſerved, by the 19th of George the Third reduced to a miſdemeanor, puniſhed by corporal puniſhment; therefore, if you ſtill exerciſe your own judgment on the caſe, I for one have no objection to your having a ſpecial verdict on the point; but take it under all the circumſtances, knowing my opinion to be, that this is not a caſe which calls for any ſuch proſecution. With reſpect to the ſecond count, if I am wrong, I ſhall be very glad to hear you as to the fact of this being a deliberate aſſembly of theſe people, armed for this purpoſe; you ſee a great part of it turns out to be the reverſe; a parcel of drunken fellows come from an alehouſe, and haſtily ſet themſelves, whether with arms or not, is not proved, or whether one man had a piſtol or not does not appear. The act ſays, "ſhall be aſſembled, in order to aid and aſſiſt;" now this in fact is not the caſe, but it is the caſe of perſons ruſhing and ſeizing theſe goods: the object of the act did not go to this particular caſe, which is the caſe of ſeizing goods which are found in concealment, which that part of the act manifeſtly alludes to, to a great number of perſons coming down to the beach for the purpoſe of eſcorting goods. I think the officers of the Crown never can do better, than to exerciſe their judgment in favour of a priſoner, wherever there is any opening for it.

ALL THREE NOT GUILTY.

Court to the Priſoners. I cannot help ſuppoſing, from what has happened, that you are men deeply engaged in this very dangerous practice of ſmuggling; it has brought you within an ace of capital puniſhment, and it is adminiſtering the law with great mercy to you: pray let this be a warning to you, and get your bread honeſtly, for if you do not, ſooner or later that puniſhment will fall upon you.

Tried by the firſt Middleſex Jury before Mr. BARON EYRE.

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779. GEORGE GRACE was indicted for feloniouſly ſtealing, on the 29th day of June laſt, two half-crowns, value 5s. and 5s. 6d. in monies numbered, the property of William Mills.

The witneſſes examined apart at the requeſt of the priſoner.

JANE MILLS *ſworn.*

My huſband keeps a public houſe, at Frogmore, Hampſtead; the priſoner and two other men came in, ſome aſked for brandy and water, and ſome did not, two of them had a glaſs of brandy at the bar, the priſoner had nothing to drink: I never ſaw any of them before; they gave me a guinea, I went up ſtairs to get change, and they followed me to my own door, they puſhed the door againſt me, I bid them go down for I was coming down, but they did not, they ſtood upon the ſtairs, then the priſoner wanted his guinea again, and I gave it him, and they aſked me to go back to my room to ſee if I had not a guinea of this year, eighty four; I told them I had not one of that date; as they could not perſuade me into my room again, they went down ſtairs, and I followed them, they got two half-crowns and five ſhillings and ſixpence in ſilver upon the ſtairs, they *bothered* me out of it, they had it by way of change.

Who did you give the two half-crowns to?—To the priſoner; then they all three went away as faſt as they could, they had a horſe and chaiſe, my huſband was out, I have no body lives with me but my huſband and children, my houſe is juſt below Hampſtead church, I went out as ſoon as ever I could, and more people followed, they were taken about five in the afternoon, one was taken, and the other two was reſcued out of the coach; they were taken up at Paddington, one ſaid he was a parſon, and he would go and clear himſelf.

Court. Did you get your money again good woman?——No, Sir.

Priſoner. Pleaſe to aſk her, whether I took it out of her hand by main force?—No, Sir, not by main force, it was by juggling the change backwards and forwards.

Did ſhe give me the change out of the guinea?——That is the man that had the ſilver.

JOSEPH GOULD *ſworn.*

I purſued the priſoner, and ſeveral more were after him, and I took that gentleman at Marybone, about one o'clock, I was juſt come from market, I was ſelling garden ſtuff about the ſtreets, and very badly we were uſed.

How came you to take the priſoner?—Several of the neighbours went, and ſo I took my horſe and rode after him; I live at Hampſtead.

At what time of the day was it you went?—I cannot tell what time of the day it was, I was juſt come from market, I took him at Paddington, there were two men with him coming out of a public houſe.

You fetched a conſtable?——Yes, we brought the priſoner to the priſon houſe.

Priſoner. Pleaſe to aſk him, whether I ſtrove to reſcue, or any thing of that kind?—No, you was in the coach, we had you ſafe enough, you would have lamed us if you could.

Priſoner. Had I any thing to lame you with?—You would if you could.

WILLIAM LAWRY *ſworn.*

I took the priſoner at Paddington.

What day was it?—The 29th of June, about five in the afternoon, he came out of a houſe, and was getting into the chaiſe, ſays I, where are you going, ſays he, into the chaiſe, ſays I, but you ſhall not.

What was you reaſon for taking him?—

I am a butcher at Hampſtead, I heard the alarm of their robbing this woman, they drove very faſt, there were three in the chaiſe.

PRISONER's DEFENCE.

Pleaſe you, my Lord, I was with two more young fellows in the chaiſe, they aſked me to have a ride, I was drinking, and what was tranſacted I know no more than a baby; they think to caſt me for this, and get the reward, and the woman ſaid ſhe would not get her dinner till ſhe had her revenge: I have made all enquiry after my witneſſes, and they are not come to town.

Court to Mrs. Mills. What is your huſband's name?——William Mills.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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780. The ſaid GEORGE GRACE was again indicted, for feloniouſly ſtealing, on the 29th day of June laſt, one half-crown, value 2s. 6d. and ſixpence in money numbered, the monies of John Hillier.

The witneſſes examined apart at the requeſt of the priſoners.

MARTHA HILLIER *ſworn.*

I am wife of John Hillier, I live at Highgate, I keep a Poulterer's ſhop, the priſoner is the ſame gentleman that came into my ſhop on the 29th of June, a little after three in the afternoon, there was another gentleman came in with him.

You took them to be gentlemen?—Yes, he aſked for ſome rabbets, he wanted a rabbet or a couple to be chopped up for frying; after agreeing for the price, this gentleman aſked me to change a guinea, and he put down a guinea, I put down thirteen ſhillings, which he took up, the other gentleman ſaid, O! damn it, do not change, I have money plenty, he laid down the money again.

Did he take up all?——Yes, I had but ten ſhillings when he went away, in the room of thirteen.

I think you ſay, the priſoner took up the money as you laid it down?—Yes, he did take it up, he then laid down ten ſhillings of it, and they both went out of the ſhop, and bought nothing.

How long was it before you obſerved there were three ſhillings ſhort?——Not three minutes.

Are you ſure you had thirteen ſhillings?—Yes, I am ſure.

Did you count them out one by one?—Yes, I am ſure, I took out thirteen ſhillings, and had but ten again, and nobody was in the houſe but myſelf, and one child of ten years old, they had a chaiſe waiting for them oppoſite to my houſe, I ſaw them get into the chaiſe and go off immediately; there was another waiting at the door for them with a whip in his hand, I am ſure the gentleman is the ſame, becauſe he aſked me how I did at the Juſtices, and he ſaid he knew I ſhould uſe him well.

Priſoner. Did I touch your money?—You took it in your hand, and threw it down again, I ſtooped to pick up one of the ſhillings, and you immediately pulled ſomething out of your pocket like a gold watch, and went out in a trice.

WILLIAM LAWRELL *ſworn.*

I took the priſoner, I know nothing of the robbery, I was at Litchfield-ſtreet, the next morning I ſaw Mrs. Hillier there, ſhe knew him directly.

PRISONER's DEFENCE.

Gentlemen of the Jury, I went into the ſhop for two rabbets, the people of the public houſe could not dreſs them, and we agreed to have a bit of cold victuals, my witneſſes are ſome at Brentford, and ſome at Hounſlow.

Court. You have heard this evidence, Gentlemen, the queſtion is, whether you believe what this woman ſwea[illegible] ſhe does poſitively ſwear that ſhe produced thirteen ſhillings, and the priſoner took up thirteen ſhillings, and laid down only ten ſhillings.

GUILTY.

To be whipped, and impriſoned ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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781. EPHRAIM EPHRAIMS was indicted for feloniouſly aſſaulting Thomas Watkins, on the King's highway, on the 19th of Auguſt laſt, and putting him in fear and danger of his life, and feloniouſly ſtealing from his perſon, and againſt his will, two ſilver ſeals, value 2s. the property of the ſaid Thomas.

THOMAS WATKINS *ſworn.*

I am a Silk-dyer and ſcowerer, in King-ſtreet, Seven Dials; I was robbed on the 19th of Auguſt laſt, about half after eight, under the gateway called Short's Gardens, going from Drury-lane; I was coming from Holborn as the nigheſt way; as I croſſed the way, I ſaw the priſoner run acroſs the way on my left hand ſide, I looked at him very hard, he had a white apron twiſted round, I thought he was going to rob me; I returned being apprehenſive he had a bad deſign on me, and I turned on my right hand to come out, and he came up plump againſt me, one hand againſt my cheſt, and the other had hold of the chain of my watch, I walked with my thumb on my chain in my breeches, he pulled, ſays I, you ſhall not have it, he made another hard tug, and tore the chain and the ſeals off; I directly caught hold of him with my left hand, ſays I, you raſcal you have part of the chain and ſeals, give me them back again, he run away; a Gentleman came by, and aſked me what was the matter, we went after him, he was never out of ſight, he walked about ten or twelve yards, we took hold of him and brought him to the watch-houſe.

How far was he off?——He was forty yards off, or better, before we got hold of him.

Was he out of ſight?——No, Sir, we took him to the watch-houſe and ſearched him, and found nothing on him but a double claſped knife, we left him there, and the Gentleman came back with me, and I brought a candle to ſee if we could find the ſeals, a little girl and a man aſked me what I had loſt, I ſaid two ſeals, and I offered half a crown to any that would bring them, and a young man brought one of them to me in a ſhort time after, with a piece of the chain, and the next morning as I went to the Juſtices, a little girl brought me the other ſeal.

Are you quite ſure this is the man that ſnatched the chain and ſeals from you?—Yes, he never was out of my ſight.

Had he the ſame apron on when you took him that you had taken notice of before?——Yes, Sir.

Mr. Garrow, Council for the Priſoner. Mr. Watkins, have you never ſaid ſince you was robbed, that the perſon that took your ſeals was out of ſight?——No, Sir.

Are you ſure of that?—Yes.

You did not ſee him throw away the things?——No.

EDMUND HILLIER *ſworn.*

I was coming down Drury-lane, and juſt as I was croſſing the archway, Mr. Watkins turned round and ſaid, I am robbed by that fellow, I did not ſtop to hear what he ſaid to me, but I immediately ran after and took the priſoner; he was about three or four yards off.

RICHARD STARLING *ſworn.*

I am a watchman; this is the ſeal, I found it about nine or ten yards off the watch-box, in Short's-gardens, between the watch-box and the gateway.

SARAH DAVIS *ſworn.*

I am fourteen; I picked up this ſeal in the kennel, about ten yards from the watch-box.

PRI-

PRISONER's DEFENCE.

I am as innocent of it as a child.

The priſoner called two witneſſes who gave him a good character.

Court to Jury. Gentlemen, coming up to him with that violence, and ſeizing his watch chain, and he reſiſting, conſtitutes a violent taking from the perſon, if done with a deſign to ſteal.

Priſoner. The proſecutor ſaid that he tore off three inches of the coat of the man that had robbed him, and I produced my coat to ſee whether there was any piece of my coat tore off, and there was none.

Proſecutor. I caught hold of his coat on the inſide, and when he wrenched it away, a bit of ſomething came off in my hand, which I took to be ſhalloon, and I threw it away.

Court. Was his coat ſearched at the Juſtice's?——Yes.

Does that leave you any reaſon to doubt of his being the man?——Not in the leaſt, he poſitively was the man.

GUILTY, **Death.**

He was humbly recommended to mercy by the Jury and Proſecutor.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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782. WILLIAM SMITH was indicted for feloniouſly aſſaulting William Tucker, on the King's highway, on the 17th day of Auguſt laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, 432 braſs thimbles, with ſteel tops, value 3l. the property of John Willan, Jacob Allen, and John Peyton.

WILLIAM TUCKER *ſworn.*

I live with Mr. Willan, Drury-lane, his partners names are Jacob Allen and John Peyton.

What buſineſs do they follow?——Proprietors of ſtage coaches. On the 17th of laſt month, between three and four in the afternoon, I was robbed on the other ſide of Drury-lane in the Strand, at the back of the New Church, a man came behind me and ſnatched the parcel out of my hand.

What did the parcel contain?—Three groſs of thimbles.

Did you ſee who took it?——No, I did not ſee him take it, I ſaw him run up Drury-lane with the parcel in his hand, I turned round directly and I ſaw him; the priſoner is the perſon, I never ſaw him before.

Did you purſue him?——Yes, he was taken directly, a gentleman ſtopped him, I ſaw him taken, I was about ſeven or eight yards from him; when he was taken he had dropped the parcel, I did not ſee him drop it.

Did you ſee where it was dropped?——No.

Was it ever found?—Yes.

How long might this take?—About five or ſix minutes.

Where was you going with theſe thimbles?--To Mr. Stiff and Co. in New-ſtreet, Covent-garden.

SAMUEL TUCKER *ſworn.*

I know no otherwiſe than I was out of town, and when I returned my maſter, Mr. Willan ordered me to go with the boy to Sir Sampſon's, and he pitched immediately on the priſoner, and pulled me by the coat and ſaid, daddy, that is the perſon; it was that ſame afternoon, the man was then in cuſtody at the public houſe facing Sir Sampſon's.

CHARLES SAYER *ſworn.*

I was coming paſt the corner of Little Drury-lane, I heard ſtop thief cried, and I ſaw this lad running after the priſoner, and I ſaw a parcel lay, which I took up; this is the parcel.

Are you ſure you ſaw the priſoner running?—Yes; it might be about ten yards, the man was taken inſtantly.

Did you ſhew the boy the parcel as ſoon as you picked it up?——I did, and he ſaid that is the parcel.

How is it directed?—To Mr. Stiff and Co.

Court to Boy. Look at that parcel, is that the parcel that you was carrying?—Yes, Sir.

What does it contain?—Thimbles.

(The parcel opened.)

This is the bill of parcels, "Stiff and Co. bought of Aſhmore and ſon."

THOMAS HARWOOD *ſworn.*

On the 17th of laſt month, between three and four, I ſtood in my ſhop, the corner of the Bell Inn in the Strand, four doors from Drury-lane; I ſaw the boy go paſt, and I remarked him having a knot as his box was ſo ſmall, I immediately heard the cry of ſtop thief! I ſaw the priſoner with that parcel in his hand, and I ſaw him drop it at the corner, and I believe he himſelf cried out ſtop thief! I ſaw him taken, he was ſtopped by a man whom we cannot find; I ſaw the boy purſuing the priſoner.

Court to the Boy. What became of the knot?—I had it with me.

Was he running with the knot with him?—Yes, Sir.

PRISONER's DEFENCE.

I was going up Drury-lane, and I heard the cry of ſtop thief! I turned round and ſtopped; the boy ſaid I had his bundle; I ſaid I had not, I was willing to be ſearched, that gentleman came up at the time and ſaid, that he dared to ſay I dropped it, and I aſked whether he ſaw me drop it, and he ſaid no, and when he came to the Juſtice's, he ſwore he ſaw me drop it.

Harwood. I did ſee you with the parcel, and ſaw you drop it, and ſaw you run.

Court to Harwood. Have you the leaſt doubt in your mind?—No, my Lord, he had it more particular in his right arm, he dropped it down in the middle of the pavement out of his right-hand; in leſs than ten yards afterwards he was taken.

Was any body near him at the time you ſaw him drop it?—Nobody at all, the neareſt perſon I ſaw to him was the little boy.

Court. Have you any witneſſes, priſoner?—I have no witneſſes in this affair.

The priſoner called one witneſs to his character.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Baron Hotham.

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783. JAMES LISLE, otherwiſe WILLIAM JOHNSON, was indicted, for that he, well knowing that one Edward Stokes had lately ſerved our Lord the King, on board the Lively ſloop, and that certain prize money was due to him, on the 5th day of March, feloniouſly, willingly, and knowingly, did perſonate and falſly aſſume the name and character of the ſaid Edward Stokes, in order to receive the ſaid prize money then due, againſt the form of the ſtatute.

THOMAS SLOP *ſworn.*

I am an agent for prize money for the Lively; on the 5th of March, the priſoner at the bar came to me in the name of Edward Stokes, carpenter's mate, on board the Lively.

Did he ſay that was his name?——He did, he ſaid his name was Edward Stokes, he came for his prize money, in the St. Helena ſhip, taken by his Majeſty's ſhip the Lively, I aſked him for a certificat from one of the officers belonging to th Lively ſloop of war, and he produced m one from Mr. Noble, the Gunner of th Lively ſloop of war; in conſequence o that certificate, I paid him the ſum of 14 2s. ſome time after that, another perſo applied in the ſame name, that was abou the 9th or 10th of April, but I do not re collect the particular day; I was muc ſurpriſed, I told him I had paid the mone before, and ſhewed him the receipt; I th

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went to Mr. Noble the Gunner, that gave the certificate originally, which was in conſequence of a letter, which letter I have——

Court. That letter you cannot produce? ——I know nothing further of my own knowledge.

Priſoner. I know nothing about it.

Court. You are ſure he ſaid his name was Edward Stokes?——Yes, my Lord, and he ſigned a receipt in that name.

Was Edward Stokes intitled to any money on board that ſhip?—Yes, I have the prize liſt here.

Was there more than one of that deſcription, on board the Lively?——No more.

EDWARD STOKES *ſworn.*

I am a Shipwright, I ſerved on board the Lively ſloop of war, as carpenter's mate.

Was there any body elſe of that name on board that ſhip?——No.

What prize money were you intitled to? —I do not know rightly, I was on board her when ſhe took the St. Helena, I was intitled to my ſhare of the prize money.

Do you know the priſoner?—Yes, Sir, his name is James Liſle, he was preſſed in a place called Foy, in Cornwall, and was drafted from our ſhip the Lively, on board another ſhip in Plymouth.

Was he intitled to any ſhare of the prize money?—No, Sir.

What was he on board?---A foremaſt man.

(The receipt ſhewn him.)

Is that your hand writing?—Yes, that lower part is, the name Edward Stokes is.

When did you write it?—I cannot ſay.

Who did you give it to?—I believe Mr. Slop: I cannot ſay whether it is my hand writing or no.

Court. Then why do not you look at it? *(looks at it again)*—No, Sir, that is not my hand writing.

Then why did you tell me firſt that it was? did you receive any prize money from Mr. Slop?—No, Sir.

Did you never ſend the priſoner to receive any for you?—No, Sir.

You never authorized him?—No, Sir, I am quite certain of that.

Where was you on the 5th of March laſt?——I was at ſea, we came home to Plymouth the latter end of April; we were paid off in March.

When did you arrive in England?——I cannot ſay.

Was it in March or April?—I take it, it was the firſt part of March.

Then you were in England at this time, on the 5th of March, recollect yourſelf? ——We were home ſometime in March, I cannot be ſure whether it was the latter end or not.

Are you quite poſitive, that you never gave this man any authority to receive any money for you?—I am very poſitive ſure I never did.

JAMES PULLEN *ſworn.*

I am a ſeaman, I know no more than being acquainted with the priſoner as a ſhipmate; I know Edward Stokes, that is the real Edward Stokes that was ſpeaking juſt now.

What is the priſoner's name?——James Liſle.

Priſoner. Where did I ſail along with you?——I do not ſay you did.

Court to Slop. This prize money appears upon the prize liſt to have been due to Edward Stokes, before this man applied for the payment?——Yes, my Lord, it was advertized the 15th of December, and every month following.

In conſequence of that, Stokes would have been now intitled to receive it?—Yes.

Court. Then Stokes is not a witneſs.

Court to Pullen. You know the real Edward Stokes?—Yes, he is the real Edward Stokes, the priſoner's name is James Liſle, I took the priſoner upon the Tower Hamlets, I was deſired to take him the firſt place that I ſaw him, by the real Edward Stokes.

How did you know who the man was,

that received the money ?—Becauſe I had ſeen him before, along with the reſt of the ſhip's company, Stokes told me he had received it; the priſoner aſked me what was the matter, I told him nothing, but Mr. Slop would tell him; he ſaid, he did not know what it was about, ſays he, what has Mr. Slop got to do to me; ſays I, I do not know, Jemmy, ſays I, he will tell you; ſo I took him to Mr. Slop, and he was not at home, then I got a conſtable and took him to the compter.

Did he ſay any thing, whether he had done this or not ?—No.

SARAH PEIRCY *ſworn.*

I know no further than the priſoner gave me that direction, which I gave to Mr. Slop, where to find him out.

When did he give you that direction ?—I do not know what month that was, it was the beginning of ſummer, it was James Liſle that gave it to me, I am poſitive it is the priſoner: *(Read)* " Mr. Green, living in St. John's-ſtreet, in the Strand, ſigned William Johnſtone," he came to ſee my huſband, belonging to the ſame ſhip, and he came down to ſee us, and then he aſked us to come and ſee him, and he gave us that direction.

Court. That is nothing.

Court to Mr. Slop. What time of the day did he apply to you ?—Between three and four in the afternoon, I was juſt going to dinner, I had no looſe four-penny ſtamps, and I ſent him for a ſhilling's worth of them, ſo I recollected his face perfectly well; and when he was firſt brought to my Lord Mayor, I looked among the croud to ſee if I recollected him, and I am quite ſure, I am quite poſitive, I have no doubt of him, as ſure as I can be of any man.

How long might he be with you ?—He was with me about five minutes, I told him it was an uncommon time, but I did not like to ſend him away.

MATHEW NOBLE *ſworn.*

I am a Gunner; the priſoner applied to me for a certificate for Edward Stokes being ſick in Wapping at his lodgings, here is the letter; he wrote to me, and applied to me in a very doleful manner; I know the priſoner well, he was a ſhipmate of mine, he brought this letter to me, and I gave him the certificate to give it to Edward Stokes, I am very clear the priſoner is the man that applied to me.

PRISONER's DEFENCE.

In 1774, my Lord Dunmore marched from Virginia, againſt different nations of Indians, on the other ſide of the Ohio river, I entered into his ſervice; when I came back to Virginia, my Lord Dunmore ſaid, the government at Williamſburgh was beſet, I entered a volunteer in the Roebuck; I was taken priſoner twice, and remained a long time in priſon; afterwards I came to Falmouth, then I was preſſed and was put on board the Lively, then I was drafted on the Marlborough, I was in the engagement with Count de'Graſſe; I came home to England ſometime about Chriſtmas, and I entered on board the Swift, which was brought to the Cape of Good Hope, to look after the ladies and gentlemen that were caſt away in the Groſvenor, Eaſt-Indiaman; I was taken ſick and lodged in Plymouth Hoſpital, and remained there a long while after this money was received; I did not come from the Hoſpital till after the 5th of March.

Court. Have you any body to prove that ?—I have been theſe ſeventeen years at ſea, I wrote to Lieutenant Loveday when I was taken in cuſtody, and he promiſed me to come.

Court to Noble. When was it that the priſoner applied to you for the certificate? ——On the 5th of March.

Priſoner. I was in Plymouth hoſpital then.

GUILTY, **Death.**

Tried by the London Jury before Mr. RECORDER.

784. ELIZABETH WILSON and MARY WILLIAMS were indicted for feloniouſly ſtealing, on the 4th day of September, ſixteen yards of green ſilk ribbon, value 8s. twenty yards of thread lace, value 5s. twenty yards of other thread lace value 3l. eighteen yards of other thread lace, value 36s. twenty-eight yards of other thread lace, value 58s. and two children's caps, value 2s. the property of Charles Pearſon, privily in his ſhop.

A Second Count for ſtealing the ſame goods in the dwelling houſe of the ſaid Charles.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Counſel.

CHARLES PEARSON *ſworn.*

The priſoners came to my houſe on Saturday evening, the 4th of this month, it was about eight in the evening.

Did they come together?——Yes.

What paſſed after they came in?—They aſked to look at ſome ribbon, I was ſpeaking to a Gentleman, I deſired the young chap that ſtood near me to ſhew them ſome, which he did.

What did you obſerve after that?—As ſoon as he had taken the drawer before them, I went to the oppoſite ſide of the counter to ſpeak to ſome other women, I ſerved them with ſomething, and they went away.

How many were there of them?—There were two.

Were they at the ſame counter?—No, they were at the oppoſite ſide.

Then theſe two women went away?—Yes, Sir, I went round to my man, and he told me the priſoner had ſtolen ſomething.

What did you do?——I ſtood and chatted a little bit, then I went and ſtood with them, they aſked to look at ſomething that was up ſtairs, and I ſent a man for it, and I went to ſpeak to the man, and I obſerved Williams going up to the window and extricating ſomething from her cloak, and putting it under a hat that lay in the window, and put the hat over it again; as ſoon as I came up I looked about me, and I ſaw a piece of lace laying upon the ground, near Williams's feet, I took it up, and told her it was pretty clear to me what ſhe had been at, and that I ſhould ſend for a conſtable; ſhe aſſumed a great deal of innocence, and told me I muſt be miſtaken, as if I knew her or her connections, I could have no ſuſpicion of any thing of that kind.

Did you ſend for a conſtable?——I did.

Were both or either of the priſoners ſearched after the conſtable came?—They were, and a piece of ribbon was found on Wilſon, and nothing upon Williams, they were taken to the watch-houſe.

Mr. Garrow, Priſoners Council. Mr. Pearſon, I believe you can explain to us a little, the hiſtory of this very extraordinary indictment, I underſtand it was prepared by your expreſs deſire, ſo as to be ſure of theſe people?——To be ſure, I wiſhed to puniſh, I was to lay the indictment as ſtrong as I could.

I muſt have an anſwer; was it by your expreſs deſire, and with a view that theſe people might be capitally convicted?——I do not know that it was, I did not know the nature of laying an indictment.

I adviſe you now; I know you out of this Court to be a very honeſt man; was it not by your expreſs deſire, for the purpoſe of catching theſe women, by hook or by crook?—Only in general terms, I deſired it to be laid as ſtrong as it could.

I aſk you upon your oath, whether you did not deſire this might be laid capitally, in order that there might be a capital conviction?—No, Sir, but in general terms, that the indictment might be laid ſtrong.

Will you venture to ſay, that you did not expreſsly deſire it might be laid capital?——I did not; only in general terms that it might be laid as ſtrong as it could.

I believe that was an after thought, after the commitment?—No.

They were not committed for a capital offence?—That I do not know.

Do you recollect when you was before the Alderman, whether you did not ſay, that you could ſay nothing about the fact?

—Nothing more than what I have ſaid at preſent.

Whether you did not expreſsly ſay ſo before the Alderman ?—I ſtated juſt as I have ſtated it at preſent, before the Alderman, I only ſaid this, what I had to ſay would not materially affect them.

I am inſtructed, you ſaid before the Alderman you knew nothing of the fact, except by the information of the boy ?—I ſaid before the Alderman, I conſidered my evidence would not have a ſufficient effect.

Did you, or did you not, ſay before Alderman Hart, that you knew nothing of the fact, only by the information of the boy ?—I do not recollect that I did.

Will you venture to ſay that you did not ?—What I underſtood to be the fact, was that of ſeeing them abſolutely ſtealing.

Then, Mr. Pearſon, will you ſay that you was examined to thoſe facts, which you have now depoſed to ?——Exactly ſo, as I believe, I have no doubt at all, I believe it mounted to the ſame it does now.

You are ſure you gave the ſame account before the Alderman you give now ?——Juſt ſo.

Then this cannot be true, that upon your telling the Alderman that you knew nothing of the fact, you walked aſide, and that your boy ſucceeded to your place, and gave an account ?——I do not recollect any thing about it, it was exactly as I have ſtated it now, and I was examined and ſworn upon it, it amounted exactly to the ſame thing I have ſaid.

I believe that Gentleman was preſent ?—I believe he went away before I was examined.

Then you was examined after your boy, and the conſtable, and every body elſe ?—I believe I was.

After the priſoners were taken from the bar perhaps ?——They were taken from the bar, the Alderman had left the chair, and went into another room; and the priſoners were taken from the bar.

Were you twice examined ?—Not upon oath.

Was not you once examined before your boy ?—No, I was not, ſomething might be ſaid.

That is the ſomething I am enquiring after ?—It did not exclude my knowing any thing of the fact.

Now as to the ribbon, where was that found ?—I ſaw it taken up, whether it had ever been in the poſſeſſion of Wilſon or not I cannot tell.

But you have proved it, and my Lord has taken it down; now finding ſomething on the ground, is not preciſely finding ſomething on a perſon I ſhould gueſs ?—I do not mean to prove that.

Now this buſineſs of extricating; I believe at that moment there was nobody in the ſhop; how many people might be in the ſhop ?—I believe there might have been three beſides theſe two women.

How lately did you ſee that lace before the priſoners came into the ſhop ?—Not for three or four hours.

Then it might have lain on the floor, or on the window ?——I am ſure it did not, I am ſure it was not in the window under the hats, nor on the ground.

How are you ſure that lace was not in the window, nor under the hats ?—I do not abſolutely know it.

Nor could you ſwear but it had been under the hats before they came in; I believe you at that time got into a humour to ſuſpect every thing; if they tied their garters you would have ſuſpected they were ſtealing ſomething, ſhould not you ?—I ſhould.

FRIAR TODD *ſworn*.

I am ſhopman to Mr. Pearſon, I ſaw th two priſoners come into Mr. Pearſon's ſho on Saturday the 4th of September, betwee the hours of ſeven and eight, I ſerved them they aſked to ſee ſome ribbons, which ſhewed them from a drawer on the counte Wilſon fixed on one, I cut her off a ya and a half of mazarine blue ribbon; ſh paid for it; while I was cutting it off perceived Wilſon take off a length of ribbo from the drawer, and convey it into ſo ſecret place about her perſon.

Did you obſerve where ſhe concealed i

——Som

—Somewhere under her cloak: they then aſked to ſee childrens caps, which I ſhewed them, and Williams in particular ſeemed to wiſh to engage my attention from the drawer of caps, a few of which ſhe had miſplaced on the counter.

Court. What ſhe wiſhed you cannot tell, you only know ſhe had miſplaced them?—By her talk ſhe wiſhed———

You cannot tell what ſhe wiſhed, ſhe alone can tell that; tell us what ſhe ſaid or did?—They then bought a cap, they then aſked to ſee edgings, I ſhewed her ſome, and I told her the price of them; ſhe thought I could take leſs for them, and ſhe went to the other ſide of the counter to Mr. Pearſon with intent to cheat me.

Do not ſpeak of intent, how can you ſpeak of intent? the Jury are to judge of that; what did ſhe do?—As Wilſon went acroſs to Mr. Pearſon, *(the priſoners changed places at the bar)* ſhe acquainted me that Mr. Pearſon could not take any leſs than I had aſked her, ſhe ſaid I might cut her two yards and a half of the piece; I ſold her two different lengths of edging after that, beſides the two yards and a half, one yard and a quarter at the ſame price, and ſix yards at one ſhilling; then they did not want any thing elſe: I made them a bill for the goods they had bought, which amounted to one pound one ſhilling and ſixpence, I then wrapped up the things, and they paid for them.

Which of them did you give them to?—I believe it was to Wilſon; they were all put up together, when this was done I communicated my ſuſpicions to Mr. Pearſon, I whiſpered to him.

Did you ſee any thing more after that?—After that they wiſhed to ſee a hat, I then ſent one of our young men up ſtairs to fetch one, and Mr. Pearſon went out of the hop to call him down, and he ſtaid longer than he might do, and Wilſon and Williams would have departed from the ſhop, but I leaped over the the compter, and told them they ſhould not go till he came in; Wilſon went to one of the hats at the window, and ſaid it might do, and I ſaw Williams convey three cards of edging under a hat.

Where did ſhe convey them from?——From under her cloak or her perſon.

Did you ſee that?—Yes, I ſaw her take the three cards of edging from under her cloak, and convey them under the hat, and which hat I took up immediately and ſhewed to Mr. Pearſon and the priſoner, telling the priſoner at the ſame time that they were Mr. Pearſon's property, and that they were ſtole from him; they ſeemed ſurprized, and wondered what I could mean by it.

Did you ſee her take the edging from under her cloak and put it under the hat; can you ſwear poſitively you ſaw that?—Yes, my Lord, I did, three cards of edging.

Could you diſtinguiſh while they were in her hand how many there were of them?——I could not diſtinguiſh them in her hand, but there were none there before ſhe put them there.

How do you know that?——The box of edgings never was removed from the place where I ſerved them that day.

How far was that from where the hats lay?——It might be a couple of yards.

You ſay they toſſed the things about a good deal, and carried ſome edgings to Mr. Pearſon; did not they ſpread the other things that they looked at?——They never took out any of the reſt of the cards, only thoſe that I found they had ſtole.

Court. Why, is it not very common to take out a number and tumble them about?——We never allow that, they would not be worth a penny.

Why you cannot help it, Sir, if people like it?—We prevent them from toſſing them about the counter.

Aye, toſſing them ſo as to ſpoil them.—We take them up again as ſoon as ever we can.

In what manner did ſhe put them under the hat?—She conveyed them in her hand the hat was laying in the window.

Did ſhe lift the hat up with one hand?—I ſaw her take the hat up, and put the edgings under.

What did you actually ſee with your eyes?—I ſaw her take the edgings and put them under the hat, but I cannot tell with which hand.

She ſhifted the hat to put them down?—Yes, of courſe.

How ſoon did you take up the hat to look what was under it?——Immediately, I did not hardly give her time to lay down the hat; when Mr. Pearſon came in they were making towards the door.

How near the door did they go before you ſtopped them?—About a yard and a half, or two yards from the door.

How far is your counter from the door?——A very little way from the door.

Then they moved from one part of the counter to the other ſide?—Yes, and they ſaid they did not mind particularly for that cap that preſent time, they would have one another time.

Mr. Silveſter, another of Priſoner's Council. You know when you are upon your oath you are to tell us facts, and not the mind of any man, becauſe it is impoſſible for you to know the mind of any man, or to know that the intent of one was this, and another was this; firſt you ſay you ſaw it conveyed under her cloak, and then at another, part of the body; and then you ſay it was under her cloak, which do you mean to ſtick to?—She took the edgings from under her cloak.

Now it is the cloak, what did you mean by ſaying from other parts of the body?—Becauſe when ſhe had her cloak on, ſhe might convey it from other parts of the body, I could not ſee it.

What kind of hat was it?——A ſtraw hat.

Could that lift up?——Yes, it could.

You ſaw it lift up?——She lifted it up.

Then you ſaw her lift it up with one hand and put it under the hat with the other; why do not you anſwer, you are not before ladies now: you ſaid ſhe lifted it up?—She muſt lift it up, the hat could not lift itſelf up.

Thank you for that, good Mr. Friar Todd: why, to be ſure you are as pretty a coxcomb as ever came into a Court; did you ſee her lift it up with her hand, Sir?—Yes, I did.

Court. Did you ſee her lift up the hat?——Yes.

Mr. Silveſter. You ſaid two minutes ago ſhe did not lift up the hat, but you ſuppoſed it, and now you ſwear poſitively that ſhe did; what are the Jury to believe?—She did lift up the hat.

How came you to ſay ſhe did not juſt now?——I did not ſay ſo, I ſaid ſhe lifted it up, but with which hand I could not tell.

Mr. Silveſter. Now the ladies never tumble theſe edgings about?——No.

But they do not put them down exactly in the ſame place?——They generally put them into the box, conſiderate ladies always do.

But if an inconſiderate gentleman now was to go to the box, perhaps he would throw it down careleſsly.——Perhaps he would, and we ſhould take it up as careleſsly; but that does not relate to the ſubject at all.

Is it not common when people come into your ſhop, to take up goods and put them down promiſcuouſly; upon your oath, Sir, whether conſiderate or inconſiderate, upon your oath?—I wiſh to hear the queſtion.

O, you ſhall hear it again, Sir; Is it not common for people that come into your ſhop, whether conſiderate or inconſiderate, to take things up and throw them down careleſsly?—Am I obliged to anſwer that queſtion, my Lord.

Court. Certainly, Sir, there is nothing improper in the queſtion.

Mr. Silveſter. Why, do you expect credit from the Jury; you may give yourſelf airs at home, but not in a Court of Juſtice.

Court. Why ſhould you have any unwillingneſs to anſwer it?——I have no unwillingneſs.

Mr. Silveſter. Well, I will give it up: had you been in your ſhop all that day?—

No, I had been out of the ſhop, this was in the evening.

When had you been out of the ſhop, how many hours ?——Not many.

How many ?——I do not know particularly.

Can you gueſs within an hour ?—I cannot particularly remember.

It might be three hours then ?—I do not know that it was.

Do you know you was not ?——Yes, I do.

But you could not remember juſt now particularly; had you been out that day ?——A few times.

How many times ?——Perhaps twice or three times.

Who remained in the ſhop during your abſence ?——Mr. Pearſon to be ſure.

Nobody elſe ?—No, Sir.

How many domeſtics are there ?—Two beſides Mr. Pearſon.

Why Mr. Pearſon is not a domeſtic you know, he is maſter ?——Two ſervants beſides myſelf, they were ſometimes in the ſhop; I left them all in the ſhop.

What the three different times ?—I do not ſay three different times, I ſay twice or three times.

Did not they ſerve as well as you ?——Yes.

They ſerve edgings too, did not they ?—No, Sir, we ſerved very few cuſtomers that day, our houſe is a wholeſale houſe.

How do you know what was done when you was out ?—I could know what money was taken when I came back again; there was no edgings ſold that day, I aſked them all, I knew it by what they ſaid.

Then you had ſome doubt in your mind about edgings being ſold or diſpoſed of, or elſe you would not have aſked the queſtion ?——There was none ſold.

You did not aſk about hats, cloaks, or petticoats ?——No.

You had a doubt in your mind, had not you ?—No, Sir, but I aſked them; I had no doubt, but I might aſk the queſtion.

How came you to aſk the queſtion to that one article more than any one article in the ſhop ?—*(No anſwer.)*

You ought to know that this frippery does not ſerve the proſecution. Stand down, Sir.

WILLIAM MARSH *ſworn.*

I know no more than that a piece of ribbon, which I have in my pocket, was found under that tall lady, on the ſtool where ſhe ſat by the counter, but not that counter where ſhe was ſerved.

Mr. Garrow. You do not know that ?—I ſearched her, ſhe was ſtanding; when I came in ſhe got up, and when ſhe got up I ſaw the ribbon, ſhe made a ſnatch of her hand, ſhe was all of a flurry, and I laid hold of her hands, and there was the ribbon by the ſide of her on the ſtool. *(The ribbon produced.)* It was not meaſured.

Court to Todd. Do you know this ?—No, not for a certainty.

What may be the value of this ?—Sixpence a yard.

How much may there be of it ?—Sixteen or ſeventeen yards.

Marſh. This is all lace, Todd gave it to me.

Todd. I had three of the cards from under the hat, and the other was taken from the ground, I do not know which.

Is there any ſhop mark you know the piece of ribbon by ?——Yes, my Lord, I know it, it is my own, there is No. 2 in the corner of it, and there is 18, which is done by the manufacturer; I have no doubt but it is my maſter's; I know theſe cards of lace.

Court to Todd. What is the value of theſe cards of lace ?——The value of this is two ſhillings and eight-pence per yard, the firſt coſt; this is two ſhillings and ſixpence; this two ſhillings and nine-pence; this one and twenty pence.

You do not know the quantities of them, do you ?—Here may be about thirty-eight yards of this, about twenty one yards of this——

Mr. Silveſter. Did you meaſure it ?——

No, it was meaſured, I never meaſured ever a one of them; theſe are the things that were found.

Court to Mr. Pearſon. Theſe were all the things that were found; you gave inſtructions for the indictment?——Yes, I called at Mr. Reynolds's office, and gave the inſtructions.

I ſee there are two childrens caps in the indictment, how came them there?—They were picked up at the feet of one of theſe women at the time.

Court. Then you picked up every thing that was dropped in the ſhop?

Mr. Garrow to Mr. Todd. So, young man, you know this piece of ribbon to be your maſter's do you?——Yes, I know it, becauſe there is a figure of mine in the corner, No. 2.

What does that figure of 2 import; what does it tend to, or note, or ſignify?——It ſignifies that Tibbets, Belchier, and Bullock we bought it of?——That is a good notification for a figure of 2; then every piece of ribbon ſo bought has the number of 2 upon it?—It has.

That is all that you know it by; now how many pieces of graſs green in the courſe of laſt week do you think you ſold, or in the courſe of the laſt ſix weeks?——None, for any thing I know.

Now, Sir, will you venture to ſwear you have not ſold a great many of them?——I will ſwear that I have not ſold any of ſuch a length as that.

Why do you know the length of that?—I know the bulk of it.

Now what is there in the bulk of that, that diſtinguiſhes it from another piece of green ribbon you have ſold; are not you a wholeſale dealer?——Yes, Sir.

Then you more frequently ſell a whole piece than half a piece?—Yes, we do.

Then thoſe that are whole are larger in bulk than thoſe that are not?——Yes, Sir, but——

Well! now for a reaſon! you was going on. What! are you dumb founded! then I will try again: how many pieces with a figure of 2 have you ſold?—None.

And you will ſwear that neither Mr. Pearſon nor you had parted with a piece of ribbon with a figure of 2 upon it?—I have not, not graſs green.

O, you mean to confine it to graſs green, do you, young gentlemen, ha? anſwer me, Sir?——Yes, Sir.

Do you affect, Sir, before a Jury of your country, to ſay that your recollection goes to the colour of your ribbons that you have ſold in your ſhop?—Yes, I do.

How many pieces have you ſold in the laſt ſix weeks?—I cannot ſay.

Court. Have either of you any thing to ſay, in anſwer to the charge that is laid againſt you?

Priſoners. No, my Lord.

Court. Gentlemen of the Jury, in reſpect to that card of lace that was fallen upon the ground, it would be too much to convict the priſoners of that; we all know that when people look at a number of theſe ſmall articles, they are frequently toſſed about careleſsly; and I think you ſhould be ſatisfied that ſhe put them down to avoid being detected, as well as that ſhe took it with a felonious intent.

Elizabeth Wilson,
Mary Williams, } Not Guilty.

Tried by the London Jury before Mr. Recorder.

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785. UZIEL BARUGH was indicted for feloniouſly ſtealing, on the 22d day of June laſt, one promiſſory note, commonly called a bank note, value 40l. marked, No. O. 103. dated, London, 3d March, 1784. Signed by John Field, for the Governor and Company of the Bank of England, by which the ſaid John Field, for the ſaid Governor and Company, promiſed to pay to Meſſrs. Biddulph, Cocks, and Co. 40l. the ſaid note being the property of Edward Trapp Pilgrim, and the ſaid ſum of 40l. due thereon, unſatisfied to him the ſaid Edward, againſt the ſtatute.

A Second Count, for ſtealing the ſame note, not particularly deſcribing it.

A Third Count, for feloniouſly ſtealing, on the 8th day of July, one other promiſſory note for 50l. marked, No. O. 111. London, 21ſt of February, 1784. Signed William Lander, for the Governor and Company of the Bank of England, payable to Meſſrs. Staples and Co. or bearer; the property of the ſaid Edward.

A Fourth Count, for ſtealing the ſaid laſt mentioned note, not particularly deſcribing it.

EDWARD TRAPP PILGRIM *ſworn*.

I am a thread lace manufacturer; I live in Budge-row; on the 13th of March I ſent ſix bank notes in a box, to go by the waggon to Mr. Pilgrim of Bath; they were value 200l. directed to Mr. Pilgrim, Aſtley, near Wooburn in Bedfordſhire.

What ſize box was it?—It was a box half a yard in length, a box that we uſually have that brings laces from Bedfordſhire; the bank notes were encloſed in a paper.

Have you any reaſon to ſuppoſe they have miſcarried?——The box was loſt; I heard of its being loſt about three days after; I wrote advice of the coming of ſuch a box, and deſired him to mind it and the waggon, as there was ſuch a property in it; I heard nothing of the property from that time till about four months afterwards, when two of the notes came in at different times to the Bank for payment; I accordingly applied to the Bank, they ſhewed me the notes; I traced them to a butcher's in Clare-market, he informed me had received them from Mr. Barugh, at two different times; I looked at the notes, and particularly remarked there were ſeveral names and dates from the time of their being loſt, which was one month, and there were ſeveral names and dates from the time of their being in Mr. Barugh's poſſeſſion; I took down the account of the number and ſums, but not the dates; I found the ſame numbers, the ſame ſums; I only know theſe are the notes that I loſt.

LEWIS SMITH *ſworn*.

On the 13th of March Mr. Pilgrim ſent me with this check to his banker's, Mr. Fuller, for bank notes to the amount of two hundred pounds, which notes I gave to Mr. Pilgrim, I do not know how many bank notes; I paid the notes to Mr. Pilgrim; I carried the box and delivered it at the inn, the Windmill, in St. John-ſtreet, the ſame day, to one James Rock.

RICHARD MURRELL *ſworn*.

On the 13th of March I received a box, I know nothing of the contents; I booked it myſelf.

Court. Is James Rock here?——No.

JOSEPH BARWICK *ſworn*.

What do you know of this?—Nothing at all.

What do you come here for?—I know nothing of the box.

What do you know of theſe bank notes?——Nothing at all.

Do you know of any enquiry being made at Wooburn, after a box directed to Mr. Pilgrim of Aſtley?——Yes.

Was you ſent to make that enquiry?—No, I am a waggoner.

Was the box in the weigh bill?—Yes.

Is it here?—No.

What day was the box enquired after?——I do not know.

WILLIAM DARE *ſworn*.

Mr. Barugh, the priſoner, deals with Mr. Rock, in Clare-market, for beef; I am a butcher in Clare-market, and he brought this forty pound note to me for the beef.

Was you ſervant to Rock?—Yes.

What way of life was Barugh in?—In the butchering line.

Where did he live?——I do not know.

When did he bring this forty pound bank note?——The 22d of June, I received it of him, he brought it to pay two pounds for beef; I carried it up to my maſter's nephew, and had caſh for it, and I brought it down to the priſoner, and he paid for it.

SAMUEL HARVEY *ſworn*.

Mr. Barugh brought a fifty pound note the 8th of July, to pay for two quarters of beef; I am ſervant to Mr. Rock; I took it up to my young maſter, Mr. Laws, who keeps the books, he gave me caſh for it, and I gave it to Mr. Barugh, and he paid me for the beef.

HENRY LAWS *ſworn.*

I am the book-keeper; on the 22d of July I gave change for a forty pound note to Mr. Barugh, and I put Mr. Barugh's name on the back of the note.

Did you find his name on, or put it on?—No, I put it on; on the 8th of July, in the morning, Harvey brought a fifty pound note, which I gave change for, and put Barugh's name to it as before: I believe in a day or two afterwards, or it might be three days, the firſt forty pound note was paid to Mr. Bickerſtaff, of the Three Tons, in Smithfield, and the fifty pound note was paid in the courſe of the week to Mr. Bickerſtaff; I paid the forty pound note, I cannot tell whether I paid the fifty pound, or whether Mr. Rock paid it.

Do you know any thing of the porter of the Windmill, his name was Rock, was it not?—So I have been informed ſince this affair happened, but I know nothing at all of him.

WILLIAM WHITE *ſworn.*

I am clerk to Mr. Fuller; on the 12th of March 1784, among other notes I received, there appears to be theſe two, fifty pounds and forty pounds which are indorſed, which I gathered in for Mr. Fuller; I received them of Mr. Drummond, and on the 13th of March it appears by our books, that theſe notes were paid to Mr. Pilgrim on the 13th, with others to the value of two hundred pounds.

Are your books here?——No, but I have upon a paper a liſt of thoſe notes I received.

Have you the marks and numbers of theſe two notes that you received on the 12th of March?—Yes, the fifty pound, O, No. 111, and forty pound, O, 103.

Is that the whole that you took?—That is all the account that we take of them, any farther than writing the name of the perſon we take them of, and the date on the front of the note on the right-hand corner.

ISAAC CASTLE *ſworn.*

I am in the ſervice of the Governor and Company of the Bank of England; theſe are the two notes Mr. Pilgrim put a ſtop to at our office, they were brought in; O, 103, was brought into the Bank, 5th July, it was brought in by one Mr. Bridale, taken at Drummonds by one of the out-door clerks of the Bank; the other was brought into the Bank the 27th of July.

Court to White. Lok at theſe two notes, and tell me whether theſe two notes are the ſame you received at Drummond's?—Yes.

Court to Proſecutor. Do you know any thing of theſe notes?—They appear to anſwer the ſame numbers and ſums, I cannot ſwear to the identity of the dates, becauſe I did not take them.

Court to Caſtle. This O, 103, forty pounds, is that a ſufficient deſcription of a bank note, that it cannot be miſtaken; are there never two notes of the ſame ſum and number?—Not on the ſame day.

But none of theſe people can ſpeak to the day, they did not take the dates.——Theſe notes have been traced back to the office from the indorſements.

But independant of that, I ſuppoſe you had forty pound notes of the letter O, and No. 103, in other months and dates beſides theſe?—Undoubtedly we may.

You never ſaw, I underſtand, on the ſame day two notes of the ſame number and letter?——No.

Do you the ſame month?—Yes, it may happen the ſame month.

Then unleſs you have the date, the number and letter are not ſufficient alone to identify the note? who traced them by the indorſement?——Mr. Pilgrim firſt gave the intimation at the office, and enquired if theſe notes were out-ſtanding; he then gave a check.

How did Mr. Pilgrim get at the dates?

Proſecutor. I applied to my banker for them, and when the notes came in, I found their dates anſwered exactly to thoſe I had from my banker.

There appears ſeveral names upon the back of the notes, but Mr. Bickerſtaff, Mr. Rock, and Mr. Barugh ſeem to be the names which approach neareſt.

Court to Laws. Look at theſe two notes, have they the name of Barugh on them?—Yes.

Is that your writing?——Yes.

Are theſe the notes you received, one from Harvey, and the other from Dare?—Yes.

Court to Mr. Pilgrim. Is Bickerſtaff here?—No.

Court. The difficulty is to be ſatisfied that theſe notes that were paid to Rock by Barugh, were the notes that you loſt; now unleſs had gone to Fuller's, and taken the dates, you would not have known them?—No, only by the numbers and ſum.

That is common to all notes that are iſſued at different days, though not the ſame day?——They are, but there is the circumſtance of Mr. Vaughan giving me the account of the dates of them.

Court. But you ſhould have brought the perſons here, which took down in Fuller's books, the numbers from the receiving clerk?——I did not know that was neceſſary.

Proſecutor. I never made any perſonal application to Mr. Barugh, nor ſhould I have brought this matter before a Court, but I thought it very extraordinary, that theſe two notes ſhould center in one perſon.

Mr. Sylveſter, Priſoner's Counſel. You know theſe ſame circumſtances would have convicted Bickerſtaff, becauſe they were in his hands?—Certainly, Sir.

You know it is poſſible that they both might be in any honeſt man's hands?—Certainly, Sir.

Court to Mr. Silveſter. Would you wiſh for Mr. Barugh to go further?—No, my Lord.

Court to Jury. Gentlemen of the Jury, unleſs we can clearly fix the identity of the notes, that is, that the very notes that Barugh paid into the hands of Mr. Rock's ſervants, were the very notes Mr. Pilgrim loſt, all this evidence goes for nothing: now as it ſeems to me, the proof fails in this reſpect, Mr. Pilgrim has no means of fixing that theſe are the very notes which he loſt, but from the information which he has collected at the houſe of Fuller and Co. his bankers; for the letters, and numbers which he does know, is no proof that theſe are his notes, the date is the thing that is to fix; where the date, and the letter, and the number all correſpond, certainly that is a proof of the identity, for they never iſſue two notes on the ſame day, of the ſame number and letter, but they do iſſue notes of the ſame numbers and letters on different days; there being that chaſm in the evidence, which I ſee no means of ſupplying, I do not think it is material to call on the priſoner to make his defence, therefore, I think the priſoner muſt be acquitted.

Jury. It is the requeſt of the Gentlemen to withdraw.

Court. You may withdraw, I can have no objection to your withdrawing, but I wiſh you to underſtand me firſt, Mr. Pilgrim has loſt two Bank notes, Mr. Barugh has circulated two Bank-notes, then Mr. Barugh ſhould be called to account for them, becauſe then he is found to have circulated thoſe notes which Mr. Pilgrim has loſt; but unleſs it is proved that they are thoſe notes that Mr. Pilgrim has loſt, there is no charge againſt him; now that is the point in this caſe; and if after this which I have told you in the face of your country, you think it a point to be doubted, whether a man is to be convicted when there is no evidence againſt him, you may withdraw if you pleaſe, it is nothing to me.

The Jury then gave a verdict.

NOT GUILTY.

Tried by the firſt Middleſex Jury before
Mr. Baron EYRE.

786. **ALEXANDER GREGORY** was indicted for feloniouſly aſſaulting William Cole, in a certain field, and open place, near the King's high-way, on the 1ſt day of Auguſt laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will: one man's fuſtian frock, value 10s. one linen waiſtcoat, value 4s. one hat, value 4s. one pair of ſhoes, value 2s. one pair of baſe metal ſhoe buckles, value 6d. and ten ſhillings and ſixpence in monies numbered, his property.

WILLIAM COLE *ſworn*.

Examined by Mr. Garrow, Counſel for the Proſecution.

I live at Whitechapel, on the 1ſt of Auguſt laſt, I was coming from Stepney, about half after nine at night, my little child with me, I was on foot, three footpads came and overtook me, one of them came up to me, and he pulled my hat over my eyes, and ſaid, damn your eyes! let us ſee whether you have got any money, then he ſaid, your life or your money, then the other came up that was next him, and threw me into the ditch; the child ſtood a little diſtance from me, and began hallooing out.

What did they do after they got you into the ditch?——They took my money out of my pocket, the priſoner was behind the other men, and one of them that was on me ſays, damn your eyes come on, and quiet that child or kill her.

Do you believe he ſpoke to the priſoner? ——Yes, and they did ſo, they took from me ten ſhillings and ſixpence in ſilver, a frock, and my linen waiſtcoat, a hat, a pair of copper ſhoe buckles, and my ſhoes, theſe were the things I had on.

Did they take any thing from the child? —The priſoner came up, and he could not quiet her with his hand, and he ſtuffed the child's mouth full of hay, then he run away towards Stepney.

Are you ſure he was the perſon?—I am ſure that was the perſon, I went and apprehended the priſoner, who lived in my neighbourhood; Levy and Earle took him.

Court. It was half paſt nine?—Yes.

Was it a moon-light night?—A bright moon-light night.

How long might they ſtay with you?—I imagine about five or ten minutes, not above.

The firſt thing was one of them pulled your hat over your eyes?——Yes.

Did your hat continue to be pulled over your eyes all the time?—No, when they threw me into the ditch my hat was off.

Did you obſerve the faces of the other two men?—I did obſerve the firſt very well, but he is not to be found.

Should you know the other men?——I ſhould know one of them.

The priſoner you deſcribed ſtanding behind the others, ſo that he was farther from you than the other two?—Yes, but when he ſtopped the child's mouth he was before me, I could ſee him very plain, he was then four or five yards off.

Which way did the moon ſhine, in your face?—No, it ſhone in his face.

How was he dreſſed?—I cannot tell what his dreſs was, but it was a browniſh looſe great coat.

Had he any hat over his eyes?—No.

What ſort of a hat had he?—It was an oldiſh cocked up hat.

You never ſaw him before?——Never to my knowledge.

When you were thrown down, did he ſtand behind you or in front of you? —I was thrown upon my back, but then when the other man pulled my clothes off, they pulled me up.

Was you perfectly ſober?—Yes, as ſober as ever I was in my life.

Had you been drinking at all?—I had a pint of beer at Poplar, and that was all.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 15th of SEPTEMBER, 1784, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Esq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
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THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Alexander Gregory.

MARGARET COLE.

Mr. Garrow. How old are you?—Going on eight.

What is your chriſtian name?——My chriſtian name is Margaret.

Do you go to ſchool?—I have been to ſchool, but I do not go now.

Can you ſay your prayers?——Yes.

Do you know what will become of you if you tell a lie?——Yes, then I ſhall go to hell when I die, and the devil will burn me.

If you tell the truth what will become of you—God Almighty will love me.

Court. Let her be ſworn by all means.

(Sworn.)

Mr. Garrow. Now tell all that you know, and tell the truth; where was you?——I was coming home, and my daddy thought it was the nigheſt way to come over the fields, ſo he did; and as he was coming over the fields, three men ſtopped him, ſo one of them came up, ſays he what's o'clock; ſays my daddy I do not know, I have no watch, but it is about half after nine; then the man ſaid, ſays he, O, ſays he, I am going to Whitechapel; ſays my daddy, ſays he, ſo am I, I came from the Iſle of Dogs: ſo they knocked him down, and one of the men ſaid to the other, come up, Joe, for, ſays he, here is a man, a dog, came over from the Iſle of Dogs; ſo then they knocked him down, and pulled my daddy's hat over his eyes, and knocked him down; I ſtood and I ſcreamed out, and then one of the men that was along with my daddy ſaid, ſays he, blaſt your eyes, come up and ſtop that girl's mouth, and kill her, or elſe I will, and then he got ſome hay, and ſtuffed my mouth full of hay.

Who did?——This here man.

Which man do you mean?—That man there, and he took away my bonnet.

What were they doing to your father?—They were taking his money away and robbing him.

How long might they ſtay with you, think you?——He did not ſtay longer with me than he did with my daddy; then they all ran away towards Stepney; then my daddy and I came home towards Whitechapel.

Had your father got all his clothes on?——No, Sir, he had but a ſhirt, and a pair of breeches, and his ſtockings on, and when he came to the Two Bells at Whitechapel, he called for a pint of beer, and borrowed a pair of ſhoes.

Did you know the priſoner before, had you ever ſeen him?—Yes, he lives down the court next to us.

Then you had ſeen him before this robbery?——Yes.

Did you know him at the time?—Yes.

Did you tell anybody ſo, ſoon after the robbery?——Yes, I ſaid, ſays I, daddy, I know that man that ſtopped my mouth full of hay and took my bonnet away; I told him it was the man that lived down the court next us.

When you got home, did you tell the ſame ſtory to any body?—Yes, I told it to my mammy.

When did they take the boy up?—Not till the next morning; I ſaw him the next morning, I ſaw him go up the court before he was taken; he came up the court where he lives, and came into our court, he and another man.

Did you tell anybody that you had ſeen him?——My mammy and I was ſtanding at the door, ſo then I ſaid, Mammy, I know that man, for I am ſure that is him that took my bonnet away, and ſtopped my mouth full of hay; and I am ſure that is the man that ſtopped my mouth full of hay, and took my bonnet away.

You are ſure?——Yes, Sir, I am quite ſure.

Did you know either of the other men?——No.

Court. My girl, what led you to know him?—I had ſeen him come up and down the court.

How long has he lived there?—I cannot ſay, becauſe I do not know.

How often have you ſeen him?——Ever ſo many times.

Do you know any thing of his buſineſs?—No, that I do not.

Can you tell where he got the hay?——No, I did not look, I believe it came from the hay-ſtack that was juſt by us.

Was there a hay-ſtack juſt by you?——Yes, Sir, there was.

Court to Proſecutor. Was there a hay-ſtack?——There was hay in the field.

Court to the Child. Do you mean freſh cut hay, a hay-cock?——Yes.

Court to Proſecutor. What is your occupation, Mr. Cole?—I belong to Mr. Bullock's brewhouſe; my daughter told me ſhe knew the priſoner, and that he lived in their back court.

JOSEPH LEVY *ſworn.*

I and Mr. Earl went to take the priſoner; I aſked where he was, they ſaid he was not at home; we found him at a houſe in George-yard; we took him to the Magiſtrate, and I ſuppoſe the Juſtice ſent for fifty folks in the office, and ordered the girl out and the father; and the father took the man by the wriſt, and then the child was ordered in, and ſhe picked him out.

Court. Were they ſeparate, or both together?—The father firſt, and then the child was brought in, and ſhe picked him out likewiſe.

PRISONER's DEFENCE.

I was not out all day on Sunday, only before church time in the morning; on the Monday morning I went to work, and they came and took me from my work: there is a witneſs ſomewhere here about, Mr. Rider and Mr. Duckett.

JAMES RIDER *ſworn.*

I keep the houſe, they have been there about three quarters of a year.

Who had you lodged with you?——The priſoner and his brothers, and his mother, and they were all at home in the afternoon, and I was at the door; the room that I ſupped at was about a yard from the ſtairs foot; they were all at home, the priſoner was at home, and I went to a little garden which I have, that is about a yard from the door, I went to the garden gate, I did not go farther, and Mr. Duckett went along with me; then I bid him a good night, and he bid me a good night, then I went in and bolted the door, then they were at home, all of them; and about half an hour eight, the ſervant maid came there for the pots, and the eldeſt brother came and brought down the pots, and he bolted the door and ſhe went away.

Court. How do you know in point of fact that the priſoner was at home?—I ſaw him at home at nine o'clock, looking over his eldeſt brother's ſhoulder; his eldeſt brother is taller than him; this was on Sunday night the firſt of Auguſt.

Croſs-examined by Mr. Garrow.

What trade are you?——I am a ſhoemaker.

You are pretty much at home?——Yes, the priſoner and his brothers are never out of evenings, they are very quiet good ſort of people, I do not know that they are ever out of a Sunday in the day time, much more at night.

Did they never ſtir out that day?—No.

Do you recollect what ſort of evening it was?——Yes.

It was a very dark night?—Yes, it was darkiſh.

If I recollect it rained hard that night?—I cannot ſay it did.

But it was particularly dark?——I cannot tell, I lighted a candle when I went to bed, it was nine o'clock exactly.

Until that time you were all aſſembled in the neighbourhood, was the door open?——No, the door was bolted at nine.

How happened it then that it was neceſſary to unbolt it at half paſt eight; when was it that one of the brothers got up to unbolt the door, to give the pots to the pot girl?——That was at nine, ſhe came preſently after I was in bed.

You ſaid at half paſt eight?—It was half paſt eight; what did I ſay before?

Never mind what you did ſay.

Court. Attend very much to what you ſay, becauſe your ſtory at preſent is totally inconſiſtent with what you ſaid before?—I might miſtake, but my meaning is this; the girl brought the beer at half after eight, then I went into the yard, then I went to bed at nine o'clock, then the girl came for the pot, and the eldeſt brother came down with it: I do not know that I did ſay half paſt eight.

Mr. Garrow. Now a word or two more?——Sir, I have no more to ſay about it.

No, but I have; what day of the month was this?——The 1ſt of Auguſt.

How long is that ago?——Why, it was the month before the laſt; I am no ſcholar.

But you can tell how many weeks it was ago?——It may be five or ſix weeks ago; it was the 1ſt of Auguſt, on a Sunday night.

What makes you remember the day ſo particularly?—Becauſe he was taken up the day after.

You attended at the Juſtice's and told all this ſtory?——No, I did not, I attended at the Juſtice's, but I did not ſay any thing; I told them there were five or ſix that would contradict the evidence of the proſecutor.

But you did not tell the Juſtice you was one?——No; but he was abed, I ſaw him over his brother's ſhoulders.

Now, upon your oath, is not the other brother taller than this?—Yes.

Then explain to us how you ſaw the ſhorteſt over the ſhoulders of the talleſt?—I ſaw him lean over his ſhoulders, as it may be ſo, peeping out of the window.

Court to Rider. Stand there, let one of the officers look to him.

BURR DUCKETT *ſworn.*

I was at home all day, and my wife with me; I was ſtanding from eight to nine in the court, talking to the man that keeps the next houſe, and between eight and nine, I ſaw the priſoner looking out of window; then I wiſhed the landlord a good night at nine, and I heard him bolt his door; then I left him and went to bed.

On what occaſion did you ſee the priſoner looking out of window?—Looking out after he had got his ſupper, he was talking in the court.

Did anybody come to the houſe?—Only a girl with ſome beer.

Did he come down to take the beer from her?—No, I cannot ſay he did, I did not ſee him come down.

What day was this?—It was a Sunday.

What Sunday?——The firſt of Auguſt.

Croſs-examined by Mr. Garrow.

What are you?——I am a weaver.

—Are you acquainted with the priſoner?—No otherwiſe than ſeeing him come backwards and forwards.

You recollect perfectly this was the 1ſt of Auguſt, do you?——Yes.

By what token and circumſtance do you recollect this was the 1ſt of Auguſt and not the 8th?——I am ſure that was the day.

But I want to know how you are ſure; was your wife brought to bed that day, or any thing of that ſort?—No, Sir, nothing of that ſort, no otherwiſe than knowing the day of the month.

What day of the month is to day now?——I do not know, Sir, I cannot ſay I do.

But you perfectly recollect it was the 1ſt of Auguſt?——Yes.

Now cannot you help us to a reaſon, or ſomething like a reaſon?——No.

Had Rider had his ſupper before you left him?——Yes.

Where did he ſup?——In the garden.

Who ſupped with him?——His wife.

Any body elſe; one of theſe lads, did not he, was it this boy or the brother, which of the two was it?——I believe it was the other.

You are ſure it was one of them?—Yes.

Recollect whether it was not this boy?—No, Sir, I cannot.

So then after you had ſupped in the garden, I ſuppoſe Rider went into his houſe quietly, and ſhut it up?——Yes.

You never ſaw either of the Gregory's out of door, as you remember, before nine?——No.

What time did the other boy go up, about nine or before?——Rather before nine.

Did he pay any thing towards the beer?——Not to my knowledge.

Did you ſup by candle-light?——No.

What ſort of a night was it, a very dark one?—There were a few ſtars in the ſky.—Nothing like a moon I take it for granted?——No, not that I could perceive.

Court. It was full moon that ſame day, I have juſt looked at the almanack.

Court to the Priſoner. I do not wiſh to curtail you in your defence, it is a very ſerious thing to make a bad caſe worſe by a falſe defence; theſe two witneſſes that you have brought contradict themſelves: any-body you chooſe to call, do ſo; but for God's ſake do not call people to perjure themſelves, they can do you no good.

NANNY COCKRAN *ſworn.*

I went to Mr. Rider's houſe about a quarter paſt eight, with a pot of beer; I cannot recollect the day of the month, I gave the beer to the priſoner at the bar.

Where did you give it him?——At the door on the laſt ſtair but one, and he took it of me.

Court to Priſoner. Now, priſoner, do you think you can do yourſelf any good by calling theſe witneſſes to contradict themſelves in this ſhocking manner.

Was the beer paid for?——It was paid for, he took the beer into the room, and put it atop of the table.

What room was it?—A two pair of ſtairs room.

How did you ſee that?——I ſaw him put it on the table, the table was near the window, I went up ſtairs.

Who was in the room?——There was another young woman there, and the mother, and two more ſons.

Did he go down ſtairs again with you when you went out?——No, Sir, I latched the door, and about nine I went again and had the pot away.

Did you find the pot up two pair of ſtairs when you went again?—Yes.

Was it ſtill upon the table?——No, Sir, they brought it down ſtairs and gave it me at the ſtreet door, becauſe the door was bolted, it was one of the lads gave it me, I do not know which it was, but the other two was looking out of window.

Was it the priſoner that gave it you?—No, Sir, he was looking out of window.

Mr. Garrow. Mr. Rider has a garden at the front of his houſe?—Yes.

Is that in ſight of your houſe?—No.

Have you been frequently backwards and forwards between eight and nine?——Yes, I go every night that way with beer.

Did you ſee Mr. and Mrs. Duckett that night at ſupper?—Yes, they were at ſupper in the parlour.

Who was at ſupper with them?—Nobody but Mr. and Mrs. Duckett, I carried them their beer, I did not ſee them at ſupper at all; Rider ſupped in the garden.

Who was at ſupper with him?——There was a gentleman that lived in the one pair of ſtairs that was at ſupper with him.

Who was he?—One Mr. Stevens.

Did you carry them their beer?——No, I believe my maſter carried them their beer.

Then Duckett was not in the garden with Rider?—No, Sir, unleſs my maſter carried any beer afterwards, I did not ſee them together.

Mrs. TUCKER *ſworn.*

I came on Sunday to ſee the mother, the 1ſt of Auguſt, and they aſked me to drink tea; I came between three and four, and ſtaid till half after eight, the mother was waſhing their ſhirts and ſtockings at the preſent time, they were all three without ſhirts and ſtockings; the mother is a widow woman.

What! they were naked you mean?—All beſides their coats.

Who do you mean by they?——Alex. Frank, and Michael, the three brothers.

Were they in the room all the time?—Yes, they never a one of them ſo much as ſtirred out once, not down ſtairs.

Do you remember any thing of any beer coming in?—Yes, I was one pot towards it, and the three lads joined their halfpence towards another; the two pots came together, the girl at the alehouſe brought them in, and the priſoner received them from her hand at the top of the ſtairs, and moreover he was aſhamed to open the door, on account he had no ſhirt on; I ſaw Mr. Rider and Mr. Duckett that night at their own apartments.

Where did Mr. Rider ſup that night?—That I cannot tell, I was not there at ſupper time, I went away at half after eight.

They had gardens before their houſes?——I ſaw them all three at tea in their gardens, but no farther, I was not there at ſupper.

WILLIAM CLARK *ſworn.*

This lad formerly worked for me, at that time I uſed to work in the gun way, I am a ſaleſman now, it is about two months ago ſince I worked in the gun way, the priſoner lived with me three years at different times, he was a very honeſt lad, and I uſed to give him bills, and he uſed to receive the money, at different times three, four, five, and ſix pounds at a time.

Mr. Garrow. Where do you live now?——In Queen-ſtreet, Tower-hill.

SUSANNAH CLARK *ſworn.*

I witneſs, that I ſaw the boy at home all the bleſſed day long.

What day?——On Sunday, the firſt of Auguſt.

How came you to ſee him at home?——I was in the garden along with my huſband and the child, my child was reading to her father, and he was looking over his eldeſt brother's ſhoulder, I ſaw him from ſeven o'clock till paſt nine, he was not five minutes from the window, and that was but once; I live next door but one.

How was he dreſſed?——He was dreſſed in his coat, and waiſtcoat, with no ſhirt on, and likewiſe his brother the ſame, for his other brother came down to the neceſſary, without any ſtockings or ſhirt on, and was ſlipſhod.

What time did the brother come down?—About half after eight.

Mr. Garrow. Did you never miſs the elder brother from the window?—Never, he was looking over his brother's ſhoulder all the time but once, I miſſed the eldeſt brother once, but he was there moſt of the time. I know Mr. Ducket and Mr. Rider, they were all in general at home, we were in our gardens, Rider was in his garden, he drank tea there.

Did you ſee him ſup in his garden?— Yes.

Who ſupped with him?——His wife and two children.

You are ſure Rider ſupped in his garden?——Yes, Mr. Ducket and his wife ſupped in their own garden, much about nine.

Mrs. RIDER *ſworn.*

I keep the houſe, the lad was at home all day on Sunday the firſt of Auguſt, his mother came down about three o'clock, to beg water to waſh the linen, it being in the garden by our houſes, I ſaw him look out of the window ſeveral times in the evening; we had ſupped at the foot of the ſtairs, an acquaintance ſupped with me and my huſband; her name was one Mrs. Spur.

Do you happen to know where your neighbour Duckett ſupped that night?—They were all in the garden, next door to us.

Did you ſup by candle-light, or by day-light?——By day light.

When did you go to bed?——Between nine and ten.

Who faſtened the door?—I did.

Was your huſband gone to bed then?— Yes, I generally faſten the door of a night being laſt up.

WILLIAM STEEL *ſworn.*

I know the boy very well, he comes in my ſhop almoſt every night, before he came to priſon, for a penny worth of bread, and a half-penny worth of cheeſe; I have left him in my ſhop, I never miſtruſted him; he is a very honeſt boy, I have known him ten months.

THOMAS JEWELL *ſworn.*

He is a very honeſt lad, he lived in my houſe about five months, he has left me ſeven or eight months.

Court to Levi. What day was it you went to the houſe?—On the Monday.

Pray what account did you find there given, had you any converſation with Rider?—Yes, he ſaid, he was in bed that night, that he faſtened the door, and the mother came down and opened the door.

Court. Gentlemen of the Jury, upon the whole of this caſe, you will decide the fate of this young man; the circumſtances upon which he muſt be convicted, are chiefly the poſitive evidence of that child, ſhe ſwears very poſitively to him, and ſhe ſeems to do it with great innocence, and great ingenuity; but at the ſame time, to be ſure, you will make great allowances where a man's life is concerned, for a miſtake or miſapprehenſion of a child of that age; however, ſhe tells you ſhe had ſeen him often go down the court, that he lived in the next court to her, and the father ſays, the moment after when they quitted him, ſhe told him ſhe knew him, and then told her mother; and Levi ſays, when ſhe was before the Juſtice, ſhe ſingled him out among fifty; the father alſo ſpeaks very poſitively to him, but not with ſuch a degree of certainty as the girl, becauſe he does not pretend that he ever ſaw him before; therefore, all that enables him to ſwear to the priſoner, is from the view he had of him while the robbery was committed; if it reſted merely upon that, to be ſure you would heſitate a little: I think it rather difficult for a man thrown down as he was, and this man ſtanding ſome yards from him, to have ſo clear and diſtinct a view of him: however, this circumſtance you will take with you, that though the child told him that was the man, that lived in the court juſt behind their houſe, that could not lead him to ſingle him out before the juſtice, becauſe he did not know him: if you believe the priſoner's witneſſes, that the girl and the father are miſtaken, of courſe you will acquit him; theſe people contradict themſelves very much in the account they have given, and where alibi's are ſet up, it is only in little circumſtances that witneſſes can be detected, for they are led to ſuppoſe they ſhall be examined to one particular fact only; it is therefore in the little circumſtances of this ſtory, that they do contradict themſelves, whether this one or the other, ſupped in a garden or room, or below or above ſtairs; in the grand and main point to be ſure, that he was at home during that night, they all have ſpoken very poſitively; I therefore ſay no more about it, but that if you think they ſpoke the truth as to the fact of his being at home during that night, perhaps you will forgive the inaccuracies and little contradictions you have obſerved; but if you think from thoſe contradictions the whole is a made up ſtory, that they have met together, and concerted ſuch a plan to enable them to ſay, he was at home during the whole of that afternoon, of courſe then it will throw diſcredit upon the whole of their teſtimony; but if you think that though they forgot thoſe little circumſtances, though they have not obſerved them, yet ſtill in point of fact they are right, and they are not miſtaken, of courſe then you will acquit him. As to character, they have given him that ſort of character, that a lad of his age will have before he takes to bad courſes; if you find yourſelves embarraſſed from all theſe circumſtances, and think very poſſibly it may be true, notwithſtanding this little girl and the father do ſo poſitively believe he robbed them, that he was at home that night; in ſhort, if any doubt at all hangs upon your minds, if you feel the leaſt ſuſpicions, any balance at all, you know it is much the ſafeſt way, and it muſt be moſt pleaſant to you, to lean to the merciful ſide and acquit him.

Jury to Proſecutor. Did you ſee the priſoner after the robbery was committed, till you ſaw him at the Juſtices?—The firſt time I ſaw him was when he robbed me, and the ſecond time was when we took him up.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

787. **MARY SHEPHERD** was indicted for feloniouſly ſtealing, on the 21ſt day of Auguſt laſt, one wooden box, value 1d. and five half-guineas, value 52s. 6d. the property of Samuel Fieldhouſe, in his dwelling houſe.

SAMUEL FIELDHOUSE *ſworn.*

I know the priſoner too well, ſhe came into my ſhop the 21ſt day of Auguſt, and took a wooden box which had five half guineas in it, the box ſtood on a cheſt behind the counter; about five in the afternoon ſhe came in with two more women in company with her, ſhe went behind the counter, and put her hand and took the box.

Did you ſee her take it?—No, I ſaw her put it into the hands of one of the other women, and I ſaw that woman put it into the hands of the third, I ſtood upon a little deſk upon a ſhelf behind the counter, ſhe went round the counter upon a pretence of looking at a weather-glaſs which hung up, I ſpoke to all three of them directly, they run out of the door, I followed them and made an out-cry, I ſtopped the woman that the box was giving to at firſt, the priſoner I found about ſeven, ſomewhere about a hundred yards diſtant, and ſtopped her and brought her back; when I ſtopped her, ſhe ſaid, I have not it, yon woman has it, ſeveral times over, and the woman that had the money threw it down; the priſoner is the real thief, the other made her eſcape.

Are you quite poſitive that you ſaw this woman hand the box?——Yes, I am; three half-guineas were picked up in the ſtreet, and one in the area at the next door, and the box was picked up in the ſtreet, one was loſt, here is the box with four half-guineas. *(The box produced.)* It has been in my ſon's poſſeſſion ever ſince.

SAMUEL FIELDHOUSE, Jun. *ſworn.*

I was in the room, in the back part of the houſe at the time I heard the cry, I went down as ſoon as I could, and there was a croud of people, in the ſpace of half a minute my father brought this woman in, and ſome of the people cried out, ſome of the money is in the ſtreet, and I ſaw three half guineas and the box in the ſtreet, and another half-guinea in the next area, which their ſervant brought up.

PRISONER's DEFENCE.

I was at the end of the ſtreet, in Oxford-road, ſelling a hundred of apples, this gentleman came up to me, ſays he, you ſhall go with me, you took my money, no ſays a young man that ſtood by, here is your money old fellow; he was obliged to take three buſhels of goods, and the black jack-aſs away, I had not a ſoul with me but my own ſelf; I had witneſſes, but they all went home, and he put me and the jack-aſs in the round-houſe.

GUILTY.

Of ſtealing the box only value one penny.

To be privately whipped, and confined twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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788. JOHN SLATE was indicted for feloniouſly ſtealing, on the 27th day of Auguſt laſt, ten pounds weight of yellow hard ſoap, value 4s. the property of John Grant.

JOHN GRANT *ſworn.*

I am in the oil trade; the priſoner drove a cart of mine; I followed him to the ſtable (being told his pockets were loaded) and I told him to give me the key of the ſtable, and I went up into the hay-loft, and found ſeveral pieces of ſoap in different papers, between the tiles and the rafters, and two bottles of ſweet oil; in the hay-loft we found about nine pounds of yellow hard ſoap wrapped in different papers; in the morning about eight, I perceived he had ſomething in his pockets, he looked in my face, and ſaid, it was only a bit of ſoap, and begged I would forgive him, I aſked him what he did with the ſoap that was in the ſtable, he ſaid, he had carried it home, and it was under his ſiſter's bed; I ſent for the conſtable, but as the priſoner has three ſmall children, if the Court can conſider him, I ſhall be obliged to them.

JOHN PROCTOR *ſworn.*

I apprehended the priſoner, and went by his direction, and found the ſoap under his ſiſter's bed; the priſoner lodged there as he told me.

Priſoner. I beg for mercy, I have a wife and ſeveral children.

GUILTY, 6d.

On the recommendation of the Proſecutor and Jury, to be privately whipped and diſcharged.

Tried by the London Jury before Mr. ROSE.

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789. ALICE DAVISON was indicted for feloniouſly ſtealing, on the 13th day of Auguſt laſt, one muſlin handkerchief, value 5s. the property of Thomas James.

THOMAS JAMES *ſworn.*

The priſoner came into my ſhop between ſeven and eight, on the 31ſt of Auguſt; I knew and ſuſpected her before, ſhe aſked for a quarter of a yard of muſlin, I watched her cloſely, ſhe had a long cloak on, I perceived her ſtretch her body out, and take a muſlin handkerchief under her arm, which lay in the centre of the counter, her arm was upon the muſlin, and ſhe dragged it off the counter, and it dropped down, and ſhe ſaid, O Lord! here is ſomething down; yes, ſays I.

Court. Before ſhe ſaid that, did you perceive it was down?—No, I did not.

You had not charged her with any thing then?—No, ſhe denied knowing any thing of it.

Mr. Garrow, Priſoner's Counſel. The thing was never removed from your ſhop?—No.

The priſoner called two witneſſes, who gave her a very good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

790. JOHN DUFFEY was indicted for feloniouſly ſtealing, on the 20th day of July, one ſilver pint mug, value 3l. the property of William Barnard, in his dwelling houſe.

WILLIAM BARNARD *ſworn*.

I keep a public houſe; about four in the afternoon, the priſoner came into my houſe, and enquired after a young man by name, who bears an extraordinary good character, and I ſuffered the priſoner to ſit down in the back kitchen, this mug was on the dreſſer along ſide of him, I believe he was there about half an hour, the young man ordered a pint of porter for him, which he paid for and went away, and left the priſoner, who ſtaid about two minutes after; juſt after the priſoner went away I miſſed the mug, when he had been gone about ten minutes I and three more went in purſuit of him, but miſſed him; on the Friday following, one Thomas Cole belonging to Mr. Green's, called at our houſe for a tumbler of brandy and water, and told me where the mug was, in conſequence of which, I went to Mr. Smith's office, in Eaſt-Smithfield, and found the mug in poſſeſſion of Peter Mayne.

Was the priſoner there?—On the Saturday he was ordered down for examination, he acknowledged he took it.

Was any promiſe of favour made to him if he acknowledged the truth, or any threat?——Not as I know of.

Was any examination taken in writing?—I do not know.

PETER MAYNE *ſworn*.

(Produced the mug, which had been in his poſſeſſion ever ſince.)

(The mug depoſed to.)

I am an officer that attends the public office in Eaſt-Smithfield, I was informed there was a man that had ſtolen property, I went in conſequence of that information, and ſearched the priſoner, and found this mug in his jacket pocket, I ſecured him; it was on the 20th of July, it might be about five in the afternoon, the priſoner was the worſe for liquor.

PRISONER's DEFENCE.

This pot was given to me, by a perſon ſhortly after I went out of the Gentleman's houſe.

Court to Proſecutor. What was the value of the mug?—I value it at 30s.

GUILTY, 30s.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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791. WILLIAM HOGBON was indicted for feloniouſly ſtealing, on the 13th of July laſt, one gelding, price 6l. the property of Alexander Milne.

ALEXANDER MILNE *ſworn*.

I loſt my gelding on the night between the 12th and 13th of July, from Putney Common, I put a lock upon his foot the night before, with two links of a chain for ſecurity, and in the morning about eight I miſſed my horſe; I found it at Homerton on Tueſday morning, a week after I loſt it; I found it in poſſeſſion of one Mr. Webb, who keeps the Spread Eagle there; I brought the priſoner and Mr. Webb face to face, he was taken and was in poſſeſſion before I found my horſe; the priſoner was brought to Webb's by the officer, and the horſe was brought out of Webb's ſtable, and delivered to me while the priſoner was there.

Court. What did Webb ſay in the priſoner's preſence?——He ſaid he bought the horſe of the priſoner.

He ſaid that to the priſoner, did he?——Yes.

What did the priſoner ſay to that?—He did not make any reply, as I recollect.

What is the value of this horſe?—Six guineas, it was a poney, about fourteen hands high.

Mr. Garrow, Priſoner's Counſel. How far is Hackney-wick to where you live?—I live at Putney.

Putney Common adjoins to ſome other commons that are pretty extenſive?—Yes.

The poney was a pretty frolickſome one, and very fond of rambling?——Yes, he is a young horſe.

How long have you had him?——About three months.

Have you uſed him much?—Not a vaſt deal.

He was a good deal on the common I take it?—Yes.

This is the fair ſeaſon, is not it?—Yes.

WILLIAM WEBB *ſworn.*

I keep the Spread Eagle at Homerton.

Court. Do you know the priſoner?——Yes, your honour.

Look at Alexander Milne.—Yes, your honour.

Did you ever ſee Mr. Milne?——Yes, I ſaw him at my houſe.

When was it?——To the beſt of my knowledge it was the 15th or 16th of July, I cannot ſay which.

Did he own any horſe that was then in your poſſeſſion?——Yes, he did.

Of whom did you buy that horſe?——I bought it of that man there.

How long before you ſaw Milne?—I believe four or five days, or thereabouts.

What did you give for it?——Twenty-five ſhillings.

It was a good bargain, was not it?—No, I do not think it, not as the horſe was; I do not call myſelf a proper judge of horſes, and I got ſeveral people to look at it, and they told me it was not worth any more; it was ſeveral hours before I bought him.

I ſuppoſe it was low in fleſh?—It was a glandered horſe, and ran at the noſe, I thought it ſuch.

I hope you have no other horſes, have you?—I have one more, but they told me not to let that horſe go with the other in the ſtable, which I did not.

Now, friend, when Mr. Milne came to your houſe and challenged this horſe, was the priſoner brought to your houſe?—Yes, he was.

Was the horſe produced there before him?—Yes.

Was that the ſame horſe you bought of the priſoner?—Yes.

Mr. Garrow. Where did you buy him, Maſter Webb?—I bought him at home in our yard, he aſked me to let him be put in the ſtable, I was ſo buſy I could not look at him.

You put him in along with your own Jockey, did you?—No, mine was out at graſs.

How long have you kept horſes?—How long?

Upon your oath, would you give twenty-five ſhillings for a glandered horſe?——At this time I would, becauſe they fetch more money, dog horſes do, than they do in winter. I told the man that I ſhould juſt fetch up a little rubbiſh from the marſhes, then I would ſell him for the dogs.

But you would work him to the bone firſt, and leave nothing but the bone for the dogs; now, upon your oath, do not you know that the horſe was worth five or ſix pounds?——No, he was not, nor I would not give a halfpenny more for it.

You only wanted to melt him down; you keep a ſlaughter-houſe?—No, Sir, I never ſold but ten or twenty in my life, and never bought but this one horſe in my life.

You are a middle man, between the thief and the boiler, are not you?—No.

Who was you to ſell this to, was you to take him to Smithfield?——Yes, Sir, and twenty-eight ſhillings is often given for a horſe there.

Court. I preſume you had no doubt at all when Mr. Milne claimed it, it was his property?—Yes, becauſe I heard the priſoner had ſold ſome others, a horſe, or a cow.

Court to Proſecutor. You put this horſe on the common the night before you miſſed it?—Yes.

Was it glandered?——Not to my knowledge.

Had the horſe a cold?—The horſe very lately had a cold; I look upon it he was rode hard the night before, and being off the graſs.

What ſhould you have thought would have been the value of the horſe?—I gave ſeven guineas for him in April, and I ſhould be loth to take leſs for him at this very time.

Has the horſe the glanders now?—I am not a judge, but I do not think he has.

THOMAS SELLS *ſworn*.

Where do you live?——At Hackney.

What are you?——I am a baker, I live with one Mr. Gigney, a baker at Hackney.

Do you know anything about this horſe?—I know nothing about the horſes; I took the priſoner the 18th of July, at Hackney, about ten o'clock.

Was you with him at Webb's at Homerton?—Yes, Mr. Milne was there.

Was the horſe brought firſt in the priſoner's preſence?——Yes, and Mr. Webb ſaid to the priſoner, my lad, how came you to ſell me this horſe, when you know you did not come honeſtly by it.

What anſwer did the priſoner make?—I did not hear him make any reply.

PRISONER's DEFENCE.

I have nothing to ſay; I have no witneſſes.

Court to Sells. Do you know any thing of the priſoner?—I bought a horſe of him, I never ſaw him before.

Court to Webb. Do you?—I know the priſoner's uncle, John, he has lived at Hackney many years before me, and I carried his goods up to Highgate, where he moved; I once before ſaw the priſoner, and he told me when he came to ſell this horſe, he had come out of the country for a little debt.

GUILTY, **Death**.

Court. I think it proper to try him upon the other indictments.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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792. The ſaid WILLIAM HOGBON was again indicted for feloniouſly ſtealing, on the 18th of July laſt, one gelding, price 6l. the property of James Carpenter.

JAMES CARPENTER *ſworn*.

I live at Putney; I loſt a cheſnut gelding off Putney-common, about the 15th or 16th of July; ſometimes I turn him out, I do not uſe him for two or three days together; I miſſed him on the 14th or 15th, I think I ſaw him on the Thurſday morning to the beſt of my recollection; I enquired after him, and heard on Tueſday morning that it was over at a baker's at Hackney, at the Green Man; I went there and found him in the baker's ſtable; I had had him two years, I do not know his age; I think it was worth three pounds or more to me; I think the young man the baker gave the full value for it, I think he gave three pounds for it.

THOMAS SELLS *ſworn*.

I bought a horſe of the priſoner on the 18th of July, about eight in the morning, in Grove-ſtreet, Hackney.

Court. What did you give for him?——I gave three guineas; Carpenter came on the Tueſday, which was the 21ſt.

Did he ſee the horſe?—Yes.

And claimed him, did he?——Yes, he took him away with him.

PRISONER's DEFENCE.

I have nothing to ſay.

GUILTY, **Death**.

Court. The witneſs Sells has no impeachment on him, he behaved in a very irreproachable manner.

Carpenter. My Lord, though I am proſecutor of Hogbon, I have known him ever ſince he came out of the country, I never ſaw any harm of him before; I wiſh to recommend him to mercy, he is a young fellow.

Court. Upon my word it is become a moſt iniquitous trade, to ſteal horſes and ſell them to the dog's-meat men.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

793. The ſaid WILLIAM HOGBON was again indicted for feloniouſly ſtealing, on the 18th of July laſt, one cow, price 8l. the property of Iſhmael Theene.

ISHMAEL THEENE *ſworn.*

I live upon Putney-Common, I keep the Green Man; I loſt a cow the 16th of July, I miſſed her at ſeven in the evening, I loſt her at five, I ſaw her over there at ſeven.

Court. What is the value of your cow?—Eight guineas I gave for her, I look upon her to be worth as much now, I have had her ſix months; I loſt her on the 21ſt; I found her at Richard Peck's, at Hackney, I ſaw the priſoner ſitting at a neighbour's door on the ſame night I loſt the cow. I have known the priſoner, he had been ſervant with Mr. Faulkner; I took the liberty to give him good advice to get into ſervice.

RICHARD PECK *ſworn.*

Mr. Theene ſaw a cow at my houſe, the priſoner brought a cow to me to buy, my ſon deals in cows, it was about half paſt ſeven on Saturday, he aſked three guineas, I thought it too cheap, it did not ſuit me, it might ſuit ſome other folks.

What did you think of it, did you think it was worth more.

It might be worth a trifle more, I did not chuſe to buy it.

Was this cow left at your houſe?—Yes, he aſked me leave to put it into my field.

When did Theene come?—On a Tueſday.

Did he own the cow?—Yes, he owned it and took it away.

You ſay your own ſon deals in cows?—Yes.

Do you underſtand cows yourſelf?——A little, Sir, my ſon deals in them.

Court to Theene. This man talks here of your cow not being worth above three guineas?——I ſhould be ſorry to take eight or nine guineas.

Priſoner. I have nothing to ſay.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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794. ROBERT ABEL and WILLIAM RELLIONS were indicted for feloniouſly aſſaulting William Rough, on the King's highway, on the 4th day of July laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, 5s. in monies numbered, and two copper halfpence, value 1d. his monies.

The witneſſes examined apart.

WILLIAM ROUGH *ſworn.*

I am a labourer, I live in New Gravel-lane; I was robbed the 4th of July, on Sunday evening a quarter paſt ten, in Stepney fields; I was going home, and two men came up with a piſtol and deſired me to deliver my money, if I did not I was a dead man; one of them put a piſtol to my breaſt.

What did he ſay?——He deſired me to deliver my money.

What were his words?—Your money or your life! I made anſwer and told him I had no money, I was a poor working man; the other made anſwer and ſaid, if you have no money we will murder you! then they knocked me down on my face, and mauled me on my head and ſhoulders; I had nobody to aſſiſt me.

Was you ſenſible after you was knocked down?—No; then one of them put their hand in my pocket, and took five ſhillings and one penny from me.

What elſe was done to you?—They ordered me to make the beſt of my way home, and if I followed them, or made any noiſe, they would blow my brains out; I then made the beſt of my way home; and on the Wedneſday following I ſaw the priſoner

Rellions before Mr. Green, at his office; he was taken up on the Wedneſday morning.

Did you know him again?——Yes.

Do you now ſwear to him poſitively?—That is the perſon that had the piſtol, and beat it about me, and broke all the ſtock of it; my arms were all beat to a jelly.

Court. Now you remember this man's life depends on your recollection of him?——I am very poſitive that was the man.

Now then as to the other man?——He was taken the latter part of Auguſt; I went to the office after I heard he was taken, and as ſoon as I ſaw him I had no doubt but he was the perſon that aſſiſted in the robbery; I am very poſitive he is the ſame perſon.

You never ſaw them before the robbery, did you?—Not to my knowledge; it was a quarter paſt ten, and quite moonlight.

Did you take notice of the dreſs of the people?——One of them had a longiſh browniſh looſe coat, and the other had on a brown ſhort jacket.

Which had the ſhort jacket?——The talleſt of the two.

Was you ſober?—Yes, I had only a pint of ale all day.

Where had you been?—I had been taking a walk out in the afternoon, and in the evening I called at the Ship in Stepney Church-yard, and had one pint of ale.

Court. Only one pint?—No, my Lord.

Priſoner Rellions. I am the lad that did the robbery, but he has ſworn to this lad very wrongfully.

Court. Who was the lad that was with you?——I do not know who he is.

What is his name?——I do not know, only his name was Tom.

WILLIAM SELBY *ſworn.*

I apprehended Rellions at Saltpetre-bank on the Wedneſday following, at two in the morning, about the 6th of July, we found a piſtol upon him, and took him to the watch-houſe.

What ſort of a piſtol was it?——A common ſized piſtol, rather ſhattered in the ſtock.

JOHN OLIVE *ſworn.*

I was along with Elby and Parker; we went out, having ſome informations, and about two in the morning, the 6th of July, we took the priſoner; I ſaw the piſtol taken from him.

JOSEPH LEVY *ſworn.*

I went with the other two to apprehend him, Abel was with him.

Rellions. It is falſe, my Lord, this is not the lad.

Levy. He was with him, for I had hold of Abel; this is the piſtol, it was drawn before the Juſtice, there was not a ball, there was wadding and powder.

(The piſtol produced.)

Proſecutor. I cannot be poſitive it is the ſame piſtol.

Court. I underſtood you to ſay, that the piſtol they beat about your head was broke?——Yes.

Court to William Rellions. What have you to ſay?——This lad is innocent, he was not with me; the man ſwears to loſing the money, I am guilty of ſtopping him, but he never loſt a ſingle halfpenny; I was not the lad that had the piſtol, it was the other lad; I have friends if I could ſend for them, but I have no money.

PRISONER ABEL's DEFENCE.

I know no more of the robbery than the child unborn.

Court. Have you any friends?——I have nobody living but a brother, and he is juſt come home from ſea.

Court. Gentlemen of the Jury, in reſpect to the priſoner Rellions, the rule of law is clear, that what he ſays cannot operate either for or againſt Abel.

WILLIAM RELLIONS,
ROBERT ABEL, } GUILTY Death.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

795. **WILLIAM COLLOP** was indicted for felonioufly aſſaulting James Ferguſon, on the 6th of July laſt, in a certain field and open place near the King's highway, and putting him in fear and danger of his life, and taking from his perſon and againſt his will one pair of baſe metal ſhoe buckles plated with ſilver, value 6d. one pair of ſilver knee buckles, value 12d. one pair of ſilver ſtuds, value 6d. and 3s. in monies numbered, his property.

JAMES FERGUSON *ſworn.*

On the 6th of July, about four in the afternoon, I was robbed in a lane that leads from Bethnal-green to Old-ford, I was on foot and alone; I went down Mile-end road, and turned down by the Cow, and came into a narrow foot path, and paſſed two women, they ſaid ſomething to me, but I do not know what; I then walked on, and came to the laſt ſtile in the lane, I ſat there ten minutes or a quarter of an hour.

Court. What did you ſit there for?——For pleaſure.

Why, what pleaſure can there be in ſitting upon a ſtile?——When a perſon has nothing elſe to do. In the mean time a perſon came out of the lane, who had picked up a piece of copper coin about the ſize of a farthing, he remarked it to me; he left me, and I directly quitted the ſtile; I was going to Mr. Clark's to get a pint of beer, and paſſed theſe two women, I was then in ſight of the priſoner; I ſaw a knife in his hand, he was cutting a bit of hedge ſtake.

Was he in company with theſe women?——No, Sir; I could perceive another perſon behind him a little taller than himſelf; I was rather *timidated*, thinking ſomething might happen, though I did not think he would at that time of day: I ſtill walked on, and the priſoner with the knife in his hand ſaid, ſtop! the one laid hold of me by my collar, the other held a knife to my breaſt, the hedge ſtake that he was cutting was in his hand, and as he walked on he dropped the ſtake, and bid me ſtop; I looked in the priſoner's face, and the other ſeeing that, ſaid, blaſt your bloody eyes, who are you ſtaring at? he then pulled my hat over my eyes, and bid me hold it there in that manner myſelf; I then laid hold of my hat with my left-hand, and put my right-hand in my pocket and gave him all the ſilver I had, I believe it was four or five ſhillings, I do not rightly know which, I only ſwear to three; he then ſaid, give us the gold; I told him I had none; I put my hand in my left-hand pocket and gave him a pair of ſilver ſtuds, I then told him that was all I had about me: the perſon who had hold of my collar deſired the priſoner to take the ſilver buckles out of my ſhoes; I told him indeed they were not ſilver, nevertheleſs they took them; in the mean time the other perſon ſwore at him, and bid him make haſte, for that ſomebody would come; he then ſwore at him again, and aſked him what he was fumbling about, the priſoner then ſaid he ſhould go the ſhorteſt way to work, and he then took the knife and cut the knee buckles out of my breeches knees, *(the breeches produced)* the other man bid me go about my buſineſs, pointing to Old-ford, and not to look back, for he would follow me to the end of the lane; I then walked on very ſlowly, with my hat over my eyes; I did not hear anybody, I ſaw nobody behind me, but only the glimpſe of the laſt perſon's ſhoulder; I then ran down to Mr. Clark's and told him; I deſcribed the perſons, and went in ſearch of them, but did not find them that night; I went to Mr. Wilmot's and gave information, and the priſoner was taken up the next day; I ſaw the priſoner in company with another perſon walking.

Was it the ſame perſon he was with the day before?——I am not ſure, I told him I believed the ſhorteſt of the men was the man; he then deſired me to be very poſitive and to look him in the face; the priſoner ſtooped, I looked him in the face, I paſſed him and the other, and we took him into cuſtody.

How was he dreſſed?—In a blue jacket, and a pair of dirty canvas trowſers, and a round hat; he began to buſtle in his pocket, and there was a knife in his pocket.

What became of the other man?—The other man was *acquitted*, he was taken at the same time.

You ſay the hat was pulled over your face?——Yes, Sir.

Had you obſerved the priſoner very particularly before, ſo as to know him?——I had looked at him ſtedfaſtly for half a minute.

Can you poſitively undertake to ſay you have [illegible] doubt?——I have not.

Did you ever obſerve him before?—I do not know.

How long might they ſtay with you?—I ſuppoſe five minutes.

What became of the two women?——They were in the lane backwards and forwards.

Were they in ſight when you was robbed?——No.

THOMAS SMITH *ſworn.*

I and Mr. Duke was at the taking of the priſoner on the 7th of July, from the information of Mr. Ferguſon, and took this knife from him.

Court to Proſecutor. Was that the ſort of knife?——I cannot ſwear to the knife, it was much ſuch a ſort of one; there is a piece of the lint, which appears to come out of the breeches knee.

NICHOLAS DUKE *ſworn.*

I was at the taking of him; I adviſed the proſecutor to be very careful.

PRISONER's DEFENCE.

My Lord, I was going to get a certificate from a Captain at Stepney, for ſome prize money and wages, I met another ſhipmate, he ſaid it would be the nigheſt way, and this man came and looked at us as if he knew us, and turned back with three men; I had not been on that road before, nor out of the houſe where I lived.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

796. JAMES FORRESTER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Daniel Andrews, about the hour of two in the night, on the 11th of Auguſt laſt, and feloniouſly ſtealing therein, one woollen bed rug, value 4s. one woollen blanket, value 4s. the property of Richard Bailey.

RICHARD BAILEY *ſworn.*

I am a Shoemaker, No. 27, Villar-ſtreet, Spitalfields,

Court. What family have you, are you a married man?—My wife now lays dead.

I fancy you are a lodger then?——I rent a room of Daniel Andrews; on the 11th day of Auguſt laſt, I was alarmed at two in the morning by thieves being in the houſe, I ſlept up two pair of ſtairs, and my apprentice with me, I got up upon the alarm, and dreſſed myſelf and went down ſtairs; I unlocked my own room door which is let, I opened the door and went in and ſearched about, I ſaw no perſon, but I miſſed a blanket and a rug, the windows were all open, the bed was likewiſe rolled up.

Court. When was you laſt in that room?—The 9th day of Auguſt, on the 10th I was not in it at all.

Had you kept the door locked from the 9th?—Yes, and the windows faſtened.

Had you the key in your pocket?—No, I left the key with Martha Andrews my landlady.

She therefore might have gone in and opened the windows?—Yes, my Lord; Martha Andrews ſaid, ſhe picked the things up right under the window, in the ſtreet; when I went into the room ſearched about, ſeeing the bed ſtripped, looked under the bed, and found the priſoner concealed under the bed; I immediately ſeized him, and delivered him t Thomas Richards the patrol.

What account did he give of himſelf?— aſked him what buſineſs he had there, made me no anſwer, I knew his perſo perfectly well, he was a weaver.

Was you intimate with him?—No, but I ſaw him often, I knew his perſon and name.

PAUL BROMLEY *ſworn.*

I am a Weaver; on the 11th of Auguſt, paſt two o'clock ſome men being about, I ſuſpected them to be thieves; my houſe being the corner, I watched and liſtened ſome time, I heard ſomething crack, and concluded they had broke into a houſe next door to me; I looked out and ſaw four men in the ſtreet, I threatened to fire at them, the priſoner was as I underſtand found in the room; I live about forty feet from Mr. Andrews.

Priſoner. You did not ſee me?—I cannot ſay I did, there were four men in company, there was ſome noiſe, and ſome minutes after, I went to Andrews's houſe, and ſaw the priſoner in cuſtody of Bailey, with his hand round his collar; we ſearched the ſtreet over, and I ſaw the blankets found under the window of Bailey's houſe.

Did you ſee the windows open?—Yes.

One or two?—Two.

How high might the windows be from the ground?—The ſill is about fourteen or fifteen foot from the ground, there is a lamp iron that projects out, it is very near the window, and there is a coving or cornice, that a man may walk along and get in there, that is about eight feet from the ground; the blanket and rug are here, I ſaw them delivered to Martha Andrews.

MARTHA ANDREWS *ſworn.*

My huſband's name is Daniel Andrews, William Bailey is a lodger of ours, in the one pair of ſtairs; he had a wife that was ill, that was a little way out of town.

Do you remember any thing of his giving the key of this room to you?—Yes.

What day was that?—I had the key only the day before.

Did you go into that room?——No, I did not.

Did you deliver the key to any one?—No, not till Mr. Bailey requeſted it of me again, the door continued locked.

Was you preſent when the priſoner was taken from under the bed?——I was, the alarm was given about two or a little after, before the priſoner was taken, becauſe he had been in the room ſometime.

How long after might it be?—It might be half an hour.

When you came into the room, were the windows open?——One was, that I am clear in, and I do not know of the other.

Were the ſaſhes faſtened before?—Yes.

Was any thing broke?——No.

How could they get in then?——I don't know, the faſtenings were not very ſtout, but they were faſt; ſome thing had been put through the ſaſh, which ſeemed to be puſhed through. *(The rug and blanket produced.)* They are Mr. Bailey's property, I ſold them to him when he took the room. On the 11th of Auguſt, I was alarmed with a great rapping at my door, I thought it was ſome diſorderly perſon.

What time was that?—Two, or rather turned of two, that was after the watchman paſſed, all was faſt then.

(Bailey depoſed to the rug and blanket.)

THOMAS RICHES *ſworn.*

I am a patrol, Bailey delivered the priſoner to me between two and three in the morning, the 11th of Auguſt; I heard the alarm of thieves, and was told they were at No. 27, that is Mr. Andrews's houſe; I ran immediately to the houſe, there I found Mr. Bailey half dreſſed and half undreſſed, holding the priſoner by the collar, I aſked him what was the matter, he told me, and when I ſaw the priſoner, I ſpoke to him, he ſaid, do not jaw me, I took him away.

JOSEPH UNDERWOOD *ſworn.*

I am the other patrol, I can ſay no more than the laſt witneſs.

GEORGE MUNDAY *ſworn.*

I am a Tallow-chandler, I live oppoſite the proſecutor, I was alarmed with their breaking into the houſe, it was a little after two; I went into the ſtreet, and ſaw ſomething on the other ſide of the way, I went over, and it was a blanket and rug; I knocked at the door, and called up Andrews, and Mrs. Andrews came to the door, and took the things off the pavement, ſhe wanted a light and one was brought her; then I went up ſtairs, and I ſaw the priſoner in Mr. Bailey's hands.

PRISONER's DEFENCE.

I was going down Villar-ſtreet, about half paſt two, to ſee a young man that I knew, and there were four men that ſtood under this window, and they aſked me to be ſo good, to get in at the window, for they had loſt the key of the ſtreet door; and I was affraid till they perſuaded me, and I got in, and then they called out thieves, and I was afraid, and I got under the bed.

GUILTY, **Death**.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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767. GEORGE DRUMMOND was indicted for feloniouſly aſſaulting William Henry Forteſcue, commonly called the Earl of Clermont, of the kingdom of Ireland; on the King's highway, on the 1ſt day of June laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one repeating watch, with the caſes made of gold, value 20l. one ſteal chain, value 2s. one white cornelian ſtone ſeal ſet in gold, value 40s. one red cornelian ſeal ſet in gold, value 40s. the property of the ſaid William Henry.

LORD CLERMONT *ſworn.*

On the firſt of June, I believe it was about eleven at night, I was robbed in Pall-Mall, I was walking towards St. James's very quietly, in the narrow part of Pall-Mall, and two men came and ruſhed by me on my right hand, and ran very quick, I gave them way, this man immediately turned about, and after I had gone five or eight yards, I heard a noiſe behind me, and thoſe two men that paſſed me turned quick upon me, I had a cane in my hand which I held up as much as to ſay ſtand off; and one of the men behind me caught my arm, then one of them came up to my breaſt, and kept me very tight, and one of them took my gold repeating watch, and they immediately all five run away, down a little lane called Market-lane, which goes at the back of the Opera-houſe door; there were in all five of them.

Court. Had your Lordſhip any opportunity of taking notice of the perſons of any of theſe robbers?—I had of one.

Pleaſe to look at the priſoner, do you know any thing of him?---Yes, my Lord, I am very confident that is the man that robbed me of my watch.

How ſoon after the robbery had you an opportunity of ſeeing them?——I called after them, the opera was not over, and ſome of the chairman knowing me, as I turned the corner of that lane ſaid, do not go down that lane, if you do you will be murdered; they all got through the chairmen and eſcaped; I then thought it was a very proper ſtep to go immediately and write a deſcription of the robbers to Sir Sampſon Wright, which I did immediately after being robbed, as he had ſomething very remarkable about him, this particular man had, that was the only man that I knew; he was apprehended, I had a letter from Sir Sampſon Wright, telling me he was confident that the man that robbed me was in cuſtody by my deſcription of him, and begging that I would attend the next morning in Bow-ſtreet.

Did your Lordſhip attend the next morning?——I did.

Did you ſee him?——I did.

When you ſaw him, had you any recollection of him?——I had.

Pleaſe to look at him, and ſee whether you are confident or not he is the man?—I am very confident, it was a full moon, or within a day of it; and, added to that, it was immediately under a lamp, and having been robbed before, within a ſhort time, of another watch, I particularly remarked the man; I marked his hair very particularly.

Does your Lordſhip take this man to be one of them that paſſed you, or that came up behind you?——No, my Lord, I think he was not one of the firſt, he was, I believe, on my right-hand.

In that manner, what opportunity had your Lordſhip to look at him, or to ſee him?——It was, as I ſay, either a full moon, or within a day of it, the cleareſt night I ever ſaw, and there was a lamp or two immediately over him.

Did they run off before you, or behind you?——They ran off before me, and I turned down Market-lane.

Have you found your watch?——No, I was informed that if I applied in a particular manner I ſhould obtain it; but as for the watch it is very immaterial to me, what I want to have is to have the people convicted if poſſible, therefore I was determined to proſecute.

Was it explained to you what that particular manner was?——No.

Mr. Chetwood, Priſoner's Council. This was not one of the people that paſſed you at firſt, my Lord?——No, I think not, I am pretty ſure it was not, they were lower.

They ruſhed by you at firſt?—Yes.

Did that ſurpriſe or alarm your Lordſhip?——No.

Theſe two men turned back on your Lordſhip?—Yes.

Then you was a little alarmed?——Yes, they came very quick behind me, there were a great many coaches, a whole line of them.

Nothing was ſaid to your Lordſhip?—I do not recollect one word.

The perſon, whoever he was, that ſnatched the watch from your Lordſhip's perſon, you did not ſee him perhaps before the watch was gone?—He came up to me quite to my breaſt, he turned round upon me, the other was ſtooping, he put his hand to my watch and ſnatched it.

It was gone in an inſtant I ſuppoſe?—Yes, and the two men.

Your Lordſhip's deſcription I believe chiefly was, that he was a tall young man?——Yes, and his hair I deſcribed particularly.

I believe Sir Sampſon's aſſurances that he had got the right perſon, made your Lordſhip more poſitive, thinking Sir Sampſon had a knowledge of the man?——I cannot ſay; I ſhould not have ſworn to him if I had not been very confident of recollecting his perſon, and the deſcription I have given in my letter of his being tall.

This was about eleven, and the opera was not over, five people were concerned in it, you, my Lord, muſt have been under ſome little ſurpriſe?—I was under a ſurpriſe when they all ran upon me and ſqueezed me; I think he is a very remarkable figure, and his hair, his heighth, and looks, are remarkable.

Yes, he is remarkably tall; Sir Sampſon Wright's letter had a little effect upon your Lordſhip?—Only as to my going to him.

Court. There were two ſeals, my Lord, were not there?——There were two, one white and one red, ſet in gold, one was a poſt-office ſeal, I was Poſt-maſter General of Ireland then; it was a repeating watch.

CHARLES JEALOUS *ſworn.*

I have nothing to ſay againſt the priſoner, only apprehending him the 3d of June, in the Strand.

Court. Alone or in company?—In company with another.

One more?——One more.

You know nothing of Lord Clermont's watch, I ſuppoſe?——No, I ſearched him and found nothing upon him.

Priſoner. I have nothing to ſay, I have ſome witneſſes to call in for myſelf.

Court. What way of life have you been in?——I have been in no way of life, only my father maintaining me; here he is, and he is a lieutenant in the forty-firſt regiment.

Jealous. I beg your Lordſhip's pardon, I have the letter that Lord Clermont ſent to the office.

Mr. Chetwood. That is no evidence, my Lord is here himſelf.

Court to Priſoner. Have you been bred to nothing?—No, Sir.

How old are you?—Seventeen.

MARY URKHART *ſworn.*

I am ſervant to Captain Drummond, the father of the priſoner.

Court. Where does he live?——In New Pye-ſtreet.

Mr. Chetwood. Do you remember where George Drummond, the priſoner at the bar, was on the 1ſt of June?——Yes, in his father's houſe.

Court. If you mean to prove an alibi, the other witneſſes muſt go out of Court.

(The other witneſſes went out.)

Was he there in the evening?—Yes.

Did he lay at home that night?——He did.

What time did he go to bed?—He went to bed before the watch went half after ten, I let him in myſelf, he came in before the watch went half after ten.

Is there any thing that refreſhes your memory, ſo as to be ſure as to the time and the day of the month?——Yes, it was the 1ſt of June.

Did you attend at the Juſtice's afterwards, when he was taken up?—No.

Do you remember his being taken up?——He was taken up the Thurſday following.

What day was the firſt of June?—The Tueſday, and on the Thurſday following he was taken up; his father came in a little after, and aſked if the two boys were in bed, I ſaid they were, with that he took the candle and he looked in and ſaid it was all very right, and then he went to his own bed: my mother died when I was young, and he took me from an infant.

Court. Where does Captain Drummond live?—In New Pye-ſtreet.

What family lives in the houſe?—None but his own.

Who are they?——His wife, and this ſon Andrew, and this other ſon George.

Which is the eldeſt?—Andrew.

How old is the priſoner?—About eighteen.

Was he bred up in any thing?—Yes, a plaiſterer.

Had he been apprentice?—Yes.

How long?—Really I cannot tell you how long.

Who was he apprentice to?——To one Mr. Clark.

Where did he live?—In Wood-ſtreet, Weſtminſter.

How long had he been apprentice?—I cannot ſay, my maſter can tell.

How came he to lodge in your maſter's houſe?—Sir, his time was out.

What, a boy of eighteen!—Yes, Sir, he was from a little boy there.

How long had he been out of his time?—I believe about a twelvemonth.

Did he ſerve ſeven years?—I really cannot tell; I have been from an infant in the family, I am going of ſeventeen at Chriſtmas.

Then you muſt remember the time when he went apprentice; how old was he then?—I believe he was about twelve.

What has he done ſince he was out of his time?—He worked for his maſter, and employed himſelf in other things, in bird-catching and fiſhing, and ſuch things as that, with his father and brother.

What is his father?——His father is a lieutenant belonging to the Invalids.

Which of the two brothers are you ſpeaking of that was apprentice to the plaiſterer?——George.

What was the other brother?——He is a ſoldier in the army.

The remainder of this Trial in the next Part, which will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 15th of SEPTEMBER, 1784, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of George Drummond.

What is he an officer?——No, Sir, he was a ſerjeant in a marching regiment, and when that was broke, he came up here and enliſted in the Guards.

How old was he?—I believe he is about twenty-three.

Can you tell what time the priſoner came home the next evening?—He got up about nine the next morning, and he went out a bird-catching, and came home early.

What time was it the next night he was taken up?—A good while before dark.

ANDREW DRUMMOND *ſworn.*

Mr. Chetwood. Where was you on the evening of the 1ſt of June?——I came off duty and went to bed early, I laid at my father's houſe, I went there when I came off guard at eleven at noon, and there remained till the next morning.

Where was George your brother?——I went to bed that evening early, between ſix and ſeven, and my brother came to bed and waked me, and I aſked him what o'clock it was————

Court. You cannot tell me that; did he lay at home that night?—Yes.

Mr. Chetwood. Do you recollect of your own knowledge what time it was he came to bed?—After he was in bed I heard the watchman come down half paſt ten; I remember when he was taken up, the 2d of June, it was on Tueſday.

Court. What buſineſs was your brother bred up to?—He was no trade.

What had he done nothing?——Yes, he uſed to attend and do buſineſs at home, and ſometimes he went to the Adjutant General's office with my father.

What did your father do any thing there?——He is a clerk to the Adjutant General.

Have you been much at home?—I have been in the Guards from my infancy; I have been abroad in another regiment.

What regiment was that?—The eighty-third, I was a ſerjeant.

How long was you a ſerjeant in the eighty-third?——Two years.

How long was you out of the Guards?—Two years and a half.

Was the regiment abroad?——Yes, at Jerſey; I was there all the time; I was ſerjeant then; I came and enliſted in this regiment again.

When did you firſt enliſt in the Guards?—At fifteen.

How old are you now?——Twenty-three.

Then before you went to Jerſey you was occaſionally at your father's?——Always, I lived there.

How old is your brother the priſoner?—He is turned of ſeventeen.

What was your brother bred up to nothing?—He was a good while a labourer to a plaiſterer, and uſed to work in the country; he worked for a tradeſman in Weſtminſter a good while.

What was his name?—Snow, he was a plaiſterer and bricklayer.

What part of Weſtminſter?—He lives in Orchard-ſtreet, I believe he lived there then.

Your brother only worked as a labourer with him?——No.

Could your father do nothing better with your brother than let him be a labourer to a plaiſterer?——I cannot ſay any thing to that.

How long have you known Mary Urkhart?——She has been with my father ever ſince ſhe was a child, ſhe was bred up in the family.

Why, ſhe has been juſt telling us, that your brother was apprentice to a Mr. Clark, plaiſterer in Wood-ſtreet, and ſerved his time?—It might be Clark, I cannot rightly ſay, Clark or Snow; I never heard any thing at all of his being apprentice; I cannot well ſay the name, whether it was Clark or Snow.

JOHN DRUMMOND *ſworn*.

Mr. Chetwood. You are the father of the priſoner?——Yes.

Give the Court an account where he was on the evening of the 1ſt of June?——On Tueſday evening, on the 1ſt of June, I came home, and my ſervant maid let me in, about thirty-four or thirty-five minutes after ten in the evening; as ſoon as I came in, which is my uſual method to ſee that my family are regularly in bed, I aſked the maid if my two ſons Andrew and George were in bed, ſhe anſwered me in the affirmative; I took the candle off the table, and opened the cloſet door, and I ſaw them both in bed, on the evening of the firſt of June, on Tueſday evening; then I went up ſtairs and went to bed, as I am here upon my oath.

Court. When did you hear of his being taken up?——On the 3d, in the evening.

What time in the evening?——About eight.

Did you go before the Juſtice?—I went to Bow-ſtreet to ſee to extricate him from being taken up, and he was in Covent-garden watch-houſe in bed.

Did you attend the examination before the Juſtice?—I did not, they did not give me liberty to be there; I was there, but it was after Lord Clermont had depoſed that he was the perſon; I came in and ſpoke to his Lordſhip; his Lordſhip recollects me at the examination.

What way of life have you bred up this young man to?——I kept him conſtantly employed in one thing or another, reading or writing, and doing any thing that was neceſſary about the houſe; I intended him to have been a ſoldier, to bring him up to the army; I have a great family.

Did you think of no other employment for him?—I ſhould have done it.

Did you in fact put him in any way of life except that?——No, my Lord, not at any time as yet.

What age is he now?—My Lord he is ſeventeen, he was born at Novia Scotia.

Then according to your own account you have kept him in your own family reading and writing?—Yes.

And he has been employed in no other way?—No, my Lord, in no other way; I have another ſon alive who is a ſoldier.

Have you any other that lived to be ten, twelve, or fourteen years old?—No.

Did you ever think of putting either of your ſons to the buſineſs of a plaiſterer?—I had an inclination, and he was along with a maſter, but the maſter was bed-ridden, and he was not able to take him.

What was that maſter's name?—Horax.

Where did he live?—He lived in St. Martin's-court, I think it is called, by St. Martin's-lane, it goes through the church-yard.

Was he there upon trial ?—Yes.

How long ?—Till his maſter fell ſick.

How long might that be ?—About three quarters of a year.

Was he ſo long at Mr. Horax's as three quarters of a year ?—Yes, backwards and forwards, he boarded with me during that time, waſhed and every thing.

How came you not to mention that when I aſked you; I aſked you very particularly ?——Really it is foreign to my idea at preſent, becauſe it is ſome time ſince he quitted it.

How long is it ſince ?——Better than a twelvemonth.

How much better ?——About fourteen months.

His maſter was ill, you ſay ?——Yes.

Mr. Chetwood. My Lord, there is a very material piece of evidence, which I think proper firſt to mention to your Lordſhip; there was a young man that very much reſembled the priſoner at the bar, that was lately executed for a highway robbery, and he communicated ſomething to Mr. Villette, the Ordinary, concerning this robbery; his name was Edwards, he was lately executed, and it was in his laſt moments he communicated this, and he died with very great contrition, and with great marks of penitence; he told Mr. Villette he could not die in peace until he had communicated ſomething to him, relative to this very robbery; if your Lordſhip will pleaſe to examine Mr. Villette as to that matter.

Court. To examine a witneſs to the declarations of a man attainted, and in the moment of ſuffering execution, cannot be permitted; that would be carrying it farther than if the man was alive, for he could not give evidence.

Mr. Chetwood. It is the declaration of a dying perſon.

Court. But the declaration of a dying perſon that was not attainted has never been held better than the evidence of the man himſelf upon oath, although what a man declares under ſuch very ſolemn circumſtances, is preſumed to be tantamount to ſpeaking by a ſolemn appeal to God upon oath: however, the Court incline to go thus far for you; if you have any witneſſes to ſhew that a man, nearly reſembling in perſon this priſoner, was executed, within the time, that may make it in any degree probable that he may be the man, you may examine to that.

Mr. Juſtice Gould. My notion of law is this; as to the dying declarations of an innocent perſon, where a man ſays, I know ſuch a thing, for my father in his laſt moments declared ſo, that ſeems to be equivalent to the living witneſs; but not in the caſe of a man that would be incompetent to give evidence if alive: I am, therefore, clearly of opinion with my brother Eyre.

Mr. Chetwood. My Lord, a pardon would have reſtored him to his former competency.

JOHN PATERSON *ſworn.*

I am a baker in Petty France, I have known him twelve years; I never heard any thing of him but a good character, he lived with his father, who ſent him to ſchool.

WILLIAM WHITLOCK *ſworn.*

I keep a houſe next door to his father, I have ſeen him often, I knew him from a child.

What character does he bear ?—I never heard any thing amiſs of him.

MARY FORESTER *ſworn.*

I live in Orchard-ſtreet, Weſtminſter, thirteen years, next to his father; I knew him from a child, I never ſaw nor knew any thing amiſs of him in my life; while I lived in his father's houſe he was a ſober, quiet, well behaved young man; I never ſaw any bad company come after him, nor heard any complaints brought to his father concerning him; Mr. Drummond made it a rule to ſhut his door at eleven o'clock, and ſee that his family were at home.

CLEMENTINA ISABELLA FORESTER *ſworn.*

I am daughter to the laſt witneſs; I have known him upwards of twelve years, from my infancy; I never heard any thing amiſs of him in my life, but an honeſt, quiet, ſober young man.

Court to Jury. Gentlemen, you have heard the whole of this evidence; and with reſpect to the propoſal of the priſoner's Counſel, to examine ſome witneſſes to prove that a young man, very nearly reſembling the priſoner in figure, ſtature and ſo on, had ſuffered very lately for crimes of this nature, and that he had acknowledged that he was guilty of this particular fact, it could not, conſiſtent with the rules of evidence, which are rules of juſtice, be permitted to examine to the declarations of a perſon under ſuch circumſtances: but, they were told, that they might examine witneſſes to prove that a perſon, nearly reſembling the priſoner in figure and ſtature, had ſuffered for crimes of this nature, and which might be a circumſtance in a doubtful caſe, in favour of the priſoner, to meet the poſitive teſtimony of Lord Clermont; but they have not ventured to examine any witneſſes to eſtabliſh that fact, of the ſimilitude of the perſons; therefore, that muſt be all laid out of the caſe: and it ſeems by their not calling any witneſſes to that matter, as if it was to have reſted not upon the ſimilitude, but upon the declaration itſelf; and we have had experience enough to know, that not much credit is due to the declarations, that have been lately made at leaſt, even under thoſe circumſtances. This caſe ſtands merely upon the recollection of the witneſs the Earl of Clermont, and in a recollection of that kind, to be ſure the honeſt man may poſſibly be deceived, becauſe there may be two perſons which nearly reſemble each other, and one may be accuſed of a fact, which the other has committed; and I wiſh upon the evidence of the alibi, you had been relieved from any other conſideration, but whether you believed that evidence or not; but in this particular caſe it ſo happens, that they run the time ſo near to the time of the robbery, that if it ſhould be clear that the young man was in bed, then it will depend upon the circumſtance, whether Lord Clermont is right in his idea of the time; the fact was committed before the Opera broke up, my Lord Clermont ſuppoſes about eleven; now when the watchman went half paſt ten, is not a thing quite certain, or whether the father's watch went right, who ſays, he came in at thirty-four minutes paſt ten, (and by the way, it is a ſingular circumſtance for him to note at the time) one thing you have to conſider, is in the firſt place, whether you believe the fact of his being at home, notwithſtanding the contradictions of the witneſſes; if you think the contradictions may be accounted for, without imputing them to bad motives, and a deſign to come here to ſpeak that which is not true; and if you in conſequence give credit to theſe witneſſes, on the part of the priſoner, that the fact was as they have ſworn, then one difficulty is got over: or if you think it is a matter ſeriouſly doubtful, if you think in your own minds, that Lord Clermont may be miſtaken, in that caſe you will acquit the priſoner: the whole caſe is before you, and you will judge of it as favourably as you can, remembering on the one hand, that theſe kind of ſtreet robberies ſhould not go unpuniſhed, and on the other, that an innocent man ſhould not ſuffer, becauſe the party who is robbed, thinks he is quite ſure of the perſon of the priſoner; as that is certainly a fact, that is liable to be miſtaken by the honeſteſt and beſt intentioned men in the world.

Priſoner. My Lord, and Gentlemen of the Jury, I hope for the mercy of the Court, I am a young man of ſeventeen.

GUILTY, Death.

Lord Clermont. My Lord, I ſhould not have given the Court any trouble on this proſecution, had not I thought it neceſſary for the ſake of juſtice; but as the unfortunate priſoner is a very young man, I ſhall beg leave to recommend him to mercy.

Mr. Baron Eyre. Your Lordſhip's recommendation will certainly be mentioned, at the ſame time I muſt ſay, that any ſort of apology from your Lordſhip was perfectly unneceſſary, for it would have been extreme inattention, if your Lordſhip had not acted as you have done.

Tried by the ſecond Middleſex Jury before Mr. BARON EYRE.

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798. **JAMES SPINK** was indicted for feloniouſly ſtealing, on the 4th day of July laſt, one linen frock, value 6d. one pair of corderoy breeches, value 6d. one great coat, value 3s. the property of John Moulding; and one ſtable fork, value 1s. the property of Ann Harris and Ann Banniſter.

JOHN MOULDING *ſworn.*

I loſt a coat and breeches out of a ſtable, at the Pack-horſe, Turnham-green; the fork which is the joint property of Ann Harris and Ann Banniſter, was loſt from the ſtable alſo; the priſoner had aſſiſted me in the ſtable, and I ſuſpected him, and on the 17th I found him at Brentford, with my breeches on him, and he confeſſed he ſold the great coat for three ſhillings.

Court. Did you tell him it would be better for him to confeſs?——Yes.

Court. Then ſay nothing about it?—My frock was brought to him when he was in the cage, the great coat I never found.

JOHN HOWARD *ſworn.*

I am a conſtable, I put the priſoner into the cage, and he had a frock on the next morning when I ſaw him.

Priſoner. I bought the things for four ſhillings.

GUILTY, 6d.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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799. **PETER LE ROCHE** was indicted for feloniouſly ſtealing, on the 2d of July laſt, one cotton counterpane, value 8s. four linen table cloths, value 5s. three linen pillow caſes, value 1s. ſeven napkins, value 4s. five towels, value 1s. one muſlin handkerchief, value 6d. one cotton ſhawl, value 6d. one pair of cotton pockets, value 6d. one ſilk ſaſh, value 6d. one linen ſhift, value 6d. four caps, value 2s. one linen fillet, value 2d. two flannel petticoats, value 10s. one ſilk petticoat, value 5s. one ſilk cloak, value 2s. two ſilk gowns, value 18s. one muſlin gown, value 3s. three petticoats, value 8s. two jackets, value 2s. four linen ſheets, value 20s. and one ſhilling in money, the property of Joſeph Francis Martin, in his dwelling houſe.

MAGDALEN MARTIN *ſworn.*

What is your huſband's name?—Joſeph Francis Martin.

How long have you been married?——Twelve years.

Where does your huſband live?—He is in the country at preſent, he lives in Poland-ſtreet.

How long has he been in the country?——About two months or better.

Did he live in Poland-ſtreet before he went into the country?—Yes, I only ſpeak to the property.

FRANCIS BAYLY *ſworn.*

On the 2d of July laſt, between eleven and twelve at night, I was taking a round, being a watchman, and I ſaw a man coming up in a hurry, and I made towards him in Oxendon-ſtreet; I aſked him what he had there, and he ſaid, linen and clothes; I aſked him where he got them from, he ſaid, from Chancery-lane, he ſaid, he was going home to the Hay-market, I aſked him the houſe or number, he could not tell me, I told him he muſt come with me to the watch-houſe, he attempted to lay the bundle off his ſhoulders, I took him with the things to the watch-houſe, the bundle is here.

——— UPHAM *ſworn.*

I aſſiſted in taking this man; this is the bundle that was found upon him.

Court to Mrs. Martin. When did you loſe the things?——At half after twelve at night, the 22d of June, I found them again about fourteen days after; they were in the parlour, the place was opened, I was out, there was only the ſervant left at home, a girl; I came home about twelve, and I found the ſtreet door open.

Where was your ſervant?——Below in the kitchen.

How long had your ſervant lived with you?——Only three or four days.

Had you no ſuſpicion of her?—No, ſhe ſeemed exceſſive frightened, ſhe ſaid, ſhe heard a little noiſe, and ſhe called puſs.

What did you part with her for?—Becauſe ſhe was very impertinent.

PRISONER's DEFENCE.

I had been that day to my agent, Mr. Webſter, I was Captain's ſteward, I met the Cook coming home latiſh at night, about half after eleven, I went a few ſteps up French's-ſtreet, and there is an Upholſterer's, there ſtood up two Gentlemen, one ſhorter, and the other taller, in mourning; on the other ſide of the way there were two girls quarrelling, and one of the Gentlemen tapped me on the ſhoulder, and ſaid, my lad will you carry this bundle for me, they told me to carry it to Chancery-lane, that end next to Fleet-ſtreet, they ſaid, go down the Hay-market; I had not had them up five minutes, before they took me.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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800. WILLIAM SMITH was indicted for feloniouſly ſtealing, on the 25th of Auguſt laſt, a brown mare, price 12l. the property of William Taylor.

WILLIAM TAYLOR *ſworn.*

I am a farmer at Tidmarſh, in Berks; I loſt a brown mare, the 25th of Auguſt, from a field adjoining the houſe, I ſaw her in the ſtable the evening before, my ſervant put her into the field, I miſſed her the next morning about four, I examined about the neighbourhood, and ſhe could not be found, we found the gate ſhut, not faſtened by any padlock; I immediately took a horſe, and three more went different roads, and I heard of the horſe a mile and a quarter from my own houſe.

Who gave you that intelligence?——A widow woman ſaid, a perſon called on ſuch a kind of horſe, and had a glaſs of gin; I then had very ſtrong intelligence from the turnpike men, I went on the road from Reading to Oxford, I heard of her at Hounſlow, I got a man to aſſiſt me and examine the town, and we came on and got intelligence at ſeveral different places; when we came to Smallborough-green, we heard the mare was ſold, and the man that ſold her was gone back to Hounſlow, and inquired for a place to buy him ſome clothes; upon that we found the priſoner at a little private houſe at Hounſlow, it was in the afternoon, I cannot ſay the time, he was laying upon the bed, ſome of his clothes were off and ſome on; I knew the priſoner before, he worked for me the day before, he had worked for me on and off, for about a fortnight.

Had you diſcharged him?—Yes, I had, my work was done.

Did you ſearch him?—No, I cannot ſay.

What money was found upon him?——I took no notice of it.

Do you know what money he had when he left you?—I cannot ſay to two or three ſhillings, I believe he had four ſhillings, or four and ſixpence.

How do you know?——I paid him, he denied knowing any thing about it, but afterwards as we went along in the poſt-chaiſe, I aſked him for what reaſon he did it, and he confeſſed it.

What did you ſay to him?——I aſked him the price for what he ſold it, I ſaid, I heard he ſold it for three guineas, he ſaid it was only two; he ſaid, he took it out of the field, and put the bridle and ſaddle upon it and rode it away; he owned it, before that I aſked him, if he did it for real want or no.

Did you tell him it would be of ſervice to him?——No, I do not recollect I did, but I believe the other men ſaid the beſt he could do, would be to own it, if he had ſold it, and upon that he ſaid, he had ſold it for two guineas; we then came on for town, and we found the mare on Snowhill, I did not go myſelf for her, we found her in the poſſeſſion of one John Malone.

Did you know it to be your mare?—Yes.

Now deſcribe her?——A brown mare, with a white blaze down her face, and one white foot behind, and one before.

How high?—I never meaſured her, ſhe is fourteen or fifteen hands, five years old, a ſhort tail, but not ſo ſhort as ſome of the cart horſes, I have had her two years.

John Malone and Joſeph Clark called on their recognizances.

JOSEPH CLARK *ſworn.*

On the 25th of Auguſt, Mr. Taylor came to me, and informed me he had loſt a mare, I directly ſet out along with him, and found the mare was diſpoſed of at Smallbury-green turnpike; I came there and was informed that the priſoner was returned to Hounſlow, I went back and found him upon a bed aſleep, I waked him and told him my buſineſs, and he acknowledged the taking the mare, bridle, and ſaddle.

Court. Did you, before he acknowledged the taking the mare, bridle, and ſaddle, ſay any thing to him, to induce him to make that confeſſion?——Not at all, he told me, that as he was coming over the heath, the man that purchaſed it, aſked him if it was to ſell, and he ſaid yes, it was, for ten pounds, and that Malone ſaid, let me try her, and if ſhe is a good one, I will give you ſix guineas for her, and when he came to Hounſlow, he ſaid, I will give you but four guineas, you have ſtole this mare, and when he came to Smallborough-green, he would give him but two guineas, or elſe he would take him up on ſuſpicion of ſtealing the mare; he told me all this in the chaiſe, as we were coming from Hounſlow to London; I have been hunting after Malone, but I cannot find him.

PRISONER's DEFENCE.

I had one pound four ſhillings taken away from me, which was my own property, I never took the mare at all, I know nothing about it, I have not a friend in the world.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

801. WILLIAM BROOKS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Robert Turnbull, about the hour of nine in the night, on the 6th of September, and burglariouſly and feloniouſly ſtealing therein, one woman's ſilk and ſtuff gown, value 7s. two linen frocks, value 3s. one linen apron, value 6d. the property of the ſaid Robert.

A Second Count, for breaking and entering the ſaid dwelling houſe, with intent the ſaid goods and chattels burglariouſly to ſteal.

ROBERT TURNBULL *ſworn.*

I am a paviour in Moore's-yard; on the 6th of September, between nine and ten, I found the priſoner in my houſe, behind the door of my lower apartments, on the ground floor, within my room; I was going home, when I went out I ſecured the door and faſtened the window; my wife went out in the afternoon: no door was broke, he got in at the window; I found his hand againſt me, and when I was going to ſhut the caſement, I put in my hand and it met his; then I ſaw him, and I went in and made an alarm.

Could he have got in at that caſement?—Yes, Sir, it was large enough to admit a man, I went in myſelf.

PHILLIS TURNBULL *ſworn.*

I went out in the afternoon, and ſecured the door, and particularly faſtened the window and door, and put the key in my pocket;

ket; every pane was whole, there were ſome cracked, but no bits out; I ſtood behind my huſband, I was the laſt that came up to the place; nothing was carried away: here is a gown, and two frocks, and an apron, that were in the third drawer, that was not locked when I went out, and when I returned they were not there; I particularly remember faſtening the window, becauſe we keep birds, and I was deſirous to keep out the cats.

Priſoner. Whether I am the perſon that was in the room?——Yes, but he has changed his clothes, and likewiſe he wore a wig then; I let him remain there till I ſaw what I loſt, he was in my ſight; the conſtable took charge of him.

PETER PETTIT *ſworn.*

I found the priſoner in the proſecutor's houſe, and from thence I conveyed him to the watch-houſe, and the next morning I took him before Sir Robert Taylor, and I found upon him a knife, a key, and a halfpenny, that is all.

JOSEPH BROWN *ſworn.*

I am the laſt perſon that was within the houſe; I left the houſe at ſeven, and locked the door, and delivered the key at a houſe that we uſe.

JAMES LEICESTER *ſworn.*

I came home in company with the proſecutor and his wife about half paſt nine; I was the ſecond perſon that came to the door, and I ſaw the caſement open, and Turnbull ſaid there was ſomebody in the houſe; I ſaw the window was open, and I went in at it, and behind the door I found the priſoner.

PETER LUXTON *ſworn.*

I alſo came home in company with the proſecutor, and I found the priſoner in the houſe.

PRISONER's DEFENCE.

I believe they are combined together for the ſake of the reward to take away my life; I came from Bartholomew-fair, I was in liquor, and went to lay myſelf down under the window, the window was open, and my hat dropped off, and went in at the window; I knocked at the door ſeveral times, and nobody came; I went in at the window after my hat, and the proſecutor came in and hit me over the head; and they opened the drawers, and his wife ſaid they had loſt three ſhifts; I told them I came in there accidentally.

Court. Any of you that ſaw him there, was he in liquor?——No, my Lord.

Conſtable. He ſaid he had been playing at whoop with an acquintance, and got in at the window.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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802. WILLIAM LEE and RICHARD RIDOUT were indicted for feloniouſly ſtealing, on the 24th of July laſt, twenty-four table knives, tipped with ſilver, value 4l. twenty-four table forks, tipped with ſilver, value 40s. two ſilver table ſpoons, value 20s. one ſilver marrow ſpoon, value 5s. the property of William Windlaw; two ſilver table ſpoons, value 20s. the property of Alexander Mercer, Eſq. in the dwelling houſe of the ſaid William Windlaw.

BENJAMIN ROBINS *ſworn.*

I am a ſervant to Major Alexander Mercer, he lives at Mr. Windlaw's houſe; on Saturday the 24th of July, between the hours of twelve and one, I was ſent out by my maſter, and then a caſe containing twenty-four knives and forks, two table ſpoons, and a marrow ſpoon, ſtood on the ſideboard in the parlour, and when I returned I miſſed them; I was gone about three quarters of an hour; I heard of them the ſame day at Bow-ſtreet, and I ſaw them on the Wedneſday following at the office, and the priſoners were there; there were alſo two table ſpoons belonging to Mr. Windlaw.

CHARLES JEALOUS *ſworn.*

On Saturday the 24th of July, Mr. Macmanus and I were coming along Sutton-ſtreet, juſt before one at noon, and I ſaw the priſoner Lee ſtand at a public houſe door with the landlady, and as ſoon as ever he ſaw me walking down the ſtreet, both the landlady and he turned in ſharp immediately, I followed him very cloſe, he ran through into a back parlour, where the other priſoner was; I got hold of him, and I felt the outſide of his pockets, and I thought he had ſome piſtols; I ſearched his pockets, and found theſe four table ſpoons and marrow ſpoon, I ſecured him, and Macmanus ſearched the other; I looked at the clock, and it wanted a quarter of one, as ſoon as I got down to the office, a gentleman brought a ſpoon to match them with. Lee ſaid a man gave him the ſpoons to carry: his turning back ſo ſharp gave me a ſuſpicion.

Court. What public houſe was it?—The Man in Compaſs.

PATRICK MACMANUS *ſworn.*

I was with Jealous, and ſaw the priſoner at the door, as he has told you; I ſearched Ridout, I found only two pick-lock keys.

Court to Robins. Was the ſtreet door ſhut or open when you went out?——Open.

ELIZABETH DELL *ſworn.*

I am landlady of this houſe.

Court. Have you a huſband?——Yes, he is a journeyman carpenter, and goes out to day work.

Do you know the conſequence of harbouring theſe people?——I did not know any thing of the men, I never ſaw them before, they came into my houſe and called for a pint of beer: as to his ſaying I turned in in a hurry, it is quite falſe, I was in no hurry; I went into the room where they were, I had my child in my arms, and the cradle was there; I went to lay the child down.

Court. If you harbour theſe people, knowing what they are, you are not only liable to loſe your licence, which it is the duty of the Magiſtrate to take from you, but you are further liable to be proſecuted as an acceſſary.—I knew no more than this child.

Do you know any thing now with reſpect to theſe men?——No, that I do not.

Jealous. Sir Sampſon Wright has ſtopped the licence.

Court to Landlady. I would recommend it to you to be a little careful.——I cannot be more careful than I am.

Court. But if you are not, I ſhall recommend it to the Magiſtrate to take away your licence.

Macmanus. There is a ſkittle-ground behind the houſe, and it is a common place for theſe people to reſort to.

PRISONER LEE's DEFENCE.

I was going along Holborn on Saturday, and I met a young man, a gentleman's ſervant, that lived with one Captain Roſe, he aſked me to have part of a pot of beer, I ſaid yes; we went to the Bell in Holborn, and talked, he had a parcel tied up in a handkerchief, and he pulled out theſe ſpoons, and aſked me to take them for him, he was going on an errand, and he appointed me to go to the Man in Compaſs; I have known him three or four years.

Court. Why have not you got him to attend here to prove that?——I have ſent my friends to look after him.

PRISONER RIDOUT's DEFENCE.

I know nothing of this man, I had been of a meſſage, and I happened to drop into this houſe for a pint of beer.

The ſpoons depoſed to, value 20s. and Windlaw's ſpoons, worth 25s.

The knives and forks were never recovered.

WILLAM LEE, GUILTY, 39s.

Tranſported for ſeven years.

RICHARD RIDOUT, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

803. **JOSEPH FENNELL** and **EDWARD SMITH** were indicted for feloniouſly ſtealing, on the 10th of September, one cambrick handkerchief, value 2s. the property of Hill Walker.

HILL WALKER *ſworn.*

On Saturday morning laſt, I loſt my handkerchief between eleven and twelve; I was informed of the robbery, and followed the priſoners; the handkerchief was taken from the priſoner Smith; the priſoner Fennell, the boy, was with him.

NATHAN JACOBS *ſworn.*

I took the handkerchief out of the priſoner's breeches, I have had it ever ſince.

THOMAS LEWIS *ſworn.*

I followed the priſoners, and ſaw the boy (Fennell) after ſeveral attempts, take the handkerchief out of the proſecutor's pocket, and I told the proſecutor; the two priſoners were then ſtanding againſt Bow-church door, they were taken, and I found the handkerchief in Smith's breeches.

PRISONER SMITH's DEFENCE.

I found the handkerchief in Bow Church-yard, and put it into my breeches.

Court to the Boy. Have you any friends? —No.

JOSEPH FENNELL, }
EDWARD SMITH, } GUILTY.

Court. Let the boy be twice whipped, and impriſoned one week between the whipping, and then carried to the officers of his pariſh; and let the priſoner Edward Smith be tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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804. **JOSEPH HARRIS** was indicted for that he, not being a perſon employed in the Mint, nor being authorized by the Treaſury, on the 14th day of February laſt, one mould made of ſand, on which was made and impreſſed the figure, reſemblance, and ſimilitude, of the head ſide of the ſilver coin of this realm, called a ſhilling, without any lawful authority, knowingly, feloniouſly, and traiterouſly, had in his cuſtody and poſſeſſion againſt the ſtatute.

A Second Count, for having a mould for a ſixpence.

There being no evidence, the priſoner was

ACQUITTED.

Tried by the London Jury before Mr. RECORDER.

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805. **HUGH DOYLE** was indicted for feloniouſly ſtealing, on the 3d day of September, eleven pounds weight of black pepper, value 12s. the property of the United Society of Merchants trading to the Eaſt Indies.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Counſel.

JAMES IRELAND *ſworn.*

I am a labourer belonging to the Eaſt India Company, on the 3d of this month the priſoner was at work in the cellars, and he came up and told us it was time to come to work; we told him we would go down by and by, then he went away towards a vault, the vault is two yards off; going before we obſerved he had a vaſt great lump here behind, his breeches were out ſo that he could ſcarce walk; he ſtood in the vault about three minutes, and we watched him if he came out with this lump behind, and he did, and he went down Cree Church Lane; I followed him juſt behind him, and at the bottom of Cree Church Lane, I loſt ſight of him; I turned ſhort round the corner, I went under an arch, and there were a couple of women ſtanding, and I went three doors beyond the arch, and there I ſaw the priſoner in a chandler's ſhop, then I retreated back, and I ſaw him go by with the lump gone out of his breeches; the other witneſſes and I ran immediately to the chandler's ſhop, and I went to the man and ſaid, ſays I, do you buy pepper? no, ſays the man, I cannot ſay I do; I ſaw it lay in the ſcale, and the woman threw it down off the counter, and ſhe pulled and I pulled; the maſter ran away immediately, and never ſaid a word; we did not ſtop the priſoner then, but when the conſtable ſeized him, he ſaid I know of no offence, and when he came to the India-houſe he ſaid it was his property, and he ſold it to a Jew for one ſhilling a pound; he ſaid he bought it at Blackwall the day before, which was a red letter day, and gave one ſhilling a pound for it; then he was ordered in before the Committee; I was not there: then he was ordered in before the Solicitor, and the Solicitor ſaid, undo your breeches, and he did, and there came out five pepper corns.

Court. Do you know whoſe pepper it was?——It is black pepper.

I know that, but who does it belong to?—I cannot ſay whether he did not buy it at Blackwall.

What quantity is there generally in a package?——Sometimes two hundred and three quarters, or three hundred.

Did you perceive any of thoſe packages cut open or broke?——We ſhould never have looked in that hole unleſs we had cleared the hole out; it is very hard to ſwear to pepper.

Mr. Garrow, Priſoner's Council. I believe all black pepper is pretty much alike.

Court. What were you in the pepper warehouſe?——I was employed in ſifting, and putting it forward for ſale.

That was your employment and his at the time?——Yes.

RICHARD WETHERIGG *ſworn.*

Court. What are you?——*I am Richard Wetherigg*, belonging to the Honourable Company's warehouſes: I went into the ſhop, and I ſaw this bag in the ſcale of the ſhop; I never ſaw the bag before.

Court. Are there any of the people belonging to the ſhop here?——No, they are abſconded.

Mr. Garrow. Pray what character had the priſoner?—I never knew him but to be an honeſt man.

Is it at all common to have ſome of the pepper corns about your perſon when you go home at night?——I will *not diſannul* that, you do not hear me ſay he ſtole pepper; he may have pepper come out of his knees, and his ſtockings and ſhoes too.

Court. Did not he ſay, when he was examined, that he bought it as ſmuggled pepper?——I do not know.

Did he ever deny having ſold it?—No; he ſaid he ſold it to a Jew over night; as ſoon as he ſaw the bag going from Billiter-lane he ſaid it was his property, for he bought it yeſterday, and ſold it to a Jew.

Court. Did not he ſuperintend you?——Yes.

The priſoner called two witneſſes, who gave him a very good character.

Court. You ſee, Gentlemen, here is no evidence at all againſt the priſoner.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

806. BENJAMIN COOMBES was indicted for ſtealing, on the 22d day of July laſt, one iron weight, called a quarter of an hundred weight, the property of our ſovereign lord the King.

CHRISTOPHER WEST *ſworn.*

I ſtopped the priſoner on Smart's-key, with the weight concealed under his coat; it is the King's weight, here is the broad arrow upon it.

Priſoner. A man deſired me to carry it.

GUILTY.

Whipped at Somerſet's-key.

Tried by the London Jury before Mr. RECORDER.

807. **JOHN DAVIS** was indicted for feloniouſly ſtealing, on the 16th day of July laſt, one ſhilling of the proper ſilver coin of this realm, value 12d. the money of John Jacobs.

JOHN JACOBS *ſworn.*

I know nothing of the matter, only that my young gentleman had a ſuſpicion, and laid a trap, and diſcovered the matter; I was preſent when the priſoner was taken.

THOMAS JONES *ſworn.*

I had ſuſpected the priſoner for ſome time, he is our elaboratory man; I had ſuſpected him for a long time, and at ſeveral times I had miſſed certain ſums of money, ſometimes more and ſometimes leſs; I had made up my mind; I marked ſome money, and left a little part of the till open, which was not uſual, unleſs done by accident; I marked three ſhillings and three ſixpences, and placed them among the halfpence: in the morning when I came down to my buſineſs, the firſt thing that I did was to look into the till, and I perceived that one of the ſhillings was gone; immediately upon Mr. Jacobs's coming down I told him, we got a conſtable, and the priſoner pulled his money out out of his pocket, and I immediately knew the ſhilling, it was curved on one ſide only; it has been in my poſſeſſion ever ſince.

(The ſhilling produced, and ſhewn to Court and Jury.)

Court. Pray had your till ever been broke open?——Never.

Then how came you to ſuſpect money had been taken out?—Becauſe it had been accidentally left open: the priſoner had been ill, and I thought muſt want money, and yet he always ſeemed to be fluſh of money, his wages were but fourteen ſhillings a week.

Court. You ſhould rather have locked up your till, than have left it open; it is a temptation to a man to take it.

JAMES DAVIS *ſworn.*

I found this ſhilling on the priſoner.

What did he ſay?—He then denied taking it out of the till, and ſaid he took it in change for ſomething elſe, he ſaid what, but I forget what.

Jones. He ſaid he took it in change of a man in buying a ſtove; he acknowledged taking it before the Alderman, I was preſent.

Were any promiſes made him?—Before he was carried before the Alderman he was promiſed if he would confeſs he ſhould be ſet free.

Jacob. I did not wiſh to commit him, and I begged of Alderman Plomer not to commit him, and he was angry with me: I hope the man will have the mercy of the Court.

PRISONER's DEFENCE.

Pleaſe you, my Lord, I was ill of the gripes, I went behind the counter in the morning, and took me a glaſs of tincture of rhubarb; there lay a ſhilling behind the counter, I carried it into the counting-houſe and gave it to my maſter.

Proſecutor. I did not ſee him till the conſtable came.

GUILTY.

Court to Priſoner. Your own folly in telling a ſtory, which you knew muſt be contradicted the next minute, has prejudiced you very much with the Court.

Court to Proſecutor. Has the man any family?—He has a wife, but I do not know whether they live together.

How did he behave before this?—I have nothing to alledge againſt him.

Court to Jones. Your attention is very laudable, but I would recommend to you never to take that method again, by leaving temptation in people's way; a drawer open with money in it, is a temptation, and eſpecially where you yourſelf have told us, that the priſoner was in a ſtate that made him want money.

Court to Priſoner. If it had not been for the circumſtance of this temptation thrown in your way, the crime of a ſervant robbing his maſter is of ſuch a magnitude, that the Court always thinks it neceſſary to puniſh them with great ſeverity; however, that makes ſome difference: on the other hand, your ſetting up a falſe ſtory is an aggravation. Let him be privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before
Mr. RECORDER.

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808. RICHARD COURT was indicted for feloniouſly ſtealing, on the 25th day of July laſt, fifty-five yards of black ſattin, value 25l. the property of Edward Berry, in the dwelling houſe of Charles Stillwell.

The witneſſes examined apart at the requeſt of the priſoner.

EDWARD BERRY *ſworn.*

A quantity of ſilk was delivered to Mr. Stillwell, he is a journeyman of mine; they were delivered at different times, it was to be wove into a ſolid maſs, there was enough to make about one hundred and ten yards; I have no minute of the time, it was within theſe two months.

CHARLES STILLWELL *ſworn.*

I am a weaver, I live in Nicholls-ſtreet, Bethnal-green; I received a quantity of unwrought ſilk from Mr. Berry, but I cannot tell when, for we never keep any memorandum; I received about eighty yards if it had all been made out in one, which it was to do; I made about fifty-five yards, I left it, as uſual, on Sunday the 25th of July in the loom, at three o'clock.

Court. Was it ſilk or ſattin?—It was ſattin, it is all ſilk.

What became of it after you left it?—I was out the 25th of July, and being informed about five in the afternoon that my work was loſt, I ſaw it afterwards with Mr. Wood, I know it is the ſame; the ſilk is here. *(The ſilk produced.)* There are ſome threads out, and the other part anſwers to it; at the beginning of it there are a few ſhoots of pale pink.

Court. Is that mark ſo clearly your own, as to enable you to know it if you had ſeen it any where elſe?——I believe I could.

Is the pale pink the uſual mark?—They mark with different colours, but I cannot ſwear to it from that; I ſwear to it poſitively from its fitting the remnant that is left.

Mr. Shepherd, Priſoner's Council. Where does the priſoner live?—In the ſame houſe, and worked for me in the loom.

Court. Whoſe houſe was it?——Mine; the loom was in my part of the houſe.

Did you ſleep there?——Yes.

In that half of the houſe you rented?—Yes; there was one room and a ſhop to work in; the ſhop was two pair of ſtairs higher than the room.

Who occupied the intermediate rooms?——A perſon that is at the door, one Mrs. Larden.

SUSANNAH LARDEN *ſworn.*

Do you recollect at any time in July any circumſtance of the priſoner having any quantity of ſilk?——The 25th of July, in the afternoon, between four and five, I went up ſtairs into my own ſhop, there are two ſhops on one floor, the other ſhop belongs to Mr. Stillwell, and I ſaw the priſoner with this ſilk on the bed in our ſhop, and a bit of it hanging out, and the rug thrown over the work, and he upon the rug; he was aſleep.

What did you do in conſequence of that?—He told me it was ſome ſattin; and Mr. Stillwell went up into the ſhop, and miſſed the work.

When did the priſoner go out?—Soon after that.

Court. What coloured ſattin was it?—Black.

What part of the houſe do you rent?—The kitchen and one ſhop; Mr. Stillwell has the parlour and one ſhop, that is all the houſe.

Court to Stillwell. What rooms are there in the houſe?——Four, a ground floor, chamber, and two ſhops.

Court to Larden. Had he any buſineſs in your apartments?—No, none at all, Mr. Stillwell had a bed in our ſhop.

Court to Stillwell. Which loom was it this ſatin was cut from?—From a loom in my own ſhop.

Mr. LARDEN *ſworn.*

On Sunday the 25th of July, about half after four in the afternoon, I heard ſome ſilk was loſt; I live in the ſame houſe that the robbery was committed in; I ſaw the priſoner go out with ſomething very bulky about three, this was about two or three minutes before the alarm was given, and in about five or ſix minutes after he was taken; I ſaw him a priſoner within ten minutes.

Court. You did not ſee what he had about him?—No.

Was it wrapped round him?—Yes.

Where was you?——I was in my own room in the kitchen; my door was open, and the ſtreet door was open; I ſaw him paſs.

JAMES WOOD Jun. *ſworn.*

I live in Brick-lane, within two-hundred yards of Mr. Stillwell's, I was at my father's houſe between four and five, on the 25th of July, before the alarm was given, and I heard Mrs. Stillwell cry out, her huſband's work was gone, and ſhe was ruined; I recollected I ſaw the priſoner come out, not five minutes before, with a great load round him, and very bulky indeed; I run down the ſtreet, my father run the other way and took him in cuſtody, and I ſaw my father take the property from his ſide; and my father kept it ever ſince in his cuſtody, it was fifty-five yards; and he ſaid he had done a very fooliſh thing, and he deſerved hanging.

Was he ſober?——I do not know that he was right ſober, and I cannot ſay he was drunk, he had been drinking part of a pint of beer or ſo, but he was in his ſenſes, I rode with him to Clerkenwell.

JAMES WOOD Sen. *ſworn.*

I remember an alarm at Mr. Stillwell's, the 25th of July, between four and five the cry was, that the work was cut out of the loom, and run away with, I looked out of my window, and they ſaid, the man was run down Lloyd's paſſage; I purſued him and took him with the work faſtened round his middle, it was a piece of ſattin, I have had it my poſſeſſion ever ſince.

(The ſattin depoſed to.)

Court. What did the priſoner ſay?——He ſaid, he could not give me the work in the ſtreet, and he went into a public houſe, and the work was taken off him.

PRISONER's DEFENCE.

I had been drinking, and come home about dinner time, and I went down to the neceſſary, and there I found this piece of ſattin lay, and I took it up ſtairs and laid it on the bed, I did not know what to do with it, I was going to aſk my friends what I ſhould do with it.

Court to Berry. What is the value of the ſattin?——Twenty pounds and upwards.

GUILTY, **Death.**

Tried by the London Jury before Mr. Baron HOTHAM.

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809. **EDWARD ROBINSON** was indicted for feloniouſly ſtealing, on the 29th of July laſt, two guineas, value 2l. 2s. and one half guinea, value 10s. 6d. and eight ſhillings in money numbered, the property of William Lawrance, privily from his perſon.

WILLIAM LAWRANCE *ſworn.*

I am a gardener, I live at Walthamſtow, on the 29th of July, I loſt two guineas, and a half, and eight ſhillings, my pocket was picked, and I caught the man's hand in my pocket, it was in Iſlington fields.

At what time of the day ?——Between five and ſix, I was coming from Houndſlow, going to Walthamſtow.

What was there a croud?——Yes, there was a match at priſon-bars, and I ſtopped to ſee it, I was not long in the croud before I caught the man's hand in my pocket, I laid hold of his wriſt and he ſnatched it away, I cried out thief, and he was ſtopped by the mob directly, he was endeavouring to run off, and the mob put him into a great pond, he was there very nigh half an hour, he was very ill uſed in the pond; we had him out and ſearched him, but we found no property upon him, and he was taken to the Juſtices and committed.

Court. You did not ſearch him before he was ducked?——No, when he was ſearched we found no money, only three picklock keys.

Are you ſure you might not have miſtaken the man?—Yes.

Did not you loſe ſight of him?—No, he was ſtopped directly, I never loſt ſight of him before he went into the pond.

Have you any doubt, look at him now? ——He is the ſame man, but he does not look ſo well as he did, when I firſt ſaw him; but I know he is the ſame man.

PRISONER's DEFENCE.

I was ſtanding ſeeing the game go forwards, and two Gentlemen began to fight, and this Gentleman ſaid, he loſt ſome money; he ſaid it was a man in a light coloured coat, one of them took me down to this pond, and threw me in, and kept me in, and kept me there half an hour, and when I came out again, the proſecutor ſaid, he thought I had a mixed coat on, they tore me and cut me there half an hour; I begged to be taken before ſome Juſtice, when the man ſaid, I ſhould come out of the pond, and I came to the Juſtices with him.

Court to Priſoner. What is your buſineſs?—A taylor.

Proſecutor. I never mentioned any thing of the kind about his coat.

Priſoner. He ſaid at firſt before the Juſtice, that he did not take hold of my hand, and could not for the crowd.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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810. THOMAS WHATTON (a child of ten years old) was indicted for feloniouſly ſtealing, on the 6th of September, one gelding of a cheſnut colour, price 5l. the property of John Tarlin.

JOHN BROMLEY *ſworn.*

I found the horſe about eight in the morning, laſt Monday was a week; I ſaw him at Hammerſmith, the priſoner was offering a cheſnut horſe for ſale; he ſaid, he gave his maſter the money to buy this horſe for him, and he bought it going along the road, and he gave three guineas and a half for him, he was ſtopped by William Groome.

WILLIAM GROOME *ſworn.*

The priſoner offered a horſe for ſale, I told him I knew a man that wanted ſuch a horſe as that, I went with him three miles, and the horſe was too little for that Gentleman, the boy ſaid he would ſell him for any money he could get for him; he ſaid three guineas, I told him I would have him; coming back I aſked him how he came by the horſe, he ſaid his maſter bought it for him, that it was wages he had ſaved, I told him I would not buy it, without he would go with me to his maſter, he refuſed that, I ſuſpected him, and took him into cuſtody; he told us coming along, it was Mr. Tarlin's horſe, and that he lived with Mr. Tarlin, and had ſtolen it from him.

Court. What means did you uſe to prevail upon him?—I told him coming along that in caſe he would tell the truth, whether he had ſtole it or not, that we ſhould not take him before the Juſtice.

You muſt not tell us what he ſaid after that; do you know any thing further?—Nothing further.

(*Mr. Tarlin called but did not appear.*)

EDWARD COE *ſworn.*

I met the priſoner with the horſe, between Pope-ſtreet, and Eltham, laſt Monday morning was a week, very nigh upon four o'clock, it was my maſter's horſe, I live with my maſter, I did not know whoſe buſineſs he was upon; he held his head down, and kept on.

Are you ſure the horſe you met him upon was Mr. Tarlin's?——Yes, Sir.

Quite ſure of it?——Yes, he had been with Mr. Tarlin a fortnight, Mr. Tarlin lives at Sidcombe, in Kent.

Do you know any thing of the horſe being afterwards ſtopped at Hammerſmith?—No, Sir.

When did you get the horſe?—We had the horſe home on the Thurſday.

Where did you get it from?——We had it from Litchfield-ſtreet.

Court to Groome. Was the horſe that Mr. Tarlin took home, when this witneſs was with him, the ſame that this priſoner offered for ſale to you?—Yes.

Are you quite ſure of that?—Yes.

PRISONER's DEFENCE.

I was down there, and ſo I found the horſe was coming home, and ſo a man put the ſhoe on the horſe, and I got off his back, and a man aſked me if it was for ſale, and I told him no, I was going to Hyde Park corner.

GUILTY, **Death.**

Court to Priſoner. How old are you?—Between ten and eleven.

Where do you belong to?—To Glouceſterſhire.

What brought you from your own country?——I was *abuſed* in my own country.

Tried by the ſecond Middleſex Jury before *Mr.* RECORDER.

811. MARY ELIZABETH ANDERSON (a child of eleven years old) was indicted for feloniouſly ſtealing, on the 30th of July laſt, thirty yards of ſilk ſerge, value 7l. the property of John Gilbert and John Goſett, privily in their ſhop.

The Proſecutor called on his recognizance and not appearing, the priſoner was

ACQUITTED.

Court to Priſoner. Where do you belong to, child?——My father is a taylor, and lives in Roſe-lane, Spitalfields, my father is ill in bed, my mother is below.

(*The mother called.*)

Court. Are you the mother of that child?——Yes, Sir, my huſband is a taylor.

Why do you ſuffer ſuch a child, to go about to people's ſhops, without taking care of her?——I never do, I knew nothing of this matter, I did not know ſhe was in any fault.

Have you come to ſee her ſince ſhe was in priſon?—I have been to carry her a bit of victuals, and a few apples now and then.

Court. Take her home, and take care of her, and remember you muſt anſwer to God and the public, for the care you take of your children; if you do not take care of them, you are more criminal than they a great deal.

John Goſett. My Lord, I was on the other ſide of the hall, I did not hear myſelf called.

Court. The priſoner is acquitted now, but your recognizance ſhall be diſcharged.

Tried by the London Jury before *Mr.* RECORDER.

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812. SIMON ALLEN was indicted for feloniouſly ſtealing, on the 27th day of July, one pair of woman's ſtays, value 5s. one ſtriped apron, value 8d. a paper fan, value 2d. an iron fork, value 1d. three gauze handkerchiefs, value 3d. and two

pieces of printed linen, value 2d. one pincushion, value one halfpeny, one needle book, value one halfpenny, one pair of ſtockings, value 6d. and one hair trunk, value 6d. the property of Elizabeth Coleman, ſpinſter.

ELIZABETH COLEMAN *ſworn.*

I loſt my goods the 27th of July from a fire, No. 5. Abchurch-lane.

GEORGE SPINKES *ſworn.*

I was aſſiſting Mr. Beard when his houſe was on fire, I brought this box down out of the garret, and put it into the Poſt-office yard; it was a round hair trunk without a direction, it is here.

Court to Coleman. Do you know it was your box?—Yes, there was a letter in it, directed for me, at No. 5.

ISAAC BEARD *ſworn.*

Here is the letter, this is the direction which was to the girl, to my houſe, where I was burnt out; Mr. Darby brought this letter to me.

—— DARBY *ſworn.*

I was at the fire with an engine, the watchman ſtopped this box on the priſoner at the bar.

JAMES HAWKINS *ſworn.*

I ſtopped the priſoner with this box, as I was crying the hour of three; the priſoner was coming with this hair trunk on his ſhoulder, juſt turned the corner into Mark-lane, we ſtopped him, he ſaid it was his ſiſter's property, we took him to the watch-houſe, and there he ſaid, it was his maſter's.

(The letter ſhewn to the proſecutrix.)

Proſecutrix. This letter was in my box.

Mr. Garrow, Priſoner's Council, to Proſecutrix. Was Mr. Beard's houſe burnt?——Yes.

You was very much confuſed?—Yes.

What time did the fire begin?—Between one and two.

You was exceedingly alarmed?—Yes.

Very much buſied?——Yes.

A great many people were there?—Yes, a great many more than I know of.

Your trunk might have been taken away by any ſtranger?——Yes, I ſuppoſed it was burnt.

Court to Spinks. How many more trunks were there in that room?——There were two, I brought down two, and carried them into the Poſt-office.

Mr. Garrow to Hawkins. What condition was the priſoner in, when you found him?——I did not ſee he was any way in liquor.

He was walking on publickly, like any body elſe, that had been to protect property from the ravages of thoſe that meant to ſteal it?——I did not perceive any thing of the kind, he ſaid, he was carrying them to the Three Kings, in the Minories; I did not go to that houſe, but I afterwards underſtood he had been drinking there, till he went to aſſiſt at the fire.

Mr. RYAN *ſworn.*

I am a watchman, I ſtopped the priſoner with a leather trunk, and a waſh-hand-baſon and other things.

PRISONER's DEFENCE.

I cannot tell any thing at all about it, I leave it all to my Counſel; I was much *toſticated* in liquor, there is a witneſs here that was by at the time it was given to me.

THOMAS DEMPSEY *ſworn.*

I live in the Minories, No. 3; I recollect a fire in Abchurch-lane, I was there, I came down from Holborn at that time; I ſaw the engines going by, I ſaw the priſoner there, and I ſaw a woman reach him a box, by the way of taking care of it; ſays ſhe, take care of it.

What ſort of a box was it?——It was a ſort of reddiſh trunk, I would not have given a penny for it, it was tied up with a ſort of lace or pin caſe, as I could think at that time, the man took it under his arm firſt, and put it on his ſhoulder; I ſaid to him, Mr. Allen, what *fetches* you here at this time, I knew him before; ſhe followed him as far as I could ſee.

Jury. Had the priſoner any thing elſe in his hand?—She ſeemed to reach him the trunk, and I do not know what ſhe was going to give him beſides.

Did you perceive any thing in either of their hands?——Nothing in the world; ſhe aſked him to carry it into Whitechapel.

The Priſoner called five more witneſſes who gave him a good character.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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813. JOHN LAWRENCE (a negro) was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Luke M'Carty, about the hour of one in the night, on the 15th day of Auguſt laſt, and feloniouſly ſtealing therein one ſilver watch, value 40s. one ſteel chain, value 1s. one pair of leather ſhoes, value 1s. one pair of plated ſhoe buckles, value 2s. and eighteen guineas, value 18l. 18s. the property of the ſaid Luke.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Counſel.

LUKE M'CARTY *ſworn.*

I am a publican in Eaſt Smithfield; I went to bed about twelve, and faſtened the ſtreet door, I was the laſt perſon up; there are two doors in the front, and I locked them both very ſecure; I miſſed the property about four, we generally open houſe between four and five; my wife generally looks in my pockets for change, and ſhe aſked me if I left any money in my breeches pockets; I told her I left eighteen guineas and a ſilver watch in my breeches pocket in my bedchamber, and my ſhoes and buckles alſo; my bedchamber was in front on the firſt floor, and I found the chamber door open; I cannot ſwear whether I locked it or not; when I went down ſtairs no part of my houſe was broke, but the back window was open: there is a wall where a man could get over, where I think the thief got in, it opens into the back room, right oppoſite my room door.

Court. Do you recollect whether that window was ſhut or not?—No, I do not; I had a black boy, and I took him into cuſtody on ſuſpicion, and upon ſomething I heard reſpecting this priſoner, I took him into cuſtody.

Had you ever ſeen him at your houſe with the black boy?—Yes, very often.

When did you take him up?——The ſame afternoon; I took him right facing my door, at the eating houſe; he had the watch and ſhoes upon him: he ſaid before the Magiſtrate that this black boy conveyed them out of the window to him; he owned to fourteen guineas; he had changed my buckles and bought a new pair, and a new chain to my watch.

Mr. Garrow. I ſuppoſe your firſt ſuſpicion was, that the boy had robbed you, and thrown up the window by way of trick?—Yes.

Did the boy tell you any thing about it?——He denied it.

You did not find any part of your houſe broke at all?—No, I cannot tell whether the back window was broke open or not.

Before this poor fellow had been before the Magiſtrate, had not he been told that he ſhould be hanged?——I do not know.

Did not you, or ſomebody elſe in your hearing, ſay to the priſoner over and over again, that if he would tell all he knew, it would be better for him?——I never heard any thing of the kind.

Did you hear ſomebody ſay to him, if you will tell all about it you ſhall not be hurt?——They might ſay ſo.

But did not they?—They might.

JOHN HASTINGS *ſworn.*

I live at No. 28, Eaſt Smithfield; I knew the priſoner had been about the place for ſeveral days before the robbery, and that day he came into my houſe to dinner, and was bragging he had bought a new watch, I obſerved he had it in his pocket, and he was ſhewing it; the watch was handed from one to another, and to me, in the mean while the officers came and took him, and I carried the watch after him. He followed no kind of buſineſs; he has been in the ſea-faring life.

Mr. Garrow. Before this ſuppoſed robbery, did you ſuppoſe him a fool?—No.

Did not he paſs for a poor miſerable man?—He was a man very ſenſible, what I have heard of his converſation.

JOHN PINCHAM *ſworn.*

I took the priſoner and ſearched him, I found nothing about him at all, only I took this watch to Mr. Haſtings, and the priſoner claimed a right to it, and ſaid he bought it of a Jew.

Court to Haſtings. Is this the watch?—Yes, I ſaw him take it out of his pocket.

(The watch and the ſhoes depoſed to by the Proſecutor.)

PETER MAYNE *ſworn.*

I produce a pair of ſhoes, which I took off the priſoner's feet, which the proſecutor ſwore to be his property.

Mr. Garrow. Was it you that gave the inſtructions for the indictment?——Me, Sir!

Why you heard my queſtion, Sir?——I did, Sir.

You directed it ſhould be for a burglary, Mr. Mayne?——I did, Sir.

Let us know a little of your law; what induced you to give inſtructions for a burglary, where there was no houſe-breaking?——Undoubtedly, there muſt be an entering.

Undoubtedly, Mr. Mayne! and, ſo you, one of the thief-takers of Eaſt Smithfield, gave directions for an indictment for a burglary; now, I aſk you upon your oath, was not it with a view for the reward?—Undoubtedly, I look for the reward, if I was to ſay to the contrary I ſhould tell a falſity; I think it is every honeſt man's place to take up ſuch people.

Court. There is no reflection on Mayne.

JOHN STOUT *ſworn.*

I was ſent for by Mr. McCarty to know if I knew the watch, and this is the watch.

Priſoner. I leave it all to the Council.

ALEXANDER CLARK *ſworn.*

I know nothing of the man, but he left a trifle of money in my hands, he left ſeven pounds odd in my hands.

Court. When?——I do not know really the time, it was upon a Monday.

Was it before or after this happened to Mr. McCarty?——I cannot recollect the day.

Mr. Garrow. How long have you known him?——About two or three months; he always behaved very honeſt to me.

An honeſt, harmleſs, poor creature, I believe.——I never ſaw any thing elſe by him.

GUILTY,

Of ſtealing the goods, but not of breaking and entering.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 15th of SEPTEMBER, 1784, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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M DCC LXXXIV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

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814. FREDERICK USOP was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Enoch Goodhand, about the hour of two in the night, on the 17th day of Auguſt laſt, no perſon being in the ſame, and feloniouſly ſtealing therein one cloth coat, value 5s. one linen ſhirt, value 2s. and twelve yards of printed cotton, value 21s. the property of the ſaid Enoch.

ENOCH GOODHAND *ſworn.*

I am a weaver in Shoreditch, my houſe was broke open the 17th of Auguſt; I locked the doors and went out about nine in the morning; I left nobody in the houſe; a woman that lives in the houſe was out; I latched the door of my own apartment, and I latched the ſtreet door. I came home about two in the afternoon; the firſt thing I found was, the door was broke open, and a coat and twelve yards and a half of cotton, and a ſhirt, were gone from my drawers in my room up one pair of ſtairs, where I live; I ſaw my property before the Juſtice on the 20th.

ANN GOODHAND *ſworn.*

I keep a green-ſhop, my huſband brought me the key about nine, and about ten the priſoner came to me, and aſked me if my huſband was at home, I told him no; then he came a ſecond time and ſaid, has not your huſband been at home, I told him no; I ſaw no more of him till I ſaw him at the Juſtice's.

RICHARD WOOBERRY *ſworn.*

I live No. 205, Holywell-ſtreet, Shoreditch; about the 17th or 18th of Auguſt, about five in the afternoon, the priſoner brought a coat to me to ſell; the coat is here, I bought it.

(The coat depoſed to by Mrs. Goodhand.)

THOMAS TOWNSEND *ſworn.*

I live in Cock-lane, Shoreditch, I am a pawnbroker; this cotton was pledged for half a guinea in the name of Frederick Uſop; to the beſt of my recollection it was the priſoner, but his appearance is ſo different, I cannot be certain.

Did you know him before the Juſtice?— The party came a ſecond time, and brought a perſon with him to buy it; upon that the cotton was immediately produced for the party to look at, and to the beſt of my recollection the priſoner is the man.

SAMUEL HARPER *ſworn.*

On the 20th of Auguſt I was at Mr Wilmot's office, and an officer belongin

Spitalfields pariſh brought the priſoner in, and ſaid he took him up as diſorderly, about one or two in the morning of the 20th; he was examined before the Juſtice, and was committed as diſorderly: after which he ſaw me, I have known him theſe twenty years or more; he ſaid to me, ſays he, Mr. Harper, I want to ſpeak to you, I aſked him what; ſays he, I was the perſon that robbed your neighbour: I never aſked him a word, nor mentioned a word: I ſaid of what; he ſaid of a piece for a gown, and a ſhirt, and a coat; I aſked him then where he had pawned them, and he told me, and I went and told the proſecutor's wife, and ſhe went with me and found the things.

JOHN ARMSTRONG *ſworn.*

On the 20th of this month I was at the apprehending of the priſoner, and I went to the lodgings of one Mrs. Cawdell, and in the preſence of the priſoner I received from her a duplicate of this piece of cotton.

Mrs. CAWDELL *ſworn.*

I went with the priſoner to Mr. Townſhend's to buy a piece of cotton, I looked at it, I did not buy it: I had this duplicate of the priſoner, I have not altered it; I bought the ſhirt on the 18th, which was pawned for half a crown, and I pledged it afterwards with Mr. Townſhend, I wanted the money.

(The ſhirt depoſed to.)

PRISONER's DEFENCE.

I am very ſorry I ever did *the like, if ever I was out* of this trouble, I never would wrong any body any more while I live; I have nobody to ſpeak for me, I have not a friend in the world; I am a weaver, I worked for one Mr. Thompſon in Worſhip-ſtreet.

Court. How old are you?—Forty-three.

Court to Jury. Gentlemen, this is an act made long ſince for the protection of labouring people eſpecially, who are neceſſitated to leave their dwellings in the day time, and it makes it capital for any perſon to break into a dwelling houſe in the day time, no perſon being therein, and to ſteal therein to the value of five ſhillings; but as this act of Parliament was made a century ago, that which *a century ago* was of the value of five ſhillings, ſhould *rather* be conſidered in a caſe like *this*, and in favour of life, *than* what we value at five ſhillings *now*; and if you are of that opinion, you may find this priſoner guilty of ſtealing to the value of 4s. 10d. which will acquit him of the capital part of the indictment.

GUILTY,

Of ſtealing to the value of 4s. 10d.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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815. JAMES ANDERSON was indicted for feloniouſly ſtealing, on the 8th day of Auguſt laſt, four cloth coats, value 20s. one velvet waiſtcoat, value 3s. one nankeen waiſtcoat, value 3s. one linen waiſtcoat, value 2s. one pair of leather breeches, value 5s. two pair of fuſtian breeches, value 5s. one pair of nankeen breeches, value 3s. one linen neck handkerchief, value 6d. one leather pocket-book, value 6d. one ſilver hat buckle, value 6d. one ſilver ſleeve button, value 3d. one ſilver watch, value 30s. one baſe metal key, value 1d. one ſtone ſeal ſet in baſe metal, value 2d. and 14s. in monies numbered, the property of Joſeph Coleman, in the dwelling houſe of William Coleman.

JOSEPH COLEMAN *ſworn.*

On the 7th of Auguſt I went to bed at ten, and on the 8th of Auguſt I loſt my property; the priſoner and I both lodged with my brother William Coleman; after being in bed ſome time the priſoner came to my room door and wakened me, I let him in, and he went through my room into the next room, which was his room; my brother came up ſtairs afterwards, and awakened me again, and aſked me if my watch was ſafe; I put my hand over my head, where I uſually hung it, and my watch was gone.

Court. What time of the night was that?—That was about half paſt twelve; I got out of bed, and went to ſearch for my breeches, which were under the bolſter, and they were gone; then I ſearched about the room, and went down and got a light; then I looked at my cheſt, and it was open, and all my things were gone, and we went down directly, and got two more men, and we ſaw the priſoner ſtand within leſs than twenty yards of my brother's houſe, which is at the neat-houſes; I ran and caught hold of him, he was walking away when I came up to him; I told him you are my priſoner, you have robbed me; he ſeemed not to know any thing of it; we took him to the watch-houſe: the things were hid juſt by, under ſome weeds on the bank, and my pocket book was found upon him; the things have been ever ſince in my own poſſeſſion, all but the pocket book, which is in the hands of Mr. Brown, the officer of the night; the fourteen ſhillings I never had, and I could not ſwear to money. *(The things produced.)* Here is the coat, waiſtcoat, and breeches I had on, I am ſure they were mine; here is my watch, with my name upon it: this coat was not taken out of the room, but taken out of the cheſt; the key of the cheſt was in my breeches pocket: here are two more coats which were in the bundle I found; this coat and a pair of breeches belonged to my younger brother, who is at home, and another coat and a pair of breeches were in my care: here are a nankeen and a linen waiſtcoat, mine; this coat I have on, and that coat were found alſo; and a ſilver hat buckle, and a ſilver ſleeve button were in the pocket book that was found in the watch-houſe.

Court. What may be the value of theſe things that were your own property?——The watch twenty ſhillings; the coat, waiſtcoat, and breeches I have on ten ſhillings; the nankeen and linen waiſtcoats four ſhillings; the leather breeches five ſhillings, the neck handkerchief ſixpence.

When you took the priſoner to the watch-houſe, what did he ſay?——He ſtill denied it: when he was ſearched there were fourteen ſhillings found in one pocket, without any other money; there were one ſhilling and three pence found in another pocket, and my pocket book.

What was the value of the pocket book?—Sixpence; the ſilver hat buckle ſixpence; the ſleeve buttons ſixpence.

WILLIAM COLEMAN *ſworn.*

The priſoner went out on Saturday night, to go to market as I thought, when I let him in, he told me it was half paſt twelve, he hoped I would not take it amiſs he was out ſo late; I told him never to mind it for once; then he went up to bed as I thought.

Court. Do you mean that when he firſt came home it was half paſt twelve?—Yes.

Court to Joſeph Coleman. What time was it that he knocked at your door?—I cannot be ſure, I was aſleep.

William Coleman. Then he came and knocked at the door again at half paſt one, and I made a great many words at his going out again; he never anſwered me a word, he came in and went up ſtairs; in the courſe of four or five minutes he came down again, and went out; I heard him, I did not ſee him; then I had a ſtrong ſuſpicion that ſomething was not right; then I went and called my brother, and aſked him if he had loſt his watch, and he put his hand over his head, and ſaid his watch was gone, and his breeches and money; then we went out, and after a little time we ſaw the priſoner ſtand at a diſtance of twenty yards, or thereabouts.

How long had he been out then?—But a very little while, about half an hour; he made no reſiſtance, but denied every thing; and after we took him to the watch-houſe, and found the pocket book on him, we went back and looked for the reſt of the things, and we found them within five yards of the place where we ſaw him ſtand.

How were they concealed?—They were under a burdock; and there was ſome dirt or ſtuff put over the watch in the neck handkerchief, and the corner hung out, or elſe we ſhould not have found the watch.

JOHN BROWN *ſworn.*

The priſoner was brought to the watch-houſe, I was beadle of the night, I ſearched him, and found this pocket book in his right hand great coat pocket, and fourteen ſhillings in one pocket, and fifteen-pence in another, the minute this was taken out of his pocket, he ſaid to the proſecutor, you lent it me to write a letter, no ſays the proſecutor, you ſtole it.

Court to Proſecutor. Is that your pocket book?——Yes, here is the buckle and button which were in the book when I loſt it, without any paper round them.

PRISONER's DEFENCE.

I had not been long come home from Gibraltar, I lodged at this houſe for about ſeven weeks, I received my money this Saturday night of Mr. Briggs that I worked for, I went to market, and bought ſome things, I got very much in liquor, and ſtaid out till after twelve, I brought my things home, and within three yards of the door, being very much in liquor, I picked up that book, and put it into my pocket; there are other people lodge in the houſe beſides me, I have nobody to my character within a hundred miles; I miſſed a ſhirt out of my bundle; and went to ſee if I could find it, that made me go out the ſecond time; after that, he ſaid, if I would give him fifteen ſhillings, he would give me liberty; then he ſaid, you dog, I will have you hanged as high as Jack the painter.

GUILTY.

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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816. JAMES ALCHARNE was indicted for feloniouſly ſtealing on the 23d day of July laſt, one linen handkerchief, value 6d. the property of John Haſland.

JOHN HASLAND *ſworn.*

On the 23d of July laſt, coming down Long-lane, Smithfield, I found ſome perſon's hand in my pocket, I immediately caught the priſoner faſt by the collar, and ſeized my handkerchief in the priſoner's hand, it was between nine and ten at night, I took the handkerchief from him, and cried out murder; I ſecured the priſoner immediately, and I immediately tore a piece out of the handkerchief, with one of my teeth.

(The handkerchief produced and depoſed to.)

PRISONER's DEFENCE.

I was coming from Fleet-market, and he was catching hold of a man, and he caught hold of me, he had his handkerchief in his hand, he took me to the watch-houſe, and uſed me very ill indeed; I am innocent of the affair, I was upon my own buſineſs.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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817. THOMAS PLUNKETT was indicted for feloniouſly ſtealing, on the 17th day of July, one pair of leather ſhoes, value 3s. the property of Elizabeth Garratt.

ELIZABETH GARRATT *ſworn.*

On the 17th of July we were at work the outſide of a door in St. Paul's Church-yard, I miſſed the ſhoes, and Sarah Conden took them from the priſoner in my ſight, and two neighbours took him into cuſtody.

(The ſhoes depoſed to.)

Priſoner. I picked them up.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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818. LORENTZ GREENHOLME otherwiſe JOHN LAWRENCE was indicted for feloniouſly aſſaulting Mary Hut-

ton, ſpinſter, on the King's high-way, on the 5th day of Auguſt laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, one baſe metal watch, with the outſide caſe made of ſhagreen, value 30s. two guineas, value 42s. one half guinea, value 10s. 6d. and three ſhillings in monies numbered, the property of the ſaid Mary.

MARY HUTTON *ſworn.*

In our return home from Fulham, I think it muſt be after nine at night, with Mrs. Popham in a carriage, we were ſtopped by a ſingle highway-man letting down the glaſs this ſide Bloody-bridge, he ſaid, your purſes, Ladies, we gave him our purſes, he then ſaid your watches, I gave him mine, he then moved his hat, and ſaid I wiſh you a good night; he did not preſent a piſtol and made uſe of no ill language at all.

Court. Was it light or dark?—It was ſo dark I could not ſee him, I do not know whether the priſoner was the perſon or not.

Did you ever get your watch again?——No.

What money did you give him?——I think it was two guineas and a half in gold, and ſome in ſilver.

DOROTHY POPHAM *ſworn.*

We were ſtopped in our return from Fulham by a ſingle highway-man, who demanded our purſes, I let down the glaſs and gave him my purſe, he aſked for our watches, I told him I had no watch, he was very civil, wiſhed us a good night and moved his hat.

Can you take upon yourſelf to ſay that was the perſon?——Upon my word, my Lord, I cannot, for it was too dark for me to diſtinguiſh.

JOSEPH HARDING *ſworn.*

I am ſervant to Miſs Hutton, on the 5th of Auguſt laſt, coming from Fulham, on the King's road, on this ſide Bloody-bridge; we were ſtopped by a highway-man on the near ſide of my horſes, it was a ſingle man on horſeback, but I cannot tell who; he went up to the carriage, and deſired the Ladies purſes and money, I drove on a little way and he ſtopped me again, and deſired their watches.

Court. Then he had quitted the coach, or rather you had quitted him?—He ſtopped me again to get their watches.

How ſoon after this might it be?—I ſuppoſe I had not moved five yards.

Have you any idea who the perſon was?—Upon my word I cannot ſay.

Was it dark?——It was duſk at nine o'clock.

How long might he be with you?—Very few minutes.

Did you take any notice of the horſe?—It was about fourteen hands high, but it was too dark to take notice of the colour.

JOHN POWELL *ſworn.*

I was behind the coach, a man came up and ſtopped the coach, and aſked for money and watches, but I cannot tell who it was, I was on the right-hand ſide of the carriage, and he came up on the left hand.

Was you on horſeback?——No, I was upon the foot board behind the carriage, there was another man behind with me, I cannot ſay whether the priſoner was the perſon, it was too dark.

Mr. Garrow, Priſoner's Counſel. The perſon that robbed the carriage, rode away pretty faſt, did not he?—Yes, very faſt.

WILLIAM SIMMS *ſworn.*

My Lady's coach was ſtopped about nine, in the King's road.

Court. By whom?—By a highway-man, I could not ſee him, I could not tell what colour his cloaths were.

Did you obſerve his horſe?—No, Sir, I could not tell the colour of it.

Then of courſe you could not tell his countenance; he galloped away pretty hard?——Yes, very hard indeed.

JAMES CREEDLAND *ſworn.*

I am a patrol, on the 5th of Auguſt we were on our duty on the King's road, till we came to the road that leads to the Fulham road, on the right-hand, and there we parted, the other two men went on to the King's road till they heard of this robbery, then they came and informed me of it, and I ſaid, there is the man, and they told what ſort of a man he was, and his horſe and every thing, and a hat flapped over his eyes; I ſaid he had juſt paſſed.

Court. What time was that?—It was about ten in the evening.

How far from Bloody-bridge?——Not half a mile, he went into the pond that is by the ſide of Chelſea-common, by that time we came up level with the pond, and he came out of the pond, and one of the men came up and we took him, he was going to put his hand in his pocket, and Carr took his hand away, and put his hand into his pocket, and he found a piſtol, and I took him off his horſe and ſearched him, and found a metal watch in his left-hand waiſtcoat pocket, and a medal and one half-penny, with ſome holes in it: we went to the Admiral Keppel's head, which is juſt by, and took him in and ſearched him, and I found in his right-hand breeches pocket, four guineas and a half in gold, and eighteen ſhillings and ſixpence in ſilver and a dollar.

What ſort of a horſe?—A dark mare.

About what ſize?—I am not acquainted with what they call the hands; it was a middle ſize horſe, rather of the ſmalliſh kind, we ſecured him; when I took him off the horſe, he clapped his hands together, and ſaid, O Gentlemen, if you knew my diſtreſs you would pity me! I told him we were only doing our duty, and we would by no means uſe him ill at all; this is the watch that was taken from him.

(Produced with the glaſs and hour hand broken.)

Proſecutrix. I cannot depoſe to the watch, it was ſuch a ſort of one, a green ſhagreen one, the glaſs was not broke, I never knew the number of it.

Court to Creedland. When you took the watch out of his pocket, was the glaſs broke?——It was.

Did you find any of the glaſs in his pocket?——I did not.

Court. Do you know the watch Mrs. Popham?——No, my Lord.

Court to Creedland. Has the watch been in your cuſtody ever ſince?—Yes, my Lord.

Mr. Garrow. Your watch, I think you ſay, Madam, had neither the glaſs nor hour hand broken?——No, I am very ſure it was not.

Mr. Garrow to Mr. Creedland. I believe when you came up not knowing you or having a good opinion of you, he was ſo miſtaken as to take you for highway men, he told you, you ſhould have every thing he had, or ſomething of that ſort?——He ſaid, for God's ſake, Gentlemen, do not uſe me ill, any thing I have is at your ſervice, when I took him off his horſe, he was trembling in ſuch a manner, he ſaid, O Gentlemen, if you knew my diſtreſs, you would pity me!

Mr. Garrow. Juſt what I ſhould have ſaid, on the like occaſion; now in what ſituation was his horſe, like one that had been gallopped vehemently?—No.

Court to Jury. Gentlemen upon this evidence, it is unneceſſary to put the priſoner upon his defence, nobody can ſwear to the man, and the only circumſtance that could have fixed him at all with this robbery, would have been that of the watch, then perhaps it might have been evidence to have been left to you, to have given it the conſtruction you pleaſed: but, you ſee the watch cannot be identified.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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819. The ſaid **LORENTZ GREENHOLME**, otherwiſe **JOHN LAWRENCE**, was again indicted for feloniouſly aſſaulting James Miller on the King's highway, on the 5th of June laſt, and put-

ting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will 5s. in monies numbered, his monies.

Mr. Garrow. My Lord, I have ſpoke to theſe proſecutors, who ſay they cannot ſpeak to the perſon of the priſoner at all, and they do not wiſh to preſs the proſecution.

NOT GUILTY.

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820. The ſaid **LORENTZ GREENHOLME**, otherwiſe **JOHN LAWRENCE**, was again indicted for feloniouſly aſſaulting Suſannah, wife of James Miller, on the King's highway, on the 5th day of Auguſt laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one Spaniſh Dollar, value 4s. 6d. and 2s. in monies numbered, his monies.

There being no evidence, the Priſoner was

ACQUITTED.

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821. The ſaid **LORENTZ GREENHOLME**, otherwiſe **JOHN LAWRENCE**, was again indicted for feloniouſly aſſaulting Dorothy Popham on the King's highway, on the 5th day of Auguſt laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one guinea, value 1l. 1s. and 2s. in monies numbered, her monies.

There being no evidence, the Priſoner was

ACQUITTED.

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822. **JOHN JONES** and **THOMAS KING** were indicted for feloniouſly ſtealing, on the 27th day of Auguſt laſt, one linen table cloth, value 17s. the property of Richard Meecham.

WILLIAM WATERS *ſworn.*

I was binding hay on Mr. Harriſon's premiſes; I ſaw the priſoner Jones go to Mr. Meecham's garden hedge, and look over it, between twelve and one at noon; I never ſaw him before; then I ſaw him come out of the garden, and go back to priſoner King, who was in one part of the field, and bring a table cloth in his hand; King got up immediately, and they both went over the fence together into the next field.

Court. How near was King to the garden when Jones went in or came out of it?——He was about one hundred and fifty yards off, he was within ſight of him: I followed the priſoners, and about ten yards before I got up to them Jones dropped the table cloth, which I picked up; I took notice then of the marks, I know it again now: King dropped down in a ditch, pretending to eaſe himſelf, and Jones ran away.

Priſoner Jones. I know nothing of King, I never ſaw him before.

The priſoner King called four witneſſes who gave him a very good character.

Court to King. What was you doing in the fields?——I was going to Hampſtead, a man owed me twenty pence for ſome *tatoes*, and I ſaw this boy running, and I turned back, I thought the man was going to lick him for being in the fields.

Court to Jones. What age are you?——I am fifteen, my friends cannot come.

JOHN JONES, GUILTY.

To be whipped, and confined ſix months to hard labour in the Houſe of Correction.

THOMAS KING, NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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823. **JOSEPH HEWLETT** and **JOHN STOCKDALE** were in-

dicted for feloniouſly ſtealing, on the 8th day of September laſt, four gold watches, value 60l. three gold watch chains, value 16l. ten ſtone ſeals ſet in gold, value 5l. one diamond hair pin, value 35l. one diamond ſhirt pin, value 9l. three diamond lockets ſet in gold, value 40l. one pair of diamond and ruby purſe runners, value 36l. one baſe metal watch, value 40s. one ſilver watch, value 40s. three brilliant diamond rings ſet in gold, value 100l. twenty-five yards of linen, value 3l. one horſewhip, value 7s. three pair of ſilver buckles, value 5l. two pair of paſte knee buckles, value 3l. one ſapphire ring ſet round with diamonds, value 65l. three pictures ſet in gold, value 3l. one pair of gold bracelets, value 30s. and one gold ring, value 20s. the property of William Prieſtman, in his dwelling houſe.

The Indictment was opened by Mr. James; and Mr. Silveſter opened the Caſe.

WILLIAM PRIESTMAN *ſworn.*

Examined by Mr. James.

I believe you are a pawnbroker.——Yes, I live in Princes-ſtreet, Soho; the priſoner Hewlett was my aprentice, he came to me in that capacity about April was a twelvemonth.

Had you any conſideration with him?——None at all.

How long did he continue with you in that capacity before he went away for any time?——I think till the 10th of May laſt, I diſliked him much, and I parted with him, he came to me again the 19th of the ſame month.

Court. How came you to take him again?——His friends called upon me, and promiſed that his behaviour ſhould be better in future; he continued with me then till the 26th of July; I parted with him then, his bad behaviour was the cauſe of his leaving me.

Mr. James. Did he come to you again?——No.

During the time that he was with you as your apprentice, where did he lay?——In the ſhop under the counter.

Had he, in the capacity of your apprentice, an acceſs to your property?——Yes, every thing.

Had you loſt any property from your ſhop about that time?——Yes.

Deſcribe as near as you can the amount of that property, and the ſort of property that it was?——I cannot ſpeak with any certainty to the time that they were loſt, but they were all loſt: on the 8th of September in the evening, a gentleman came to pay the intereſt of a watch, a gold repeater, which had been two years; I ſearched for it, and could not find it; the ſame gentleman happened to have a number of things, I looked over the whole belonging to that gentleman, and miſſed about one hundred and twenty pounds-worth; the next morning about eight o'clock, the priſoner Hewlett called for his breakfaſt, he did not lay in my houſe that night, he had not laid in my houſe from the 26th of July, when I parted with him; when he came on the 9th in the morning, I called him up ſtairs and taxed him about theſe, mentioning the different articles; he ſaid he did not know any thing of them: I had a conſtable in the next room, and I charged him with him; upon ſearching him, we found a metal watch and ſome other things.

Was that metal watch your property?——I cannot ſay, he told me at that time it was pawned with me in the name of Leard, for two guineas; I believe nothing elſe was found upon him.

(The metal watch produced by the conſtable.)

Conſtable. I found it upon the priſoner Hewlet, I kept it till the priſoner was fully committed by Sir Robert Taylor; then I ſealed it up, and gave it to Mr. Prieſtman, I received it from him this day in the ſame ſtate; I have the ſeal in my pocket.

Proſecutor. This is the watch that was found upon Hewlett, which he ſaid was pledged in the name of Leard; I have looked at my books, and find I have ſuch a pledge in ſuch a name, and ſuch a watch is miſſing.

Did you go to Hewlett's lodging?——No, I went

I went down to the office, and he gave me an account.

Court. Before he gave you that account, had any converſation paſſed between you and him, in which you gave him reaſon to believe he would eſcape puniſhment if he made a full diſcovery?——Not the leaſt; we went before Sir Robert Taylor.

Mr. Fielding, Priſoner's Council. Did Sir Robert make any promiſes?——No.

You had a conſtable in the houſe?—Yes.

Mr. James. What account did the priſoner give of the property?—The priſouer ſent a man named M'Donald to tell me he could give me an account; he told me he had ſold two rings and a locket to Mr. Shelley, ſilverſmith, in the Strand, for forty-nine pounds, and a gold watch he had ſold to Mr. Heather, for twelve guineas; at the ſame time he told me, ſays he, you do not know where my lodgings are, they are the corner of Orange-court, Leiceſter-fields, mentioning that there was ſome chain, or ſomething of that kind in that lodging; I do not recollect that he metioned any thing elſe; I went to Mr. Shelley's, and there I found one of the rings, a large cluſter diamond ring.

What was the value of that ring in your opinion?——I think between thirty and forty pounds is about the value.

Did you find any other property of your's at Mr. Shelley's?——No.

Did you go to any other place in ſearch of your property?——No.

Do you know of any other circumſtance reſpecting the priſoner Hewlett?——No.

Court. That ring which you found at Mr. Shelley's, have you any knowledge of it?——Yes, I can ſwear to it.

It was a ring that had been pledged with you?—I can ſwear to the major part of the the things, and that in particular.

——— SHELLEY *ſworn.*

Is that the ſame ring that was pledged with you?—It was ſold to me by the young man in the red waiſtcoat.

What did he ſay his name was?—Upon my word I did not aſk his name; but I think it neceſſary to convince this Court, that I gave a full price for it; I ſhewed it to Mr. Blank, in Serjeant's-inn, Fleet-ſtreet, at leaſt my workman did; he aſked him forty guineas for it, and he ſaid, to oblige him, as he had been a cuſtomer, he would give him thirty guineas; now you will find, Sir, I gave thirty-five pounds for it.

What did he repreſent himſelf to be?—The perſon that called cut an elegant appearance; I cannot ſay who he was, he was not in my ſhop three minutes; he was elegantly dreſſed, with a number of ſuperfluous ornaments: the ſervant appeared in the afternoon, and called for the money, which ſervant was the priſoner Stockdale.

(The ring depoſed to by Mr. Prieſtman.)

To Prieſtman. Do you know the priſoner Stockdale?—I have ſeen him two or three times in my ſhop about a twelvemonth ago, he was pledging ſome things, and ſaid he was going to the north of England.

Did he pledge any thing at your ſhop?——Yes, I think he did, I had a good deal of converſation with him about the north of England, I have ſeen him twice ſince in my ſhop.

What was he doing at thoſe other times?—One time I remember I was behind the counter, Joſeph Hewlett was preſent and the little boy, upon his coming in and ſeeing me, he ſtarted and he aſked for ſomething and went out.

Did any thing particular happen at that time?——I do not know; the third time I remember when he came in, and aſked to buy ſomething; I aſked the priſoner Hewlett who was that young man, and he ſaid he was an acquaintance of John Whitfield's.

Court. Have you any recollection of what he aſked for?——I fancy he aſked to buy ſomething out of the window.

Did he ſtay to bargain for it?——No, he went out immediately, and was ſorry he had given trouble.

What appearance did he then make?—A very genteel one; I believe I aſked the boy by remembering his face: I went to one of Stockdale's lodgings, Mrs. Rix's, in

Oxford-ſtreet, that was after Hewlett was apprehended; I found there this gold watch, with chain, ſeals, and trinkets, I found it in a box up ſtairs, and this locket, and theſe ſilver buckles, and theſe knee buckles, they are paſte; I can ſwear to the gold watch, I ſold it once for thirty pounds, and it was pledged with me ſince: it was the watch alone, the whole together is worth that at a low valuation.

Can you ſpeak to any of the other articles?—No, I cannot.

How did you know this lodging that you ſpeak of to be Stockdale's lodging?—From the information of another perſon.

Who was that perſon?——One of the witneſſes in this buſineſs.

What is his name?——Perry.

In what capacity was Stockdale the firſt time you ſaw him?——He told me he was going down as a ſervant with Colonel Lowther, to Lowther Hall in Weſtmoreland.

Have you ever ſeen the priſoner Stockdale at your houſe in company with Hewlett?—No.

Croſs-examined by Mr. Fielding.

April twelve months I think you ſay was the time you took this lad as an apprentice?——Yes.

How long was he bound for?——Four years.

He is very young, is not he?——They told me he was eighteen.

You parted with him once and took him again?—Yes.

How many people do you keep in your ſhop?—I have one boy.

He was frequently left with the controul of the buſineſs of the ſhop?—Yes.

To tranſact all your buſineſs?——Yes.

To take in pledges?——No, he was too young.

You never ſuffered him to take anything in?—No, I did not, he might a ſhilling article, but things of value I took in myſelf.

Suppoſe a perſon came to your ſhop to redeem an article that had been pledged, was not it his buſineſs to deliver that article?——Yes.

And that was his buſineſs while he was with you in your abſence?—I have hardly been out of the ſhop ſince the 10th of May.

What kind of books do you keep in the ſhop?—Day books and caſh books.

This fell to his lot, I ſuppoſe, when you was out to manage and ſettle theſe books?—From the 10th of May I do not think I ever was out, except on a Sunday; I ſuſpected him, and looked very ſharp after him; but I took him again upon his friends telling me he ſhould behave better: I ſent to the Rotation-office for a conſtable.

Where did you take the lad to when you ſpoke to him of your loſſes having been diſcovered, you firſt of all ſpoke to him in your own houſe?——Yes.

Did not you threaten him?——I aſked him what was become of thoſe things, and he ſaid he knew nothing of them.

What did you reply?——I charged him with the conſtable.

Did you hold no further converſation with him?—No, I did not; I aſked him about theſe things, he ſent for me and told me.

Did nothing more paſs between you and him in your houſe?——I was not four minutes with him, but I was preſent during the whole time between him and the conſtable.

And nothing more paſſed?—No.

Did not you, upon your oath, tell him it would be better for him if he would diſcover where the property was?——No, I did not.

You was conſiderably agitated, I take it for granted, at theſe loſſes?———

Court. Were thoſe memorandums that you have in your hand taken at or near the time; I ſee you have occaſionally referred to them?—Theſe have been taken by myſelf ſince.

When the recollection was perfect in your mind, how near the time?—Within a day or two.

Court. Then it is very right you ſhould refreſh your memory.

Mr. Fielding. My Lord, I have no objection to it. Then you ſay you have a perfect recollection of the matter, and do not recollect any thing of that kind ſaid to the poor lad at the bar?——No.

Then afterwards he ſent for you himſelf?——Yes.

What ſtruck you then, did not his penitence induce you to make him ſome promiſes?——No converſation paſſed.

What did you ſay, anſwer the queſtion, either you have or you have not a recollection; if you have not I will not aſk you: did no other converſation paſs, did you give him no promiſes or aſſurances of favour?——I never gave him any promiſe, not the leaſt, I believe I hardly ever opened my mouth; I took a pencil and paper, and he gave me an account immediately.

Then you ſay, in the capacity in which he ſerved you, it was frequently his duty to receive money and reſtore the pledges?—Yes; I was always preſent, I ſuppoſe.

But when you was not there: when did you examine your ſtock?—Since the commitment.

Then when the property was taken from your ſhop you do not know at all?—No; I looked over the book before, and miſſed theſe articles.

Court. What was the amount of what you miſſed in the whole, nearly?—About eight hundred pounds.

Mr. Fielding. What, altogether, now caſting up your account you find you are eight hundred pounds ſhort?——Yes.

Court. I am clearly of opinion, that where it is uncertain at what time the things were taken, it is neceſſary to prove the value of forty ſhillings in ſome one article, in order to make the offence capital.

JOHN JONES *ſworn.*

Examined by Mr. Silveſter.

I know Hewlett and Stockdale, he ſlept with me in the ſhop; Stockdale ſlept there now and then, about three or four times, with me and Hewlett.

Did your maſter know of it?—No, Sir.

Mr. Garrow, Priſoner's Council. How long have you lived with Mr. Prieſtman?——I believe it was in May 1783.

THOMAS MIDDLEBURGE *ſworn.*

I know the two priſoners, I have ſeen the priſoner Stockdale two or three times with Hewlett in Mr. Prieſtman's ſhop.

At what time?—In the morning, before eight or nine.

Was Mr. Prieſtman there at that time?——No.

How often?——Four or five times.

Mr. Fielding. You have ſeen a great number of other people in the ſhop when Hewlett has been there?——Yes.

You ſaw Stockdale there I ſuppoſe in the ſame manner you ſaw other people?—Yes.

THOMAS PERRY *ſworn.*

I am conſtable, I apprehended the priſoner, I examined Hewlett; about the 9th of this month, Mr. Prieſtman ſent for me, I was in the back parlour a few minutes, and he called me into the fore parlour, and ſaid, I will give you charge of that young man, that was the priſoner Hewlett; I ſearched him, and found this metal watch in his pocket, and I found the key of his lodgings, he ſaid, he lodged in Prince's-ſtreet, at a glazier's ſhop, which was wrong, we went there, and no ſuch perſon lodged there; I went to his lodgings in Orange-court, Leiceſter-fields, I was informed he lodged there, and at his lodgings I found this gold chain and ſeals on the table, the door was locked, and I unlocked it with the key I found in his pocket.

During the time you had him in your cuſtody, did you give him to underſtand it would be better for him to confeſs?—Certainly not, my Lord, I had very little converſation with him.

Mr. Prieſtman. This chain and ſeals properly belong to that gold repeater.

Court. What may be the value of them?—Ten pounds.

Court to Perry. Where did you go to Stockdale's lodgings?—He lodged in Sharrard-ſtreet, Golden-ſquare; I did not aſk any queſtions, I do not know who keeps the houſe, Whifiteld was with me then, I there found theſe two rings.

Had you ever ſeen him at theſe lodgings in Golden-ſquare?——He came to Mr. Prieſtman's, and Mr. Prieſtman ſaid, he would be obliged to him, to tell him where his apprentice lodged, I thought I ſaw ſome ſuſpicion about him, he went down with me, I went into the room, he ſhewed me the apartment, and I found this ſeal in his hand, he ſeemed as if he was concealing it from me; I found this locket between the bed and the matraſs.

Mr. Prieſtman. The locket I can ſwear to, but not to the ring, John Whitfield can ſwear to the ring becauſe he bought it,

Court. What is the value of the ring?—Between fifteen and eighteen pounds.

Did you go to any other lodgings?——I went to that lodging of Mrs. Rix's, in Oxford-ſtreet, with Mr. Prieſtman, and there I found theſe buckles, and the gold watch, and this chain and ſeals, and theſe knee buckles, and this locket, they were at Mrs. Rix's.

Court. You need not go through any more articles.

Mrs. RIX *ſworn.*

I live in Oxford-ſtreet.

Did either of the priſoners lodge with you?——Mr. Stockdale, he took the lodging on the 2d day of March laſt, he might ſleep there between two or three months.

Court to Mr. Prieſtman and Perry. Was the room you ſearched at Mrs. Rix's?—Yes.

Court to Mrs. Rix. Was the room that was ſearched, one of the rooms that Stockdale rented?——Yes.

JOHN HEATHER *ſworn.*

Examined by Mr. Silveſter.

You are a ſilverſmith and pawnbroker, in Long-acre?——Yes, Sir.

Did you purchaſe at any time, any valuable articles of the priſoners, or either of them?——The firſt article I bought of Hewlett, was this plain gold watch.

Court. In what ſituation did he come to you?—He was dreſſed very genteel, with a very elegant diamond ſhirt pin, I gave fourteen guineas for the watch, and took a receipt for it; a meſſage came from Mr. Prieſtman, they ſaid we had bought a watch for twelve guineas; I was out, I went and informed Mr. Prieſtman of the watch and the ring, which Prieſtman knew nothing of; the watch I bought the 28th of Auguſt, I gave him fourteen guineas for it, ſome few hours after my young man went into the Strand, Sir, ſays he, that young Gentleman keeps his carriage, I ſaw him with a footman behind him, I thought he was a man of fortune, when he brought the ring.

What account did he give of himſelf?——He ſigned his name George Payne, at the New Hotel, King-ſtreet, St. James's.

Did he give you any other account of himſelf?——No further; he ſaid there is ſuch a piece of work about the pawnbrokers, and as to the watchmakers, they do not like to take their things again; after I bought this, I beg to inform the Court what I did; I took this watch with me—

Court. There is no neceſſity for any juſtification of your conduct, Mr. Heather, you were deceived by appearances that might have deceived any body, and I know no man that is more careful than you; what did he ſell the ring to you for?—Fifteen guineas two days afterwards, here is a receipt for this too; Mr. Prieſtman knew nothing of the ring till I took it to him.

HENRY EWER *ſworn.*

I am ſhopman to Mr. Dobree.

Did you take any thing in pawn from one of the priſoners?——A ring.

Court. Is it neceſſary to go any farther, it only adds to the value, without ſerving at all to the circumſtances of the caſe, if the Jury do not think thoſe circumſtances, that have been already proved, ſufficient to convict, they will not be induced by any more.

Mr. Silveſter to the Pawnbrokers. You underſtand, Gentlemen, though I did not inform you that all the property muſt be returned to Mr. Prieſtman.

Court. The property had better now be produced and left in Court.

JOHN BARTHOLM *ſworn.*

I am ſervant to Mr. Beecham, pawnbroker, in Holborn; I remember Stockdale coming to my maſter's houſe, and pledging a gold watch in the name of Simpſon, for ſeven guineas.

What account did he give of himſelf, when he came to pledge it?——He ſaid, it was his own watch, and that he bought it of the maker, Wrench, and gave twenty pounds or guineas.

Mr. Prieſtman. There is a watch of the name and number exactly like this, there is no doubt but it is mine.

ANTHONY WESTWAY *ſworn.*

I am a pawnbroker, I took that watch in of Stockdale, by the name of Stockdale, Nov. 27, Sherrard-ſtreet, he pledged it for one pound one ſhilling.

(This watch depoſed to by Prieſtman.)

Priſoner Stockdale. I leave my caſe to my Council.

Mr. Fielding. I will firſt trouble Mr. Sheriff Pickett.

Mr. SHERIFF PICKETT *ſworn.*

The priſoner Stockdale lived with me as a ſervant about two years and a half ago.

What character, Sir, does he deſerve from you?—I know nothing againſt him, I have known his mother a great number of years, his mother was a ſervant in a family that I very well knew, and as far as regards honeſty, I know nothing to impeach him, he lived about half a year with me, he was very well recommended, from a place where he had lived a great many years.

JOHN HUNGERFORD GRIFFITHS *ſworn.*

I have known Stockdale about ſeven years, he was taken out of charity by Mr. Grorett, of Merton, in Surry, he lived there ten years, and he was truſted with property, and I never heard his character brought in queſtion till laſt Sunday.

WILLIAM FORSYTH Eſq; *ſworn.*

I recommended him to my brother in law, Colonel Lowther, I was very frequently in the Colonel's houſe, and had an opportunity of knowing him during the time he lived there; he behaved exceedingly honeſt and well, and he left that family on account of ſome diſagreement with the ſervants, and not on account of any diſhoneſty.

ANN FRANKLIN *ſworn.*

I have worked for the priſoner this four months, he always paid me extremely honeſt, I found him an honeſt man.

JOHN TWYFORD *ſworn.*

I have known him five months, I underſtood he was a valet, I always took him to be a very honeſt man.

——— GOSTER *ſworn.*

The priſoner Stockdale lodged at my houſe three months, I never ſaw any thing bad of him.

AUGUSTUS GLORIOR *ſworn.*

I have known him three years, he has a very good character for honeſty.

JOHN OSBORN *ſworn.*

I have known him about ten years, he had a very good character, I never knew him accuſed with anything in my life.

Witneſſes to the character of the priſoner Hewlett.

WILLIAM RYAN *ſworn.*

I know the priſoner Hewlett about ten years, he had always a very good and honeſt character, I never heard any thing againſt him till now.

WILLIAM DANTZ *ſworn.*

I have known him a great many years, he was a very honeſt lad, I never heard any thing to the contrary.

MORRIS HOWARD *ſworn.*

I have known him about eight years, his general character as to honeſty is a very good one.

Court. With reſpect to Mr. Heather, who was going to juſtify his conduct in buying articles of this value from a ſtranger, and was prevented by me, I thought it was unneceſſary; for it is very evident he was deceived by appearances which might deceive any man whatever; and it is but juſtice to the character of Mr. Heather for me to ſay, that he has often appeared in this Court, in a light which puts him above all ſuſpicion; he has appeared on all occaſions to have been as circumſpect and fair, and to have tranſacted his buſineſs as properly as any man in the trade. Gentlemen, with reſpect more particularly to the caſe before you, you ought to ſeparate the evidence reſpecting the priſoners, for it is very different: and firſt, with reſpect to the priſoner Hewlet, he is in the ſituation of a ſervant in the proſecutor's houſe, with acceſs to every thing that is there; he is proved by ſeveral different perſons to have pledged ſeveral different articles to a conſiderable amount, with different people, which articles were miſſed and loſt from Mr. Prieſtman, while he was in his ſervice; added to this, there is proved a direct acknowledgment on his part, that he ſtole the things which he ſold to Mr. Shelley, ſo that with reſpect to the priſoner Hewlet, if you believe the evidence, I am affraid it does not leave any room to doubt of the truth of this charge, or any latitude with reſpect to the value, for the things ſeparately taken are worth more than forty ſhillings; I ſay ſeparately taken, for there muſt be to the value required by law, which is forty ſhillings, ſtolen at one particular time, to make it a capital charge under this indictment, which is for ſtealing goods in a dwelling houſe; for if one hundred pounds worth of goods were ſtolen at an hundred different times, and included in one ſum, they would not amount to a capital offence, inaſmuch as an hundred diſtinct felonies all together will not make one capital felony: but in this caſe, the value of the things produced does not leave much room to doubt; ſo much therefore for the ſtate of the evidence for Hewlett. With reſpect to Stockdale, the caſe is different, and you are to conſider whether the evidence againſt him does not rather prove him, in this caſe, the receiver of theſe goods, than the perſon who actually ſtole them; the finding the property on a perſon when it does not appear how they came by it, is common evidence in every day's practice, that they are the perſons who ſtole it; ſuch is certainly the preſumption of law; if therefore this property had been found at Stockdale's, without their being any other viſible perſon ſtanding forth as the thief, it would have been evidence undoubtedly to ſhew that Stockdale was the thief: in like manner, if property is found at the lodging of two perſons, who lodged together, it is evidence to be left to the Jury that they were both concerned: ſo if parties are proved to be together, or very near the place at the time a robbery is committed, and the ſtolen property is found in the poſſeſſion of one, that is evidence againſt the whole. But in this caſe there is a viſible perſon, who is brought forward to you, by evidence, as the perſon who ſtole the property of Mr. Prieſtman; and though they endeavour to prove a connection between him and Stockdale, that is as well accounted for on the footing of his being a receiver as a thief; and though they prove him to have been there early in the morning, and all night, yet you muſt be clearly ſatisfied that he was actually preſent, and aſſiſting and co-operating with Hewlett at ſome of the times when he ſtole property; that is neceſſary to make him a principal; for whatever connection and confederacy, whatever knowledge of his felonious intention, and whatever part he might have taken, yet if not actually preſent and aſſiſting, he is not a principal but an acceſſary; and the times he ſlept there, there was another perſon with them, ſo when he was in the ſhop, there were other perſons with him in the ſhop. However, if you think he was preſent and aſſiſting at any time when the value of forty ſhillings was ſtolen, he is equally guilty with Hewlett; but if you think that Hewlett availed himſelf of his acceſs to the property of his maſter, and diſpoſed of it to the hands of Stockdale, in that caſe he is a receiver, and upon this indictment he muſt be acquitted, liable to ſuch other proſecution as may be commenced againſt him.

JOSEPH HEWLETT, GUILTY, Death.

JOHN STOCKDALE, NOT GUILTY.

Court. Let Stockdale be detained till the end of the Seſſions.

N. B. *At the call over, Stockdale was ordered to remain till next Seſſions.*

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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824. **EDWARD WILLIS** was indicted for feloniouſly aſſaulting Sarah Pinkſton, ſpinſter, on the King's highway, on the 30th day of Auguſt laſt, and putting her in fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one ſilk handkerchief, value 1s. and one pair of pattens, value 1s. her property.

SARAH PINKSTON *ſworn.*

I was going down Biſhopſgate-ſtreet laſt Sunday was three weeks I think, but I have forgot the day of the month, between nine and ten, and I had a ſilk handkerchief about my neck, and a pair of pattens in my hand, and the priſoner and another man ſtopped me by the Sun alehouſe door, in Biſhopſgate-ſtreet; he took hold of me by the ſhoulder, and aſked me whether I had any money in my pocket, I told him no; the other man made off: the priſoner threw me down on the kirb ſtone, and as I had no money, the priſoner took my handkerchief off my neck, and my pattens which I had in my hand, and ran away, I could not tell which way he went, he went up the alley: I cried out murder!

Court. Did you call the watch?—I did; I followed up the alley a little way: I found him on the Tueſday night in Biſhopſgate-ſtreet.

Did you ever find your things again?—Yes, I got my handkerchief, he had pawned it; he ſaid if I would not hurt him, he would ſend for his mother and get it out of pawn.

Did you promiſe not to proſecute him if he would give it you?—I *never* mentioned *no ſuch* a word.

In what manner did he throw you down?—He took and threw me down on my back upon the kirb ſtone.

Priſoner. I never ſaw the woman nor the handkerchief neither.

Was it light or dark?—It was darkiſh, it was underneath a lamp: I will ſwear he took it.

How long were they with you?——The ſpace of a minute.

Can you be ſure to his perſon in ſeeing him ſo ſhort a time on a dark night?——It was underneath a lamp, I am poſitive it was him.

FRANCIS BAILEY *ſworn.*

I took the priſoner by information of the woman; when I took him to the watch-houſe his mother followed him, and he then ſent his mother for the handkerchief.

Was there any promiſe made him?——None at all; in the watch-houſe he ſaid the handkerchief was in pawn for four pence; I have had it in my cuſtody ever ſince; this is it, his mother brought it, ſhe gave it me, he ſaw it, he owned it, and confeſſed the robbery; there was nothing ſaid in my hearing.

Did not he himſelf ſay that he would ſend for it if you would not hurt him?——No.

(The handkerchief depoſed to.)

JOHN LEE *ſworn.*

I went to take him with the laſt witneſs, I ſaw his mother bring the handkerchief.

Priſoner. I had nothing to do with her, Sir.

Court to Proſecutrix. When he ſaid that he would ſend for the handkerchief if you would not proſecute him, what anſwer did you make?——I told him to give me my property; he did not mention any ſuch word about hurting him; I ſaid if you will give me my property, he told me he would not at firſt.

Court. What was the talk about not hurting him?—I did not ſay ſo.

But he ſaid ſo.—I did not ſwear that I would not hurt him.

But you ſaid he ſaid ſo?——If he ſaid ſo it was not to me, I did not hear any ſuch a word.

Who told you ſo then?—I did not hear him ſay any ſuch a thing.

Why do you perſiſt now in ſwearing that he did not ſay if you would not hurt him he would ſend for your handkerchief.

Well, but he did not fetch my property.

That was not what I aſked you, good woman, and you know it was not.

Court to Jury. Gentlemen, you will conſider whether you will convict a man capitally upon ſuch evidence as this, the charge is laid capitally for a highway robbery.

GUILTY

Of larceny, but not of taking violently from the perſon.

To be whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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825. WILLIAM COX and JOHN SMITH were indicted for feloniouſly ſtealing, on the 21ſt day of July, thirty-eight yards of ſail cloth, value 34s. the property of Robert Adams.

ROBERT ADAMS *ſworn.*

I am a buckle-maker, I belong to the haberdaſher's company as a tackle porter beſides; I had three bales to be ſhipped off from Porter's-key, I believe on the 21ſt of July, about twelve, and about one we found one of the bales cut open, and ſome ſail cloth cut out.

JOHN ELLIOTT *ſworn.*

About half after eight on the 21ſt of July, I was coming through the new alley near St. George's Church, and I heard ſome people ſay that *them two chaps* before had offered that ſail cloth to ſell; I followed them, and came up with one, and aſked him if he would ſell it, he ſaid yes; he aſked eighteen ſhillings, ſays I, that is too much, I will give you fourteen ſhillings, they ſeemed agreeable to take it; the other had it on his ſhoulder: ſays I, can you give me change for a guinea, no, ſays they, then come into the public houſe: when we came in there, ſays I to one of them, why you have ſtole this ſail cloth; yes, ſays he, you know that, or elſe the price would not be ſo: I ſtopped them, they endeavoured to get away; I went for an officer. This is the canvas.

(Produced and depoſed to.)

PRISONER COX's DEFENCE.

I found the canvas in a narrow alley.

Court. What way of life are you in?—I ſerved a little time to a ſhoe-maker; I have no friends here.

PRISONER SMITH's DEFENCE.

I met this boy with a bolt of canvas, which I ſaw him pick up at the corner of Foul-lane in the Borough, I ſpoke to him, and he ſaid he was going to ſell it, and ſays I, you will be taken up and put into Newgate; no, ſays he, *I will not*, for you ſaw me find it; ſo we went and met this man, and he aſked us to ſell it, he brought us into an alehouſe, and called for a pot of beer, and then he wanted to turn us out of the houſe, and we would not go without our property.

WILLIAM COX, } BOTH GUILTY.
JOHN SMITH, }

Each to be tranſported for ſeven years.

Tried by the London Jury before Mr. Baron EYRE.

826. **KYRIN RYEN** was indicted, for that he being a perſon of a wicked mind and diſpoſition, and well knowing, that Patrick Welch, deceaſed, lately ſerved our Lord the King, on board the Aſia, and that certain wages and pay were due to him, and deviſing and intending to obtain the ſame into his poſſeſſion, on the 15th day of September, 1783, came before the Worſhipful Peter Calvert, Eſq; then Maſter Keeper, or Commiſſary of the Prerogative Court of Canterbury, and produced and exhibited a certain paper writing, partly printed and partly written, with a certain mark thereto ſubſcribed, purporting to be the mark of John Welch, and to be the laſt will and teſtament of the ſaid Patrick Welch, by the name of John Welch, and bearing date the 1ſt of November, 1777; and then and there unlawfully, willingly, knowingly, and feloniouſly, did take a falſe oath, that this paper contained the laſt will and teſtament of John Welch, alias Patrick Welch; meaning, that it contained the laſt will and teſtament of the ſaid Patrick Welch, and that he was the brother, and executor therein named, by the name of William Welch, he the ſaid Peter Calvert then and there having competent authority to adminiſter ſuch oath, whereas in truth, and in fact, the ſaid paper did not contain the ſaid laſt will, and he was not the brother of the ſaid Patrick Welch, nor the executor of the ſaid Patrick Welch, to the intent he might obtain probate of the ſame, in order to receive the payment of the wages and pay due from our Lord the King, to the ſaid John Welch, for his ſervice on board the Aſia, the ſaid John Welſh having really ſerved our ſaid Lord the King, as a ſeaman on board the ſaid ſhip.

A Second Count for that he, ſuppoſing that certain wages and pay, &c.

The name of Peter Calvert, Eſq; being inſerted, as the perſon before whom the oath was taken, inſtead of James Harris, Eſq; his ſurrogate, no evidence was produced on this indictment, and the priſoner was

ACQUITTED.

827. The ſaid **KYRIN RYEN** was again indicted for the ſame offence, only charged that he came before James Harris, Doctor of Laws, then Surrogate of the Right Worſhipful Peter Calvert, then Maſter Keeper, or Comiſſary of the Prerogative Court of Canterbury, &c.

The indictment was opened by Mr. Reeves, and the caſe by Mr. Silveſter.

Mr. Garrow, Counſel for the Priſoner, objected that there was no ſuch offence under the act of parliament, as that mentioned in the indictment, and that it muſt be the *true will* of a ſeaman, to which the party offending takes a falſe oath; and that the indictment charged this not to be the true will of the ſeaman, but a forged will.

Mr. Silveſter replied, that the indictment did not charge at all that this was the true will of John Welch, but the priſoner did then and there produce, and exhibit, a certain paper writing *purporting* to be the laſt will, &c.

Mr. Baron Eyre. The affirmance is, that the paper did not contain the true laſt will and teſtament.

Mr. Silveſter. The act of parliament ſays, if any perſon ſhall take a falſe oath, to obtain the probate of *any will or wills,* in order to receive the payment of any wages; now this man goes to the proper officer, and there he takes a falſe oath, for the purpoſe of obtaining probate, which when obtained, is to enable him to receive the money due to the heirs of the deceaſed; whether therefore the true will or not is not material, the only queſtion is, whether the oath was a falſe one, and taken for the purpoſe of obtaining probate; your Lordſhip recollects the caſe of Kimber, in Foſter, where there was no ſuch perſon as the Teſtator that ever had exiſtence; and the Judges determined, that it was an aggravation of the offence, *forging the perſon as well as the thing.*

Mr. Reeves ſaid a few words on the ſame ſide; and Mr. Garrow replied, and contended, that this is not a will, but a paper, partly written and partly printed, purporting to be a will.

The Court over-ruled the objection.

JOSEPH SPECK *ſworn.*

Examined by Mr. Reeves.

I know the priſoner, he came to me on the 14th of September, 1783, into the office of Meſſrs. Marſh and Abbot, Proctors, in Doctors Commons, to whom I am clerk, and ſaid, he wanted to take out adminiſtration to a brother of his that was dead at ſea; I aſked him if he had any will, he ſaid, he had, and he produced a will which is now in Court; I aſked him, if he knew what wages were due to his brother, he ſaid he did, and he produced a ſearch, that he had made at the Navy-office; when I came to look at the ſearch, I found the name was different to what it was in the will, it ſaid in the Navy books, in the name of Welch, and in the will it was ſpelt *Wilch*, I aſked him if he was the brother as ſpecified in the will, and he ſaid he was, I then as is uſual in thoſe caſes alias'd a name of Welch otherwiſe Wilch, I then took him before Doctor Harris.

Who is Doctor Harris?——He is one of the Surrogates in the Prerogative Court.

The oath was adminiſtered?——Yes.

Do you know the oath?—Yes, the purport was, he ſwore that that paper which he then produced, contained the laſt will and teſtament of John Welch, deceaſed, and that he was the brother, and executor therein named; he ſaid, his brother ſerved on board the Aſia, beſides his ſearch at the Navy-office proved it to be the Aſia; the affidavit is in Court.

THOMAS FLETCHER *ſworn.*

(Produces the will.)

Court. Is this the oath reduced to the form and ſhape of an affidavit, or is it a verbal oath?——It is a verbal oath.

Mr. Garrow. Then the executor does not ſign any oath?——No.

Nor the ſurrogate?——Yes, he does.

This ſignature of Doctor Harris is an atteſtation that the executor has been ſworn?——Yes.

Did he ſay it was the Aſia, becauſe I perceive the will calls him a ſeaman on board the *Eſua*.——Yes, Sir, I know it does.

Then you only gueſs that Eſua means Aſia?—I cannot ſay.

The perſon making this might belong to one of his Majeſty's ſloops?——He might.

The name is Wilch too?——Yes.

You had a great many people coming at the concluſion of the war?——Yes.

In the way you do your buſineſs, and the great variety of buſineſs you have, can you be ſure this is the perſon that came to you, and deſcribed himſelf to be the executor of Wilch?——If I had not been ſure of it I ſhould not have come here, I am poſitive.

Court. Can you, under all the circumſtances, at this diſtance of time, ſwear to the man that came to you?——I ſhould be very ſorry if I could not, but if it was the laſt word I have to ſay, he is the man.

Mr. Garrow. Do not they ſometimes ſwear them as executor, and not mention brother?—Sometimes they ſwear them as executor therein named, and do not mention brother.

How many hundred people in the laſt two years have you heard ſworn?—I cannot tell.

Then there is a poſſibilty that the man did not ſwear that he was the brother, but that they omitted that, and only ſwore him as the executor?——I cannot ſay.

Mr. Silveſter. This is witneſſed by you, it is "William Wilch, the brother and ſole executor, duly ſworn;" you put it down before he was ſworn?——Yes.

Then it is perfectly clear that the perſon repreſented himſelf ſo to you?——Yes.

Mr. Garrow. But you cannot charge your memory that the man ſwore anything about his being the brother?——No.

Mr. Silveſter. After this, what is the next proceeding in your Court?——The next proceeding is to obtain the probate.

In what name was that?

Mr. Garrow. You will not tell us that, unleſs you produce it.

Court. When you go before the ſurrogate, you produce the will to him, with the man, and that is written upon it before you carry it to the ſurrogate; I preſume, the oath is framed according to what is written there, if it is executor he only adminiſters to it as executor, if it is executor and brother, I ſuppoſe he adminiſters as ſuch?——Yes.

GEORGE ARNOLD *ſworn.*

I am one of the pay clerks in the Navy-office, I reſide always at Chatham.

What book is that which you produce?——The book by which we paid the brother William the money.

Court. What ſhip's book is that?—The pay book of his Majeſty's ſhip the Aſia.

To whom did you pay that money?——It was paid to the brother William, executor of John Welch, twenty-nine pounds nine ſhillings and three pence, paid on the 24th of September, 1783.

WILLIAM CLORY *ſworn.*

I was a ſeaman on board the Aſia; I know Welch, he came on board a little before we went to India, he died upon the homeward-bound paſſage.

Court. What was his Chriſtian name?—John.

Was there any other man on board that died of the name of Welch?——Not that I know of.

Mr. Garrow. Was you acquainted with the names of all the perſons on board; did you know *Pat.* Welch?——No.

Do not you know that this man you call John, was Patrick, and that in order to conceal it, he called himſelf John; he was a countryman of your's; is not there a little anxiety to conceal the name of *Pat.* on board a ſhip?——I do not know.

You do know all the people on board?—No.

Did you ſerve on board the ſloop *Eſua?*——No.

You do not know how many Welches were on board there?—No.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

Thoſe Ladies and Gentlemen who bind up the Seſſions Papers, are deſired to inſert the following Note with a Pen in No. VII. Part I. Page 1034, (Colonel Gordon's Trial) making an * at the 7th line of the 2d column, at the word *arreſt*:

* "Had Colonel Gordon entered upon his Defence at large, he would have explained this matter, in which the learned Council who opened the Caſe was miſinſtructed, for Colonel Thomas was not in arreſt; when the firſt Challenge was ſent, which was the 15th of October 1780, Colonel Thomas was then walking the Parade and ſtreets of New York, wearing his ſword, and in his refuſal to meet Colonel Gordon he did not pretend to be in arreſt, but declined the meeting, aſſigning for a reaſon, that the matter was then depending, and undetermined".

Or any Purchaſer of that Number may have a correct half ſheet *gratis*, by ſending to Mr. WALMSLAY's, No. 35, Chancery-lane, or Mr. BLADON's, Paternoſter-row.

N. B. The Set of Papers for this Seſſion contain, among many others, the remarkable Trials of Henry Morgan, who was executed for the Murder of Mr. Linton; George Drummond, for robbing the Earl of Clermont; Kyran Ryen, for taking a falſe oath, with intent to obtain letters of adminiſtration, with *twenty others* who received Sentence of Death for Burglaries and Highway robberies: alſo the remarkable Trials of William Stevenſon for Murder, and Elizabeth Curtis for the Murder of her baſtard child, who were acquitted; with the Speeches of Council, and Opinions of the Judges on ſeveral material Caſes; faithfully tranſcribed from *Mr. HODGSON*'s Short-hand Notes; who continues to teach SHORT-HAND in *Four Leſſons*, and to take Trials, *&c.* on reaſonable Terms.

THE WHOLE

PROCEEDINGS

ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*;
HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 15th of SEPTEMBER, 1784, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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M DCC LXXXIV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, *&c.*

Continuation of the Trial of Kyrin Ryen.

JOHN LUCY *ſworn.*

Where do you live?—In St. John-ſtreet, Clerkenwell.

You know the priſoner?——Yes, Sir, very well, I apprehended him with Carpmeal; we took him before Juſtice Levy, who referred him to Clerkenwell-green; we went to a public houſe, and I ſearched his pockets and found ſome papers; this is one, an order to be paid the money upon John Welch, it is not addreſſed to anybody. "Sir, pleaſe to pay the bearer the prize money due to my late brother John Welch, lately belonging to his Majeſty's ſhip Aſia, and this receipt will be ſufficient. I am your obedient ſervant, William Welch."

Mr. Garrow. This is not proved to be anybody's hand writing.

Lucy. He at that time appeared to be under a great deal of anxiety, and ſaid he was very ſorry for what he had done, and wiſhed to know if it could be ſettled; I told him I would ſerve him as conſiſtently as I could with my duty as an officer.

Court. Before you ſay any thing more, did you give him reaſon to hope, or ſuppoſe, that if he told you any thing, you would befriend him?——No, my Lord, not at all, I was very ſorry for his unhappy ſituation when I ſaw that paper; he ſaid he was very ſorry for what he had done, and deſired to know if it could be ſettled; I told him I was not empowered, and I would mention it to Mr. Murphy, which I did, upon which he wrote a letter to a perſon, and ſigned his name Kyrin Ryen: here are two papers that were found. He ſaid he was very ſorry for what he had done, as he had repreſented himſelf to be a man of property: I think the letter was to a perſon at Walworth.

Mr. Garrow. Have you got the letter here?——No.

Then do not tell us any thing about it. How much did Mr. Murphy's bill amount to in this buſineſs?——I know of no bill.

You was to conſult Mr. Murphy about the propriety of ſettling of it?——No, Sir, I ſpoke to Mr. Murphy whether ſuch a thing could be done to ſerve the man.

Was Mr. Quirk preſent at that time?—No; I know him.

Was you preſent at any time with Mr. Quirk, or do you know of any offer being made by Mr. Murphy, that on payment of this bill of fifty pounds, he ſhould be diſcharged?——No.

Court. Priſoner, now is the time for you to ſay any thing that you have to ſay.

Priſoner. At this time I was ſo ill that I was not out of my room for two months and upwards; I have witneſſes to prove that, if you will be ſo kind as to have them called.

(The Priſoner's witneſſes examined apart.)

ROSE CUNNINGHAM *ſworn.*

I live at the Bird in Hand, in St. Thomas's-ſtreet, in the Borough; I have known the priſoner eighteen months.

Did you know him in September?——I have known him eighteen months; I cannot tell the particulars of the year.

Where did he live this time twelvemonth?—This time twelvemonth he was very ill from the beginning of Auguſt till the latter end of September, or the beginning of October, ſo ill that he could not move out of his bed.

Was he confined the firſt fortnight in September?—He was not out of his room, I was one of the ſervants that attended him conſtantly.

Mr. Silveſter. You are ſtill a ſervant, are not you?——Yes, I am.

You are a countrywoman of the priſoner's?—Yes.

What is your maſter's name?——My maſter's name is John Stevens.

Is he alive?——He is.

He is pretty well, I hope?——No, Sir, he is ill.

Has he any family?——A wife and two children, they are all alive.

Who attended the priſoner during this long illneſs of his?—No one but the ſervants of the houſe.

What was his diſorder?—I do not know what his diſorder was, but he was ſo bad he was confined to his bed; he had no phyſician, ſurgeon, or apothecary, my maſter and miſtreſs ſaw him ſometimes: there were three ſervants; the other maid's name is Roſe Turner, and the man's name is James Buſh; the other maid ſervant lives there ſtill, the man has left us: the man now and then attended him, but it was not his buſineſs. He was confined to his bed.

How came you to remember the time?—Becauſe I wanted to go out particularly, and I could not; I never was any diſtance from the houſe.

Did he take any medicines?——No, he never took any medicines, except water-gruel and broth, he had no phyſic at all.

Mr. Garrow. I believe his diſorder cauſed him to ſpit a good deal?——I do not know.

ROSE TURNER *ſworn.*

I live at the Bird in Hand, in St. Thomas's-ſtreet; I have known him, I cannot particularly tell the time, but I think it is better than a twelvemonth: before this time twelvemonth, but not long, he lodged in the houſe where I live as ſervant; the laſt witneſs lives there now: he was very ill about this time twelvemonth, his illneſs began the beginning of Auguſt, and he could not leave his bed till the latter end of September, nor could he turn in his bed without the aſſiſtance of me and my fellow ſervant; he could not go abroad.

Mr. Garrow. What ſort of diet did he live upon?—Broth, my miſtreſs got medicines for him.

I believe there was a particular reaſon why you women did not interfere about his medicines?—Yes, Sir.

Mr. Reeves. How often did you give him a draught?——I gave him a draught in the morning faſting, and another draught in about two hours after.

When again?—I do not know the particular times when again.

Do not you remember the number of of draughts were altered by Dr. Hooper, do not you recollect that?—No.

Why what was the doctor's name?——There was no doctor attended him, my miſtreſs uſed to get ſome medicines for him from St. Thomas's Hoſpital, from a young man.

Where did he ſleep?——In a back room up two pair of ſtairs.

There was another maid ſervant lived in the houſe?—Yes.

What was her name?—Roſe Cunningham; I ſtill live there, we both live there.

Who keeps the houſe now?—The woman that lived in that houſe then has left it, it is not the ſame woman that keeps the houſe now that kept it then.

How long have they been gone?—They have been gone about half a year, I cannot tell where they are gone to.

Who keeps the houſe now?—Mr. Stephens.

What was the former man's name?——Andrew Butler was the name of the former man.

What countryman was he?—I did not aſk him what country he came out of.

Priſoner. My Lord, as for the order, I found the order in the ſtreet about a month before I was taken; I have a witneſs in Court who was by at the time I picked it up.

JOHN DONNELLY *ſworn.*

Examined by the Court.

I have known the priſoner theſe eighteen months.

Do you know any thing of an order from William Welch?——I was walking with that young man, and he picked it up at the corner of Seething lane, between the Globe and the Navy-office.

Jury. When was that?——About three months ago.

Did you look at the paper when it was picked up?—Yes.

What was it?——It was an order to receive prize money; he ſaid at the time he picked it up it might be of uſe to ſome perſon or other.

What ſort of a piece of paper was it?—It was a very ſmall piece of paper, I believe it was a good deal leſs than a quarter of a ſheet; it was a written paper.

You can write yourſelf?——Yes, I can, the name was ſigned William Welch.

How came you not to take it up?—He picked it up himſelf, and he ſhewed it me, and put it in his pocket book.

Did he know ſuch a man?—I cannot anſwer for that.

What time of the day was it?——In the morning between the Globe and the Navy-office, in Seething-lane.

What ſort of a morning was it?——It was a dry morning, it lay upon the footpath as we went along.

Jury. Has this man been in Court during the whole trial?—I only juſt come in now when I was called.

GUILTY, **Death.**

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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828. MARGARET MURRAY was indicted for feloniouſly ſtealing, on the 15th day of July laſt, one pair of gold ſleeve buttons, value 10s. two ſtone rings ſet in gold, value 5s. and ſeven guineas, value 7l. 7s. the property of Richard Oliver, privily from his perſon.

The witneſſes examined apart at the requeſt of the Priſoner.

RICHARD OLIVER *ſworn.*

I am a muſician; on the morning of the 16th of July, I loſt ſeven guineas, a pair of gold ſleeve buttons, and two ſtone rings ſet in gold, they were taken from me by the priſoner; I was walking down Bow-ſtreet, I believe it was between two and three, but I cannot be particular to the hour.

Court. What made you out at that time?——I had been with a friend that came from Margate, and ſtaid drinking with him a little late; I ſaw this woman and five others come up to the Brown Bear, they aſked me for ſomething to drink; I ſaid no, and they aſked me another queſtion, which I ſuppoſe I need not mention to the Court; the priſoner aſked me if I would wiſh to lay with her; I had not any objection: we walked up Bow-ſtreet, and went into Martlet's-court, and a watchman was coming down, and ſhe made uſe of the expreſſion, *here is an old ſcout coming, it will not do here*; ſo we went to Duke's-court, and there ſhe began to take liberties which it is not decent to mention in Court: we did not go to any houſe, we were talking together about four or five minutes, and I felt a twitch at my breeches, and I immediately caſt my eye down, and ſaw my pocket inſide out; I took hold immediately of her gown, ſays I, you muſt give me my money again, you have ſeven guineas in one paper, you have two gold rings and a pair of ſleeve buttons in another; ſhe denied it, and uſed ſome very ſcurrilous language, and inſiſted to go; I told her I inſiſted on her going to the watch-houſe, without ſhe gave me my money again, and I called a watchman, and took her to the watch-houſe: In ſtruggling to get from me, I do not know whether ſhe threw the paper, but I ſaw it on the ground by her petticoats; I picked it up, and dropped the gold ſleeve buttons; I told the watchman to take care of them, and I deſcribed them.

Court. But whether ſhe dropped the paper or not you do not know?—I was cloſe by her petticoats, and in the ſcuffle, I ſuppoſe, ſhe muſt have dropped it: we took her to the watch-houſe and had her ſearched, and two other women came rubbing againſt her, and ſaid, what was the matter? I told them to keep clear of the woman, they would not leave her, ſo I took all to the watch-houſe; the watchman ſearched the priſoner in another room, but I was not there.

Priſoner. I do not know the Gentleman now, and I cannot recollect I ever ſaw him before.

Proſecutor. I never quitted my hold till ſhe was in cuſtody.

HENRY BAMBRIDGE *ſworn.*

Here are ſeven guineas and a pair of gold ſleeve buttons, the buttons were given me by one Sullivan, a watchman; on the 15th of July, about twenty minutes or a quarter before four, being in the watch-houſe, the proſecutor brought in the priſoner and two more women, and ſaid, he had been robbed; he deſired to have the priſoner ſearched, for he ſaid, ſhe was the neareſt to him, and had her hands about his breeches; I ſearched them all; I ſtripped the priſoner naked to her ſhift, ſhe ſaid it was indelicate to go any further, I ſaid, I muſt go a ſtep further, and ſearched her private parts; I was attempting to ſearch that particular part, and ſhe put her hand herſelf there, and pulled out theſe ſeven guineas, and gave them to me; ſhe denied it twenty times before, but when ſhe produced it, ſhe deſired it might be given to the Gentleman again, the Gentleman wanted his rings, and if he could have got them, all would have been well, but they were never found.

Court to Proſecutor. Were the rings in the paper with the ſleeve buttons?——They were.

JAMES SULLIVAN *ſworn.*

On the 15th of Auguſt, I picked up in Bow-ſtreet, Covent-garden, a pair of buttons very much like theſe, I gave them to Bambridge.

(*The buttons depoſed to*)

PRISONER's DEFENCE.

I told Mr. Bambridge, I had no money belonging to me, but what was my own; a perſon was ſick, and ſhe deſired me to get her a drop of ſomething, this was between twelve and one, I live in Wild-ſtreet, and I came to the Brown-bear, to get a quartern of brandy; I ſaw three or four women and a man, I do not now know the proſecutor: a married Gentleman that I have a child by, gave me a few guineas, to get ſome things, and to go to ſervice, and happening to have it about me, the Gentleman ſaid, I muſt be the perſon that robbed him.

GUILTY,

Of ſtealing but not privately.

To be confined to hard labour ſix months in the houſe of correction.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

829. **SAMUEL THOMPSON** and **GEORGE CAMPBELL** otherwiſe **JOHN CAMPBELL** were indicted for feloniouſly aſſaulting, in a certain open place, to wit, in the yard belonging to Wood-ſtreet Compter, Mary Pickering, and putting her in fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, three ſhillings in monies numbered, her monies.

MARY PICKERING *ſworn.*

I do not know what day of the month it was, I went to ſee a poor woman, in Mr. Kirby's Compter for a few words.

When was it?—God Almighty knows, I know it was of a Friday, I know I had been out with pickling walnutts, I believe it may be about ſix weeks ago, I look upon it to be about three or four in the afternoon, I was robbed there of three ſhillings, I had my hand in my pocket, and one held me, while the other took it out of my hand, that young fellow held me, while Paul Jones, I believe, took the money from me, I was ſo frightened, I did not know what to do, I could not tell how to hold a limb of me ſtill; it was all my bit of mite I had to go to market with.

Court. Then the ſame fright might incapacitate you from knowing the men again?——They are the ſame men, they wrung it out of my hand, they were not above two or three minutes doing it.

What were the other priſoners about?—God almighty knows.

Then I ſuppoſe you complained immediately to the keeper?——Yes, Mr. Kirby's men took them out, and ironed them directly; I could not get my money you know, becauſe they had it, I never ſaw a halfpenny of it, any more than you give me now, I never was in ſuch a place in my life.

Priſoner. Pray good woman when you come in, was not I very much in liquor?——The Lord almighty knows, I don't know.

Which ſide did I ſtand when I held you?—You ſtood by the ſtairs.

Priſoner. She is ſwearing an innocent man's life away, I aſſure you.

JOHN KIRBY *ſworn.*

I am the keeper of the Compter, I was at Guildhall when this matter happened, the poor woman came to me, and informed me of theſe two men having robbed her, theſe men are convicts that have been in the Compter ever ſince the year 1782, I came home, and my men ironed them, and put them in the cell.

Jury. Was the woman drunk or ſober?——Very ſober, but frightened out of her ſenſes.

BARNEY BROOKE *ſworn.*

On the 27th of July, I heard a noiſe, I looked through the chequers, and I ſaw the priſoners round this woman, the woman cried out, I believe their hands were in her pocket.

Court. Did you ſee that?—No, I did not ſee it, the woman cried out, and ſaid, ſhe had loſt three ſhillings.

Court. Was ſhe in liquor?—No, ſhe ſeemed to be in a very great fright.

PRISONER THOMPSON's DEFENCE.

When firſt the woman came into the gaol, ſhe was very much in liquor, ſhe aſked me what I was in for; I told her I was a convict, and had ſentence paſſed upon me to go abroad, to the coaſt of Africa; ſhe aſked me how I lived, I told her I was allowed a ſmall trifle by the county, ſhe aſked me for ſome good handkerchiefs, ſhe ſaid, ſays ſhe, I will treat you with a pint of beer, when you hear of any body that has a good handkerchief, keep it for me, ſhe ſaid, ſhe lived with one Mr. Shaw, who lives in Golden-lane, and buys ſtolen goods.

PRISONER CAMPBELL's DEFENCE.

I am innocent of the matter ſhe has charged me with; there were a dozen priſoners round her, debtors as well as felons, and the firſt that took the money out of her hand, I run after him and bid him give it her back, he put thirteen-pence into my hand, the laſt witneſs aſked her what money ſhe had loſt, ſhe ſaid, three ſhillings and three halfpence, ſhe ſaid, it was a man pitted with the ſmall pox, I ſaid, be ſure who it is, ſo the laſt witneſs ſays, come in, and I will take and iron you, I went into the room next to Wood-ſtreet; ſays I, good woman I hope you have nothing to ſay againſt me, I am going to be ironed for nothing, I did not ſo much as touch the hem of her garment, one of Mr. Kirby's ſervants came in, and ſhook hands with me in the bail-dock, and ſaid, Campbell, I am ſorry for you, for you are innocent.

Who was that man?—Mr. Butt.

Mr. Kirby. He is here my Lord.

Court. Call him.

WILLIAM BUTT *ſworn.*

I am ſervant to Mr. Kirby.

Do you know who it was that robbed this woman?——No.

Did you tell this man to day, that he was here as an innocent man?—Far from it, I did not ſhake hands with him.

Priſoner. My Lord, there is evidence he did ſhake hands.

Butt. Here is a young lad that was concerned with them, that they did not *peach* againſt.

Priſoner Campbell. I am here for another perſon.

Court. If you have any witneſſes to call, do ſo, but do not hold this ſort of diſcourſe.

Priſoner. I have not a friend in the world to apply to.

Jury to Proſecutrix. Did not you ſay juſt now, that you had not been in the Compter till then?——Never, only to ſell goods, I went to ſell my goods ſeveral times.

SAMUEL THOMPSON, } GUILTY, Death.
GEORGE CAMPBELL, }

Priſoner Campbell. Conſider our long confinement, the woman has ſworn our lives away.

Priſoner Thompſon. Our lives are ſworn away for the ſake of the money.

Tried by the London Jury before Mr. Baron HOTHAM.

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830. FRANCIS DOYLE was indictee for feloniouſly aſſaulting, Judith, the wife of Patrick Donnevan, in a certain dwelling houſe of a certain perſon unknown, on the 4th day of July laſt, and putting her in fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, three half-guineas, value 1l. 11s. 6d. and one half-crown, value 2s. 6d. the monies of the ſaid Patrick.

JUDITH DONNEVAN *ſworn.*

Court. What are you?—I am an Iriſh woman.

What is your buſineſs?—I do not follow any buſineſs, only ſometimes I ſell fruit.

Was you robbed laſt July?—I was, the priſoner came to me, and aſked me if I had a lodging for him, ſomebody recommended him to me, I never ſaw him before, I cannot tell the day of the month, he wore a ſailors jacket upon him, ſays he, come along with me, and I will put ſomething in your way, and help me to bring my ſhirts and a cheſt that I left at home, he ſaid, he would put two or three ſhillings in my pocket, and I was glad of it; but I ſaid, I would not go without my huſband, and he took me ſeven or eight miles.

But did he take you without your huſband?—No, Sir, he did not, and then he left my huſband in one public houſe, and took me to another, and there he robbed me.

Then you did ſet off with your huſband at firſt?—Yes, I don't know what place he robbed me in, it was beyond Iſlington, he took me in the houſe, and he called for a pint of beer, and there were two Gentlemen drinking a pint of beer and nobody elſe, and as ſoon as we came in they went out, then the boy brought a pint of beer and went out directly, then the priſoner drank a drop of it, and then he aſked me what money I had; not a great deal ſays I, let me have what you have of it, ſays he, and I gave him the three half-guineas in his hand.

What did he ſay this in a threatening manner?——Yes, and he threatened my life, and I was afraid to ſay any thing, I gave him three half-guineas, and half a crown I thought to keep.

Did he draw a knife or any thing of that ſort?—No, Sir, he did not, I ſtaid in the place an hour after he robbed me of my money; I did not ſee any body in the houſe but himſelf, I was afraid to tell any body in the world how he ſerved me, he got the money and went away directly.

Court. Did you ſee no alehouſe boy?—I never ſaw the boy at all, I did not know any more of the place where I was, than a fool, I think in my own mind, that I ſtaid more than an hour in the place after he was robbing me, my huſband met me in the fields, coming from the other public houſe, I did not tell my huſband how he had ſerved me, till three or four days after, till I was very bad, I was ſo frightened, I am ſure this is the man, he left this bundle behind him, there is nothing in the bundle but ſome old wood, and hellebore.

Court. It is not worth your three half-guineas, and half-crown?—No.

Priſoner. Firſt and foremoſt, it is too long a ſtory, and I am not willing to give the Court and Jury any trouble; aſk her whether ſhe ſwore a robbery at Litchfield-ſtreet?——No, I did not, I ſwore that he threatened my life.

Court to Proſecutrix. Did you tell this ſtory exactly at the Juſtice's?—Yes.

CATHERINE KELLY *ſworn.*

I know my Lord, what ſhe has ſworn in finding the bill againſt him, Mr. Fletcher at the Juſtice's, ſaid to her, do you chooſe to make it a fraud, ſhe being dull of apprehenſion, ſaid, yes.

What is Mr. Fletcher?——Clerk to the Rotation-office, at Juſtice Welſh's.

Did ſhe tell the ſame ſtory when ſhe was examined?——She did, ſhe ſwore th man threatened her life.

HANNAH CRAWLEY *ſworn.*

He ſerved me in the ſame way he did her.

What do you know of Donnevan's buſineſs, what did you hear her ſay before the Juſtice?—The very words ſhe has ſaid juſt now, ſhe ſaid ſhe gave him three half-guineas, and then he demanded the half-crown, or elſe her life.

Court to Clerk of Arraigns. Is there any examination returned?——No, my Lord.

Court to Judith. Speak ſeriouſly, you know you are upon your oath, did he really threaten your life?—He did, Sir, if he had not, I ſhould not have given him my money.

Upon your oath, did you part with your money for fear of your life?——Upon my oath I did.

PRISONER's DEFENCE

Pleaſe you my Lord, this woman took me to her houſe, I had ſome ſnuff to ſell, when I went to ſell it, ſhe wanted to ſell it on Sunday, ſays I, it is not a fit day to ſell it of a Sunday, I brought them to the Northumberland-arms, Clerkenwell-green, her huſband went with me to drink part of a pot of beer, we went from there to Hick's Hall, I did not like to carry her to the Blazing-ſtar, where I had a hundred weight of ſnuff, I went in and called for a pint of beer, the boy came in, I went to fetch ſix pound more, and the boy ſaid when I returned, ſhe was run away with the handkerchief and the ſnuff, I ſet down till half after nine, it was not a feaſible thing, that I ſhould rob a woman at that time.

THOMAS VAUGHAN *ſworn.*

What are you?——I live at the public houſe, the Northumberland-arms, Clerkenwell-green, I ſaw this Gentlewoman on Sunday evening between ſix and ſeven, come in to the box and call for a pint of beer, the Gentleman put down ſome ſnuff and went away, and ſhe took it and run away, and he ſtaid till between nine and ten in the afternoon, and ſhe did not return.

Court. At what time was it?—Between nine and ten, at night.

Who elſe was in the houſe?——There was ſeveral people in the next box to them.

Court. What day of the month was this?——I cannot ſay.

What month was it?—I do not know.

Was it any time laſt winter?——It was laſt winter.

Was it before Chriſtmas or after?——After.

I ſuppoſe it was dark, you ſay it was between nine and ten?—Yes.

Court to Jury. This fact the woman ſwears to, was in July laſt, you hear her ſtory, ſhe ſays, this man came to her in July, and aſked for lodgings.

Court to Judith. Was that the boy?—I cannot tell.

Court. Gentlemen of the Jury, whatever ſtory ſhe gave before the Juſtice, if ſhe has now told the truth, this is the ſtory to which you are to attend; at the ſame time, if ſhe has given different accounts, then to be ſure it throws a very ſtrong ſuſpicion upon the truth of her ſtory, but if you believe the witneſſes have told the truth, there is no doubt in point of law, but he has committed a robbery.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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831. JOHN BARKER was indicted for feloniouſly returning from tranſportation, and being found at large within this realm, on the 31ſt day of Auguſt laſt, without any lawful cauſe.

JOHN TOWNSEND *ſworn.*

This is the record of the conviction I had from Edward Reynolds, Eſq; Clerk of the Arraigns, it has been examined by the original record, and it is a true copy. *(The record read)* I put the priſoner and another to be tried for a highway robbery, in September Seſſion, 1783, I do not remember the day, but in December, in the ſame year, I put him to the bar, he received a pardon upon condition of being tranſported for ſeven years, and in my hearing he accepted the pardon, I am ſure he is the ſame man; on the 31ſt of Auguſt on the left hand of Shire-lane going up, me and Macmanus in company with others, met the priſoner about half paſt twelve, he had his handkerchief up to his mouth, when I firſt ſaw him I did not know him, but as ſoon as he took the handkerchief from his mouth, I knew him, and I ſaid, what Barker, what do you do here, he in reply, ſays, my name is not Barker, I ſays, yes it is Jack, and you muſt go with me, and I took him to the watch-houſe immediately.

PATRICK MACMANUS *ſworn.*

I have nothing to ſay, only I was out that night that Barker was taken, I can ſay nothing more to the buſineſs.

Priſoner. There may be another Barker beſides me, I had people to attend here but they are gone.

After the Court ſummed up the evidence, the Foreman of the Jury ſaid, My Lord, the Jury beg to withdraw.

Court. After having ſtated the evidence ſhort, it does not become me to preſs any thing further to you, it is for your diſcretion, but it is my duty to ſay to you, this is the uſual courſe of evidence, in caſes of this ſort, at the ſame time it is totally in your breaſts, to ſay you are ſatisfied or not; and you are not bound to give your verdict, becauſe numberleſs other Juries have given their verdict upon evidence of the ſame kind; for my own part, I never feel any difficulty when in a capital caſe, where a man's life is concerned, and a Jury pauſes ſo conſiderably as you do, in ſuch a caſe I never heſitate to recommend it to them to acquit the priſoner.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

832. JOHN ROMAINE was indicted for feloniouſly ſtealing on the 31ſt of July laſt, one cloth great coat, value 5s. the property of Charles Alexander Crickett, Eſq;

CHARLES ALEXANDER CRICKETT, Eſq; *ſworn.*

Did you loſe a great coat laſt July?—I did, on the 31ſt of July, it was my coachman's great coat, I was returning to my houſe in Charlotte-ſtreet, in a chariot that was not my own, my own being out of repair, and it was one that my coachman had got for that day, there was a particular injury done to the carriage, I was going along Hart-ſtreet, when of a ſudden I was thrown back in my carriage, and it appeared to me it was broke down, I called to the coachman, he got off his box directly, he went to the hinder part of the carriage, and I heard him ſay preſently, that the brace was cut, I got out as ſoon as I could, and as I was getting out, there was a man that was taking one of the glaſſes down on the off ſide of the carriage, I ſpoke to him pretty warmly to let the glaſs be as it was; I heard the coachman ſay it was cut, it immediately occured to me it was cut deſignedly, I went to the hinder part of the carriage to judge of it whether it was cut or no, I run my finger and had no doubt but it had been cut, upon which I went towards the ſide of the carriage to ſee if the things were ſafe, I had ſome little articles in the carriage, and I knew there was the coachman's great coat upon the box; he ſat upon it, and on the ſide of the carriage, I ſaw the great coat drawing off the box, upon which I got as haſtily forward as I could to the head of the horſes, and I ſaw a man run away with the great coat, there is a ſhort turning on the left hand which goes to Hyde-ſtreet, I called out ſtop thief! pretty loudly two or three times, the man continued ſtill with the great coat, and when he had got a little way on the pavement he dropped it, I am only ſpeak- of a man, not of the priſoner, I cannot identify him otherwiſe than I ſhall explain to you; he purſued his way to the corner of the next ſtreet, and I ſaw there more than two or three perſons, there was no other perſons running in the ſtreet, I ſtood ſo as to command the whole ſtreet; at the corner I ſaw a ſtruggle, I called out, have you got him? the anſwer was, yes; I ſaw two or three perſons with the great coat: I went on towards the man and took hold of him, and brought him, expecting that the coachman had taken hold of another man: I conceive the priſoner to be the man that carried off the great coat; I cannot ſpeak to him poſitively any otherwiſe than that it was impoſſible that any other man could have gone to the corner of the ſtreet; he was the man that was ſtopped, and I had my hand upon him in a moment, the whole tranſaction was of a very ſhort duration.

JOHN NASH *ſworn.*

I am a coachman to Mr. Crickett; this great coat was on my box the 31ſt of July, as I was driving my maſter home; I did not ſee the man pulling it off, I was under the carriage, the brace of the carriage was cut in two, I was bracing it up again, and was under the carriage when the coat was taken off.

Did you ſee the priſoner taken?——No; I found the coat on the pavement, ſome diſtance from the carriage; I did not ſee the priſoner about the carriage.

WILLIAM FIELD *ſworn.*

I was ſtanding at the Yorkſhire Arms door, near Bloomſbury-market, and I heard the cry of ſtop thief! and I ſaw the priſoner run from the corner where the carriage was ſtanding, and I caught at him, and he ſtruggled, and tore my waiſtcoat, and he got from me; he had no great coat; I caught him again, and held him till aſſiſtance came.

PATRICK KELLY *ſworn.*

I called half paſt ten, the moon ſhone very bright, I heard the cry of ſtop thief! I ſaw the priſoner run ſix or ſeven yards in the coach-way, and when he came upon the pavement, I ſaw him drop the coat from his left-arm; I never loſt ſight of him till he was taken: I ſaw nobody run from the carriage but him.

PRISONER's DEFENCE.

When they took me to the watch-houſe, the proſecutor aſked every body round if they knew me, they ſaid no; he aſked me what I was doing, I was ſo frightened I did not know what to ſay: it is all falſe; I have had ſeveral witneſſes every day, but I have nobody to ſend for them now, or elſe I had plenty of gentlemen.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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833. JOSEPH BAKER (aged thirteen) was indicted for feloniouſly ſtealing, on the 10th day of September, one leather purſe, value 1d. forty-two guineas, value 44l. 2s. one half guinea, value 10s. 6d. two crown pieces, value 10s. ſix half crown pieces, value 15s. and ſix ſhillings and ſixpence in monies numbered, the property of Simon Shepherd, in the dwelling houſe of William Litchfield.

SIMON SHEPHERD *ſworn.*

Mr. Chetwood, Council for the Proſecution.

What are you?——I am a cow-man, I geerally lay at Litchfield's, the priſoner was my bedfellow for three months, in Dowley-reet, Piccadilly; on the 10th of Septemer I loſt the monies mentioned in the inictment; I pulled off my breeches, and cked my breeches, which had the purſe in the pocket, in my cheſt; the boy came to bed that night about twelve, I heard him in the room: I thought he was a quiet, honeſt lad; he came up and went down again. I got up about one o'clock to go to the fields to milking, and when I got up I found my cheſt broke open, and my money all gone, the boy was in bed at the ſame time; I ſaid I have loſt all my money and ſhall be ruined, then the lad ſaid I cannot lay here; then I got up and went down ſtairs, and when I came home again he was faſt aſleep on the bed.

He did not get up?—No, not that time, I was in the field about three hours, or three hours and a half; when I came home I found him in bed, faſt aſleep; I called him and he got up; then ſaid I, I thought you was to get up earlier than uſual; then ſays he, I am ruined for ever, I ſhould have got up a great deal ſooner than I did, and immediately he got up, that was a quarter before ſeven; he did not uſe to get up till ten in the day, becauſe he went to bed late at night.

What buſineſs did he follow?—He was the pot-boy; then he got up directly and made off, he was purſued and taken in half an hour; he was gone longer than uſual for his pots, and then the maſter of the houſe ſaid, this lad has ſurely got the money, he uſed to come in with half a dozen pots at a time; I have never had my purſe or money again.

When did you firſt ſee the purſe?—Before the Juſtice.

WILLIAM WARREN *ſworn.*

I went in ſearch of this boy, he was taken in Brooks-ſtreet; I took him, and made him put all his money out of his pocket into my hat, which was forty-two guineas and a half, two crown pieces, ſix half crowns, and ſix ſhillings and ſixpence; I aſked him if that was Simon Shepherd's money, and he ſaid yes, it was; I told him, you are the lad that has got Simon Shepherd's money, and he ſaid yes, I have it; I ſaid give it me directly.

Was it in a purſe?—Some part of it was in a purſe, and ſome looſe in his pocket.

(The purſe and the money produced; the bag depoſed to.)

PRISONER's DEFENCE.

A boy about as big as myſelf gave me the money, and told me if I would go to

Monmouth-ſtreet, he would give me ſome clothes, and get me a better place.

Court. How old are you? ——Thirteen next November.

GUILTY, **Death.**

The Priſoner was humbly recommended to mercy by the Jury.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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834. ELIZABETH MAY was indicted for feloniouſly ſtealing, on the 29th of July laſt, one pair of hempen ſheets, value 2s. one tea kettle, value 6d. and one braſs candleſtick, value 3d. the goods and chattles of James Du Chemin, which were in a room let by contract to her and one Edward Pearcy, to be uſed as a lodging, againſt the ſtatute.

JAMES DU CHEMIN *ſworn.*

I live in Well-ſtreet, Mile-end; I am a weaver: I let a lodging to the priſoner, ready furniſhed, up one pair of ſtairs, by the week; ſhe lodged there about ſeven weeks, then I miſſed ſome things out of the room, a pair of ſheets, a candleſtick, and a tea kettle; I had them again, I charged the priſoner and her huſband; her huſband lived with her all the time, he was one night or two nights away; he came with her when ſhe firſt came to take poſſeſſion of the room; I took her before a Juſtice of the peace, and he committed her.

What became of the huſband?—I do not know, I have not ſeen him ſince.

Is he run away?—The Juſtice did not commit him, he was diſcharged before the Magiſtrate: I found ſome of my things in Eaſt Smithfield, and ſome in the Minories, the pair of ſheets were with Thomas Green.

Is that pawn-broker here from Eaſt Smithfield?—No, the ſheet is here.

What way of life were this man and his wife? ——They told me they were American Loyaliſts, and were waiting for money, and they promiſed us week after wee to pay us, ſo I went into the room to ſee i my property was there, it was marke A. D.

THOMAS GREEN *ſworn.*

I am a pawn-broker, this ſheet was brought me from the priſoner, the 16th of July.

Mr. Garrow. Did you know the priſoner before?—Yes.

To Proſecutor. Had theſe poor people paid you any rent? ——Yes, they paid me five ſhilllings, out of which I lent her half a crown and a ſhilling.

In what way did the huſband take it, from week to week, or for any conſiderable time? ——It was not him that took it, he was not preſent.

Court. Suppoſing the huſband to be a party, and privy to this, the wife cannot be guilty; and it is impoſſible that the ſheet could be miſſing from the bed without the huſband's knowing it.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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835. WILLIAM MORGAN and PETER BOND were indicted for feloniouſly ſtealing on the 13th day of Auguſt laſt, five worſted ſtockings, value 1s. one copper pot, value 2s. two pewter diſhes, value 3s. one pewter plate, value 1s. and three live geeſe, price 3s. the property of Henry Clear.

HENRY CLEAR *ſworn.*

I live in Princes-row, Mile-end, New-town, the priſoners broke into my yard on the 13th of Auguſt, in the morning, about a quarter before four; I ſaw my gates open, and ſaw the priſoners coming out of the yard, Morgan had a bundle; I heard them breaking in, the gates had been ſhut and bolted the night before; as ſoon as Bond ſaw me, he dropped the copper pot, and ran; I purſued them, and they were taken; they were never out of my ſight, the bundle was picked up.

Priſoner Bond. Whereabouts did I drop the pot?—Cloſe to my gate.

JAMES PIDGEON *ſworn.*

I ſtopped the two priſoners, they paſt me about half paſt two, and came running, they ſaid they were running a race; the proſecutor followed them in his ſhirt, I took Morgan, and my partner took the other; they had nothing upon them.

The other watchman confirmed the above account.

Proſecutor. When I came back, I ſaw all my three geeſe killed, and laid with the other things ready to be taken away; they had taken a copper pot that is here, and the two pewter diſhes, and the plate, and the geeſe: the things lay all of a row together.

Priſoners. We have nothing to ſay.

JOHN MORGAN *ſworn.*

I live in Bethnal-green; I have known the priſoner Morgan ſome years, he did work a little with a labourer, and carried bricks and mortar.

ELIZABETH MORGAN *ſworn.*

Court. What relation are you to the priſoner?——I am none at all, I know him ſo far as being in his neighbourhood.

Do not you know the laſt witneſs?——I have known him ſo far as to ſee him.

What is his name?—I do not know him ſo far as to know his name.

Upon your oath, do not you know him?——Yes, I do know him; I never was in ſuch a place before.

What relation are you to the laſt witneſs?—*I am his wife.*

DAVID RICHES *ſworn.*

I am a ſurgeon, I live in Spitalfields.

Court. Are you a houſe-keeper?——No, I lodge with a perſon at Mile-end; I was a ſurgeon in Spitalfields pariſh many years; I am a ſurgeon now, and apothecary, and *midwife*: I know that young *gentleman*, named Bond, I have known him ſoon after he was born.

What relation are the two laſt witneſſes to him?——The man is his father.

Do you know any thing of this boy?—I have not ſeen him for ſome time paſt; I do not know whether I did not help to bring him into the world or not; I never heard any thing amiſs of him.

Court. Priſoners, you do yourſelves no ſervice by calling ſuch witneſſes.

WILLIAM MORGAN, }
PETER BOND, } GUILTY.

Each to be tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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836. JOHN SCULLEY was indicted for feloniouſly ſtealing, on the 19th day of July laſt, one wooden box, value 5s. one tortoiſeſhell ſnuff box, value 6d. one tobacco box, value 4d. two marble images, value 2d. five dozen of prints, value 1s. one dozen of ſteel files, value 1s. two pair of iron nippers, value 3d. one clothes bruſh, value 4d. two reading glaſſes, value 6d. two pen knives, value 3d. and one pair of ſciſſars, value 2d. the property of George Ibbetſon.

GEORGE IBBETSON *ſworn.*

I am a cutler; on the 19th of July, I went to work at ſix, I was ſent to between nine and ten, and informed I was robbed: I came and found my box moved from the place where it ſtood, on the bed ready to be carried off.

JANE ANDERSON *ſworn.*

Mr. Ibbetſon put his key under my door, and when I went up ſtairs his door was a little open, and I puſhed it open, and caught the priſoner, and held him as faſt as I could, I could, but he ran down and I after him; he was taken and brought back, it was the ſame man, I knew him very well then, he had light coloured cloths on, but I cannot ſee him now. *(Looks around.)*

Court. Step out a minute.

Court to Mr. Akerman. Now get three or four men to ſtand in the bar with the priſoner, and one that is in light coloured clothes.

This being done, the woman was called in again, and aſked if ſhe knew any of the men, and ſhe ſaid ſhe did not.

MARY JONES *ſworn.*

I live up two pair of ſtairs in this houſe, I know the priſoner paſſed me and went up ſtairs on that day, I opened my door and ſaw him paſs; I ſaw him when he was brought back: that is the man that paſſed me, and the man I firſt ſaw.

Court. Are you ſure of that?——Yes.

How came you to attempt to ſhew the laſt witneſs which was the man, by pointing to him?——Becauſe ſhe never was in the Court before, and I thought ſhe did not know where to look for him.

THOMAS PENNY *ſworn.*

I ſtood at my door between nine and ten in the morning, and I heard a cry of ſtop thief! I looked round and ſaw the priſoner run, I laid hold of him, he ſaid he had done no harm to anybody, and Mrs. Anderſon came and cried out directly, that is the villain I caught in my room: we went up ſtairs, and there was a box ſtood at top of the bed, ſhe ſaid the box was moved.

Court. Were not there other people running on the cry of ſtop thief?——A good many, but he was a great way before them all: the priſoner told me an acquaintance of his lodged there, and he mentioned that before the Juſtice, that he went to ſee for him; he ſaid he did not know how he came into the room, the door was open: I felt his clothes, he had two coats on, and in the inſide lining of his under coat I found a falſe key, which I have in my pocket, that would not open the door, but one more was found upon him at the Juſtice's, which opened the door the ſame as the right key did.

Court to Proſecutor. You ſpoke of the box being moved, where was it moved to?——As it may be from the corner of the ſide of the bed; it has ſtood in a corner of the room for many years.

FRANCIS UMPAGE *ſworn.*

On the 19th of July the witneſs Penny brought the priſoner to Mr. Walker's, and ſearched him and found that key in the lining of his hat.

THOMAS MEECHAM *ſworn.*

This key was found on the priſoner, which I tried at the door of the proſecutor's room, and it opens it as well as if made for it.

PRISONER's DEFENCE.

I never was in the place till I was brought back; they were crying ſtop thief, and ſomebody ſtopped me.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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837. JOHN HANCOCK was indicted for felonioully ſtealing, on the 20th of July, four quart pewter pots, value 2s. and five pint pewter pots, value 20d. the property of John Johnſon.

JOHN JOHNSON *ſworn.*

The priſoner came into my houſe in Half-moon-ſtreet, on the 20th of July, about nine, he came to the bar for a glaſs of gin, I ſerved him, and he paid me; he had an apron round him, and a baſket in his hand; he went into the yard and ſtaid ten minutes, and when he came out, I called to him and he made no anſwer, he went out, I followed and took him with the pots in the baſket, which he dropped at my feet; I am ſure he is the man; the pots were in ſome hay.

(The pots depoſed to.)

PRISONER's DEFENCE.

I never had the pots.

GUILTY.

To be whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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838. THOMAS LINKO was indicted for feloniouſly ſtealing, on the 6th day of September, one ſilver watch, value 20s. one ſteel chain, value 5d. and one braſs watch key, value 2d. the property of William Giles.

WILLIAM GILES *ſworn.*

I work for a farrier; I loſt my watch out of my room on the 6th, it was found on the priſoner.

HANNAH FRANKS *ſworn.*

I took the priſoner, with the aſſiſtance of another man; we found this watch upon him.

(The watch depoſed to.)

Mr. Peatt, Priſoner's Council, to Proſecutor. Does the door of the houſe ſtand open in the day time?——Yes, the whole of the day, there is only me and a little boy in the houſe.

Did you lock your box?——No.

PRISONER's DEFENCE.

I had been very bad, and I got a little beer, and it made me light-headed.

The priſoner called three witneſſes, who gave him a very good character.

GUILTY.

He was recommended to the mercy of the Court.

To be whipped, and confined ſix months to hard labour in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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839. MARY SMITH was indicted for ſtealing, on the 20th of July laſt, one ſilk hat, value 1s. one ſilk cloak, value 2s. one linen ſhirt, value 1s. one linen handkerchief, value 2d. the property of John Willis.

Ann Willis, the Proſecutor's wife, caught the Priſoner with the things on her.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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840. ELIZABETH HERRING was indicted for ſtealing, on the 2d of Auguſt, one black ſilk cloak, value 10s. two tea ſpoons, value 2s. the property of Benjamin Strickland.

There being no evidence but the Priſoner's confeſſion, ſhe was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. Juſtite GOULD.

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841. The ſaid ELIZABETH HERRING was again indicted for ſtealing, on the 2d of Auguſt laſt, one ſilver table ſpoon, value 7s. two ſilver tea ſpoons, value 2s. one Bath beaver ſurtout great coat, value 4s. and one man's hat, value 12d. the property of James Bolton.

JOHN OXENHAM *ſworn.*

The priſoner lived at Mr. Bolton's between three and four months, ſhe went from thence to the Swan: Taylor produced a table ſpoon of my maſter's, which he ſaid he found on her; I cannot ſwear to the great coat; the hat my maſter ſaid was his property, he is not here.

John Taylor produced a table ſpoon, and two tea ſpoons, found in the priſoner's pocket, which were depoſed to, marked, I. Bolton, Charing Croſs.

PRISONER's DEFENCE.

I found the ſpoon broke upon a ledge, and I was afraid to carry it down, for fear my maſter ſhould be angry.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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842. THOMAS WHITE was indicted for ſtealing, on the 14th of Auguſt laſt, one wooden boat, called a wherry, value 10l. and one pair of wooden ſculls, value 5s. the property of Cornelius Harrington.

CORNELIUS HARRINGTON *ſworn.*

I am a waterman at Wapping Old Stairs, I have ſculls; the number of my boat is 6694: I went over the water with a meſſage on the 14th of Auguſt, and when I returned it was gone; I found it in the middle of the Thames, and the priſoner rowing away with her: the priſoner is no waterman; my name was in her.

DAVID HUDSON *ſworn.*

I am a waterman and lighterman, I ſtopped the priſoner in the boat the 14th of Auguſt; I paſſed him, and I thought I knew the boat; ſeeing him handling the ſculls not like a waterman, I rowed after him; he ſaid, damn you, what have you to do with it, the man ſent her to me; I took hold and made the boat faſt to mine, and I pulled, and he tried to get on the cables of the ſhips, and I pulled him on ſhore at Wapping Old Stairs. The proſecutor came and claimed the boat.

Priſoner. My witneſs is at ſea.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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843. WILLIAM STEVENSON was indicted, for that he, (with one William Forſyth, not in cuſtody,) not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, upon the 1ſt day of Auguſt laſt, with force and arms, in and upon Sarah the wife of Samuel Scott, in the peace of God and our Lord the King, then being, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault, and with a certain blunderbuſs, value 5s. which he the ſaid William Stevenſon then had and held in both his hands, charged with gunpowder and two leaden bullets, againſt the ſaid Sarah Scott, feloniouſly and wilfully did ſhoot and diſcharge, and with the ſaid leaden bullets ſo diſcharged and ſhot off, by force of the gunpowder aforeſaid, from the blunderbuſs aforeſaid, in and upn the face, near the left eye of the ſaid Sarah, feloniouſly, wilfully, and of his malice aforethought, did ſtrike, penetrate, and wound, giving her, the ſaid Sarah, in and upon her face, near her left eye, one mortal wound of the width of three inches, and of the breadth of two inches, of which the ſaid Sarah inſtantly died.

He was alſo charged with the like murder on the Coroner's inquiſition.

Mr. Garrow, Priſoner's Council. I beg the witneſſes may go out of Court before the Gentleman opens for the proſecution.

Mr. Peatt, of Council for the Proſecution, thus opened the Caſe:

May it pleaſe your Lordſhip, and you, Gentlemen of the Jury; this is an indictment againſt the priſoner at the bar, William Stevenſon, for the crime of murder; you have heard the charge read to you from the indictment, and I ſhall ſtate to you the principal circumſtances that led to the unhappy fact, which is the ſubject of the preſent enquiry, in order that you may form a judgment of the matter with more eaſe and facility. Gentlemen, on the 1ſt of Auguſt, about ſix in the evening, there was ſome diſturbance in the priſon of Clerkenwell by the priſoners, concerning the diſtribution of their proviſions, which were either detained longer, or not given at the uſual place; the deceaſed was a priſoner, committed I think for ſix months, about half of which was expired, and was ſtanding at a wicket gate within a partition wall of the priſon. It is very material for you, Gentlemen, to conſider the ſituation of the priſon itſelf; there is a partition wall that ſeparates the men from the women; there is a gate that differs very materially from the outer gate, and I mention this, becauſe it is very natural to ſuppoſe the defence will be, that the priſoners were endeavouring to get out; but whatever this noiſe or diſturbance might be, it was not likely to affect the ſafety of the priſon, when it was not made in an apartment contiguous to the outward gate; ſo the fact is ſtated to me, that it happened in a gate in this partition. Gentlemen, there were ſoldiers in the priſon, how they came there I know not, and they refuſed, at the inſtance of a Mr. Forſyth, whether he is the keeper or no I cannot tell, they refuſed to fire; but the priſoner at the bar, who is a watchman, ſnatched a blunderbuſs out of the hands of one of the ſoldiers, and levelled it at this woman, and inſtantly ſhot her dead: the deceaſed, as I underſtand, has two children, and was gone ſeven months with child; but this I mention as a circumſtance rather to be lamented, than as a matter for your conſideration. Theſe, Gentlemen, are the outlines of the caſe, as ſtated to me in my inſtructions; the law undoubtedly will afford every kind of ſupport to the miniſters of juſtice, and perſons employed as their aſſiſtants, let them be of what deſcription they may, provided they exerciſe that power with moderation and humanity; on the other hand, we all very well know that priſoners are committed to the care of perſons who are uninformed men, and in the habits of ſeverity and coercion; an Engliſh Jury, therefore, will certainly examine into the conduct of ſuch men. Gentlemen, what the real complection of the buſineſs may be, I know not; the facts will be before you, and the law that attaches to thoſe facts will be explained to you by the learned Judge; you will then be in poſſeſſion of the true means to enable you to form a verdict, conſonant to your oath, and to public juſtice.

WILLIAM RICKWATER *ſworn.*

Examined by Mr. Pratt.

I am a bricklayer and a ſoldier.——I was at Clerkenwell Bridewell on the 1ſt of Auguſt, at ſix in the evening.

What happened then in your preſence? —I went up to the gate, and knocked at the gate, one of the turnkeys opened the gate and ſaid, ſoldier, come in.

Court. How many were there of you?—Me and two more, when I got in I went to the lodge, there was one Ann Charnock at the lodge, very much diſguiſed in liquor, they were ironing her, Brown was aſſiſting them; the woman was uſed very ill, they were puſhing her down.

Court. What buſineſs had the ſoldiers there?——I went to ſee a comrade's wife there, one Mrs. Harding.

Then you was not ſent for as a party of ſoldiers?—No, my Lord, not at all; then Brown, the turnkey, unlocked the place where the fire arms lay, and gave me and my two comrades a blunderbuſs each, he ſays, ſoldier, go backwards; in the mean time, as I was going out of the lodge, the priſoner Stevenſon catched the blunderbuſs out of my hand, and immediately I took my bayonet up and went backwards with them; I went firſt, and Stevenſon the priſoner followed me, and my two comrades followed him, we went to the women's gate.

Mr. Peatt. Where is the women's gate ſituated?——At the upper part of the yard, beyond the men's.

How far is that from the outward gate?——As nigh as I can gueſs it is four or five roods, but to ſay the truth, I cannot reſolve the queſtion.

Is it the length of this Court?——About the length of the boards before the bench to the door of this Court.

Is that gate in a partitioned wall?—Yes, it divides the partition wall between the gate and the paſſage that goes to and fro to the priſoners, the women's gate is at one part of the yard, and the men's at the other, there is a free paſſage between them.

Court. Then the women's gate is on one ſide the paſſage, and the men's on the other?——It is a common yard, the ſame as you may go up any other yard, the doors are both on one ſide: we went up to the gate, there was ſome women knocking with their hands at the wicket of the women's gate, the wicket was ſhut.

Court. Do you mean a woman priſoner that was knocking?——I believe there was nobody but the women priſoners there, but I cannot reſolve the queſtion for certain.

What happened then?——Some perſon opened the wicket, I cannot ſay who it was.

Some perſons within?——No, my Lord, without-ſide, it was ſome perſon belonging to the party that was with us; when the wicket was open, ſome perſon ſaid, ſoldier, why do not you fire; I cannot ſay who ſaid ſo.

Mr. Peatt. Did it appear to you that there was any danger of the walls being beat down, or any thing of that ſort?—No, only women talking together, like a couple of companies talking in a tap-room, gathered together, not as any ways riotous at that time, in the mean time the perſon, after he had ſaid, ſoldier, why do not you fire, made an uncommon expreſſion to mention before the Court, he ſaid, if we would not fire he would; he repeated them words twice, and I ſaid, for God ſake do not fire on them; he made the expreſſion, with the ſame oath, that he would fire immediately up the women's yard, and immediately turned it round, and preſented it right at the body of Sarah Scott, ſhe ſtood by herſelf; when I ſaw his intent, I caught hold of the blunderbuſs, to draw it from the wall as far as I could, to prevent his firing and doing any miſchief.

Did you ſucceed?——I did not, he immediately at the ſame time pulled the trigger; I had the blunderbuſs in my hand at the ſame time, and after he pulled the trigger, the body of the deceaſed ſtood but a very trifling time, and fell, and a couple of girls caught her, ſhe was all over a gore of blood, as if you had poured water; ſhe leaned her head on two women near her, I ſaid to him you have killed the woman; he ſaid, I do not care; immediately he returned to the lodge, and the other two ſoldiers; I gave the bayonet to the turnkey at the women's gate, and aſked him to let me go in among the women, he let me in, and I went and ſaw the body lay all over a gore of blood on the ground, ſhe was ſoon after moved up the yard; I ſaw as much blood and brains lay after they had removed her, as would fill the crown of my hat, it lay in ſuch quantities.

Did any thing material happen after that?——Nothing at all that I ſaw, the priſoners were very quiet at the time, and as far as ever I ſaw afterwards: the woman was with child, I ſaw her the day before.

Mr. Silveſter, one of the Priſoner's Council. Now you have told us the whole?—Yes, Sir, as far as I know.

Exactly as it was from the beginning to the end?——Yes.

You had been there the day before?——Yes, Sir.

You was not acquainted with this Sarah Scott?—No.

When you came there the gaol was perfectly quiet?——All but this woman that was drunk at the lodge.

Then did not you think it very odd that they ſhould put arms into your hands?—Yes, Sir, I ſuppoſed there was ſome riot, but I found none; I had the arms from the lodge.

Did not they tell you why they gave you the arms?—No.

Nor you did not aſk any reaſons why?——No.

Nor they never told you?—No.

And every thing appeared to you perfectly quiet?——Yes, I ſaw no other.

What is this man?——I do not know, they ſaid he was one of the watchmen of the ſtreet.

Was not he one of the turnkeys?—Not that I know of.

Was he called in to aſſiſt?——I do not know, he was there when I came in.

What did they ſay when they came in?——Nothing at all; Mr. Brown, ſaid, ſoldier, come in, this is Ann Charnock. I never ſaw any ſtones thrown, nor did not perceive any thrown at the time; what was done before or after I cannot reſolve.

Nor the men upon the wall endeavouring to make their eſcape?—I never ſaw any thing of the kind, as God is my Judge.

Nor none of the men had got into the women's apartments?——I never ſaw any thing of the kind.

Then your buſineſs was merely to ſee Mrs. Harding?——Yes, Sir, I went from her huſband, he was in New Priſon gaol, for having ſome words with a man.

Then you mean to ſay there was no riot or diſturbance or any remarkable noiſe in the gaol?—Not in my preſence, no further than this, Ann Charnock.

How came you not to aſk ſome of theſe turnkeys?—I ſuppoſed it to be ſuch, by giving us arms, but I found none.

You ſay Stevenſon ordered you to fire?—No, Sir, I beg your pardon, I ſaid ſomebody ordered me to fire, ſomebody ſaid, ſoldier, why do not you fire? we made anſwer, we will not fire.

What did they ſay fire at?—They did not mention at any thing at all, they ſaid, ſoldier, why do not you fire; the door was ſhut, but the wicket was open.

How came it open?——Some perſon on the outſide belonging to the party we were with opened it.

Did you ſee them open it?—I ſaw ſome perſon open it, who it was I do not know.

Did he open the gate?—No, Sir.

Will you upon your oath ſay it was not forced open by the priſoners on the inſide?—Yes, if required I would at that time, what happened before we came in I do not know, and as to aſking me queſtions I cannot anſwer, is of no uſe, for I think I have a juſt God to anſwer to when I go into another world.

You know many of the gentlemen that reſide in that priſon?—No, Sir, only by ſight.

You did not ſee them that day?——Yes, I did.

Were they in the women's apartments?—I believe Mr. Hopkins was, but who elſe was I cannot ſay; I do not ſay clearly that there was not, or that there was; I ſaw ſome man, but whether he was a priſoner or not, I cannot ſay.

Was he in irons?——No, Sir, there was no man in irons as I ſaw.

Can you tell us how many men were there?——I cannot; there were people to ſee their acquaintance as well as me; I ſaw the men priſoners walking to and fro in their yard, their wicket was open.

Then this blunderbuſs did not go off till you had got hold of it?——I had hold of it up to the muzzle, in order to prevent it.

Not to lift it up?——No.

How could you ſee him pulling up the trigger ſo eaſily?——Becauſe the man had it in his hand.

Do you mean to ſwear that he pulled the trigger?——No, Sir, I ſwear that he had the blunderbuſs in his hand; I tried to pull it back, but I could not, at that inſtant it went off.

You never ſaw any thing of a ſtick poked through the wicket?—No.

Was you the man that waſhed your hands

in the blood; or who did?——Upon my ſoul, I cannot reſolve the queſtion; I never ſaw any thing of the kind acted.

Gently, gently, ſoldier, was you there which the juſtice came?——That is the gentleman that came in and looked at the body.

Aye, was Hopkins or any of the witneſſes there then?—I cannot ſay.

Did you ſee any man run his hands into the blood of this poor woman, and ſay, this is delightful work, I will ſleep in theſe hands?——I did not.

Will you ſay it never did happen?——I never ſaw it happen, and more than that, that gentleman ſaid it was too partial to fire on them as ſoon as they did, he ſaid, they need not be ſo haſty as they were.

How came you not to knock it up in the air?—I know the nature of a blunderbuſs and firelock too well, I tried as far as my endeavours lay to prevent it, I tried to pull it back but I could not, thoſe fire arms will not go off with a ſhake.

WILLIAM BEMROSE *ſworn*.

Examined by Mr. Peatt.

What are you?——A braſier.

Where was you on the firſt of Auguſt?——I was a priſoner for debt in Clerkenwell-bridewell,

Was you there at ſix in the evening?—Yes.

What happened?——There was a riot by women making a noiſe, they uſed to have their allowance of proviſions down at the inſide gate, and it was upon that account that they made the noiſe, becauſe they would not let them be ſerved as uſual.

Where was this?—At the women's gate.

Did the clamour appear to riſe from any other cauſe?——No.

What happened then?——After that there was one Ann Charnock, who is a very bad woman indeed, ſhe was taken before Mr. Forſyth and Mr. Woodward, he is a turnkey, ſhe was taken out of the woman's ſide, and I heard her irons rattle, then there were three ſoldiers came in, to ſee acquaintances as I heard them expreſs; I did not know it otherwiſe, then there was a blunderbuſs delivered to each of their hands, by Mr. Brown, one of the turnkeys; then they were ordered to go down the yard to quell the diſturbance, for the women did make a good deal of noiſe, and calling the turnkeys names; afterwards, this Stevenſon the priſoner, ſnatched the blunderbuſs out of one of the ſoldiers hands.

What is this Stevenſon?—He is a watchman at the outer gate, as I was informed; I never ſaw the man before to my knowledge, and he ſnatched the blunderbuſs out of Rickwater's hands, a ſoldier, when the ſoldiers came in firſt, the gate was opened and Rickwater came down the yard, he had ſomething in his hands, but whether it was a ſtick or a bayonet, I cannot be poſitive.

Court. What gate was open?——The ſecond gate from the ſtreet, the lodge is between the outer and inner gate, then Rickwater and the priſoner, and two ſoldiers went down the yard near to the women's gate, then I ſaw the priſoner point a blunderbuſs up to the women's yard; Mr. Forſyth ordered him to fire.

Court. Forſyth is the perſon that takes care of the people to hard labour?——Yes.

Were thoſe women kept to hard labour?——Yes, ſome of them; then I heard the priſoner ſay, that he would fire, then I heard a woman's voice ſay, well if you will fire you muſt fire, juſt after that, the piece went off in about a minute after.

Who fired the piece?——Stevenſon.

Court. You ſaw him, did you?—Yes.

Mr. Peatt. What happened then?——Then Mr. Forſyth ſaid, now, ſoldier, point up one to the men's gate.

What direction had the piece, that was fired?——To the place.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 15th of SEPTEMBER, 1784, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of William Stevenſon.

Was it levelled at any perſon or thing?—He held it ſtrait before him till I heard a woman ſpeak, it pointed to the left, at the women's gate through the wicket.

Was the wicket open at that time?—Yes.

How came the wicket open?—I believe the women beat it open with their fiſts.

Did you ſee it when it flew open?—Yes, I ſaw it fly open, there was a little ſtaple that only confined it.

Was any body near it on the other ſide next to you?——No, Sir, not near me.

Near the wicket, I aſk you, when it flew open?——Not that I recollect; after Mr. Forſyth ordered the ſoldier to fire up the men's yard, Mr. Barnett that was there a priſoner, ſaid, for God's ſake, do not fire among the men, for they are all as quiet as lambs.

What happened then?—Then this Mr. Stevenſon run away to the gate, and called out for more ammunition, he ſaid, he had done one, and he would do another, after that I ſaw no more of it.

Mr. Garrow, another of the Priſoner's Council. How long have you had the misfortune to be in priſon?——I went in the 2d day of July.

You was a debtor?——Yes.

And you had permiſſion to come into the lobby?——Into the lobby, I was between the common and the inner gate, that takes into the lodge.

You was not in the lodge?—No, Charnock was in the lodge.

Then you looked over the wicket?—No, Sir, I looked through the holes, there are holes you may put a pint pot through.

You was one of the Coroners Jury?—I was.

Do you remember ſeeing Mr. Rickwater when the priſoner called for more ammunition?——No, I cannot recollect it.

At the ſame time he pointed his blunderbuſs near the wicket, you were none of you near enough to prevent his firing?—Rickwater was cloſe to him, I could not hea what he ſaid, he was on the left of him, fo I could not ſee.

Could not you ſee him at all?——Not to ſee him go to do any thing, I could ſe his coat.

If he had done any thing, do you think he was in ſuch a ſituation to ſee him?—do not know.

You ſay the women were very riotous at this time ?—Yes, they did make a great noiſe.

In conſequence of this Charnock was ironed ?——Yes.

That did not appeaſe them, I take it for granted, that made them ſtill more riotous ?——Yes.

In conſequence of which they abuſed the turnkeys, and uſed them extremely ill ?—They did call them very bad names.

Did you ſee any ſtones thrown ?—I never ſaw but one piece of ſtone or brickbat, but whether from the men's ſide or women's ſide I cannot tell, that fell juſt by the water tub, which is almoſt before the governor's window.

Did it fall near the turnkeys ?——No, not near them.

What was the purpoſe of throwing it ?—I cannot tell.

Did they throw it at one another ?——That I cannot tell, I was not on their ſide.

You do not know whether it was thrown at the turnkeys or not ?——I do not know, the order that was given, was to arm and to go down the yard and quell the riot, and after the ſoldiers had been deſired to fire, the priſoner ſaid, he would fire if they forced him to it, he ſaid, he would fire, I heard one woman ſay, if you will fire you muſt.

During the minute, from the time he ſaid he would fire to the time he fired, they were perfectly peaceable ?——Yes.

There was no riot in the gaol at the time ?—No.

When was it they firſt broke through the wall ?——That I believe was on the Saturday.

That had furniſhed them a tolerable quantity of materials to batter with ?—I cannot tell.

Was all the materials and rubbiſh moved ?—I cannot tell.

How often had you ſeen Rickwater there before ?——Never, to my knowledge, he came with ſome of the ſoldiers to viſit ſome of the priſoners, and they were not called in by the turnkeys originally.

They were the perſons to whom the turnkeys thought proper to give fire arms, to quiet them ?—I ſuppoſe ſo.

The priſoner was a watchman at the outer gate, and he was ordered to fire by the turnkey ?——Yes.

Court. Do you know whether Stevenſon was called in by the turnkeys or either of them ?—No, Sir, I do not.

You have never ſeen him before ?—No, Sir, not to my knowledge.

How long have you been there ?—Ever ſince the ſecond of July.

THOMAS ASH *ſworn.*

Examined by Mr. Peatt.

Where was you on the 1ſt of Auguſt ?—At Clerkenwell Bridewell to ſee an acquaintance.

Who did you go to ſee ?——George Thorpe.

What is he in priſon for ?——I cannot juſtly ſay, he was a fine.

You can I fancy give us a little account of his crime ?——I cannot, I was in the country the time he was put there, I returned to town only on Saturday night, and this was on the Sunday I went to ſee him, it was the firſt time I had been to ſee him, I was with him and Mr. Woodward, and Mr. Woodward went down to the gate to ſerve the fines, and I was in the firſt yard among the men priſoners.

Court. Have not you heard that this man was committed as a rogue, and for having piſtols about him ?——My Lord, I did not hear what it was for, I was in the country when he was committed.

What happened further ?——The fines would not take their victuals at that gate, but they would have it at the gate they uſed to have it.

Who ſaid ſo ?——All the women, Mr. Woodward took the victuals back, and ſaid, they ſhould have none ; they came out again and knocked againſt the wicket, and ſaid, they would have it at the uſual place, and the other ſaid, they ſhould not.

Court. Which did they ſay was the uſual place ?—At the lodge gate.

Then they were to be let out from the wicket gate I preſume to that gate ?—Yes.

How far is that from the wicket gate ?—A dozen yards ; as they were kicking and ſhaking the gate, in came three ſoldiers, and to each of theſe three ſoldiers they gave a blunderbuſs, they deſired them to go forwards into the yard, the priſoner came and took a blunderbuſs from one of the ſoldiers by force, the ſoldier drew his bayonet and went to the women's gate, and the priſoner followed him, and the two ſoldiers followed him.

What did he draw his bayonet for for? ——In caſe any thing ſhould be wanting, but he did not know what the diſturbance was till he came up to the gate ; the priſoner went up to the gate, and put the blunderbuſs up to the grate, and ſaid, he would fire, the ſoldier with the bayonet laid hold of the blunderbuſs, and hindered him from firing.

How do you mean hindered him ?—He took hold of it, and ſaid there was no need of firing.

Was there no firing ?—Yes, I ſaw him fire, he pointed up the yard, afterwards he ſaw the deceaſed's left hand, and he pointed round to her, and killed the woman.

Mr. Silveſter. Pray Mr. Aſh what are you ?—A glazier and painter, in St. John's-ſtreet, I work for Mr. Sanders in Oxford-road.

Where did you live about a month ago? ——In the ſame place I do now, No. 70, St. John's-ſtreet, I lodged there for a twelvemonth, I lodge there now.

Where was your other lodgings ?——Down at Northfleet, near Graveſend, I have been there three months, I kept my town lodgings on then.

When did you go into the country ?—I cannot ſay.

Was it in June or July ?—The beginning of June, before my friend was committed to gaol.

What might be your employment there ? —Painting a houſe, near Northfleet town at Eſquire Watman's, I did not know Thorpe was committed till I came to town, we were pretty intimate, I was apprentice to his father, I did not aſk him what he was there for, I had not an opportunity.

Then you think it was a ſecret in the gaol ?——No.

I ſhould have thought the firſt queſtion would have been, how came you here George ?——I did not.

You did not, nor do not now know what he is there for.

Do you mean to ſay, that all the time he was in gaol you never knew what he was in gaol for ?—I did not know, I heard he was taken upon the road.

Why Mr. Aſh you ſeem to be ſo well acquainted with the technical terms, you have been there yourſelf ?——I never was in there.

What do you mean by a fine ?—He was in for ſix months, I do not know that he committed a robbery of any ſort.

Court. Conſider with yourſelf how far that is credible, that you ſhould not have had the curioſity to aſk, what are you here for, old acquaintance? becauſe you was apprentice to his father ?——Yes, I was.

It's a ſtrange thing you ſhould have ſo little curioſity.

Mr. Silveſter. Did you ever hear the word *dubbs* ; I can talk with you in the technical way ?——What do you mean by dubbs ?

Things for houſe-breaking ; you know that he had not got the *darbies* on though? ——I do not know what you mean by darbies.

Did you never hear whether they were not little bits of iron that they put round a man's legs ?—He had no irons on.

There was a diſturbance ?—Yes.

And the ſoldier drew his bayonet to defend himſelf, then he was afraid ?——He might do that, there was not much noiſe, there was a knocking and kicking at the gate.

Were no ſtones thrown ?—I ſaw no ſtones, I could not ſee in at the wicket, I was very near him, I could ſee him turn his face, the women were at the upper end of the yard.

Did you hear the ſtones ?—No.

Nor they were not found there afterwards ?——Not any that I ſaw, I went up along with my friend, I went up by myſelf, no other friends of mine were in that gaol.

Why, what priſon were they in?—I have no other friends to ſee in a priſon.

Court. You ſaid, if I did not miſtake you, that the priſoner went to the gate, and put the blunderbuſs through the gate?—Yes, through the hole of the gate.

Then he took it out again and came back?—He did not come quite from the gate.

So he fired that blunderbuſs in at that hole?—He did.

How far was you diſtant at that time?—About three yards.

When he put the blunderbuſs in the hole of the gate, was there any noiſe made?—A very great ſcreaming with the women, who ran out of the way as faſt as they could.

Was there any man in the women's apartments?—I ſaw two men come out, one is in the priſon, the other came in to ſee ſome of the women, I never ſaw him before.

When he put the blunderbuſs into the gate, was there any great diſturbance then?—There was knocking and kicking againſt the gate, and calling the keeper, and uſing a great deal of bad language a little while.

Did not the man call out to them to be quiet?—Not that I heard, he ſhut the gate and left them directly.

If they had come out to this gate to take their victuals they would have had an opportunity of making more diſturbance?—I cannot tell.

If all theſe people had come out, I ſuppoſe the priſon would have been in a good deal of danger?—I cannot ſay.

What do you think of that?—They had nothing to defend themſelves with.

THOMAS JONES *ſworn.*

Examined by Mr. Peatt.

Where was you on the 1ſt of Auguſt?—In Clerkenwell Bridewell.

What time of the day was you there?—All the whole day.

Was you there about ſix in the evening?—Yes, I was a priſoner there for an aſſault, the women were not ſerved their fines at the uſual place; Mr. Woodward, the head turnkey, whether he was out of humour, or what, I cannot ſay, but he would inſiſt on their not having their fines at the uſual place, *they thought their privileges were abridged*, and it cauſed a little diſturbance, and the conſequence of this was, he took the fines back.

Do they call their allowance fines?——Yes, they were taken back from their own wicket, where they have their beer and other neceſſaries; in conſequence of that, there were ſome pieces of tubs thrown over the wall by the women, to the beſt of my recollection.

Over what wall?——Over the women's wall: in conſequence of that, there was one Rickwater, a ſoldier, came to ſee a friend, and two more ſoldiers, the firſt with a drawn bayonet in his hand, that was Rickwater, the priſoner at the bar, and two ſoldiers, I do not know who they were, went down to the wicket, and I ſaw the priſoner at the bar preſent the piece up the yard, and there was an altercation took place between Rickwater and the priſoner, and I ſaw the priſoner take the blunderbuſs and point it up the yard, when he had pointed it, he was deſired not to fire by the ſoldiers, he uttered an oath, and ſaid he would, and that inſtant, Sir, he fired.

What direction had the piece when he fired?——Oblique, towards his left hand.

Was it pointed at any particular object?—I cannot tell, it was between the gates, I ſaw the flaſh of the pan, and heard the report of the piece, and I heard a ſudden ſhriek, and I heard the woman was ſhot.

Mr. Garrow. Mr. Jones, pray of what profeſſion are you?—I am a watch-maker by trade,

That is when you are out of gaol?——No, Sir.

How then?——I get my livelyhood as honeſtly as I can.

That is exactly what I thought; honeſtly if you can, but if not?————Diſhoneſtly you may ſuppoſe, but I do not ſay that.

You was in for no harm?—No.

What unrighteous ſet of men was it that ſent you there for no harm?—My wife.

It is not the firſt unrighteous woman that has ſent her huſband there; by whoſe help did ſhe ſend you there?—I cannot tell you, you muſt aſk her that; I was ſent from Hicks's-hall, they would not let me ſpeak there, here I am before an honourable Court, ſhe could produce no marks.

You half murdered her, and they convicted you?——The sentence was one month's imprisonment and two bail in ten pounds each, and myself in twenty pounds for my good behaviour for twelve months; I laid there eight weeks, I was in three prisons in three weeks time.

Now I recommend to you to take care you do not get into Newgate?—I have escaped that.

You have, have you, why that is a pretty ſtrong priſon too?——I am an honeſt man.

I believe, in the third priſon you was ſo bad a fellow, that the keeper himſelf got ſome of his own people to bail you, to get rid of you, and in order that you might not corrupt the whole gaol?—Right, Sir! very right, Sir! very right, Sir!

DANIEL HOPKINS *ſworn.*

Examined by Mr. Peatt.

You are a priſoner in Clerkenwell Bridewell?——I am.

What was you committed there for?—A miſdemeanor, for breaking out of that gaol.

Court. For breaking out of that very gaol! What do you know of this matter?—About five or ſix o'clock I had occaſion to go to the women's ſide; there was an interruption at the women's gate, they did not chooſe to receive their fines at that place; I came back to the gate again, there was a parcel of people there, I got about twelve yards up the yard on the inſide, a woman told me to take care, for God's ſake, for they were going to fire, I cannot tell what woman it was; I replied to her, what can they fire at? I had not gone above three yards further before I heard a piece diſcharged.

Was your face towards the noiſe or from it?——From it.

Then you only heard the noiſe of the piece?——I did, upon which I turned my face and ſaw a woman lay on the ground.

Do you know the woman?—I have ſeen her before.

Did ſhe appear to you to be with child?—I cannot ſay.

What more do you know?—I went and found ſome ſlugs and a ball had entered her left eye, at which the brain iſſued; ſhe was dead.

Did the priſon appear to be in ſuch a ſtate as threatened diſturbance?——Not at all, I have ſeen a great deal more diſturbance when the people wanted beer or any other article.

Was there any other noiſe?——They kept beating at the wicket about half an inch thick.

Mr. Silveſter. You have told us all, I ſuppoſe?——As far as I can recollect.

Nothing more that is particular or any ways remarkable paſſed as you can recollect?—I will repeat it, if you pleaſe.

No, but I ſhould be glad to have a little of your hiſtory too, Mr. Hopkins?——You may relate it, if you know better than me; I was convicted firſt for a miſdemeanor, they told me they found implements upon me.

Then they convicted you upon that?—Poſſibly they might.

You will not be poſitive?——Yes.

Implements of what kind?——They tell me they were implements of houſe-breaking, may be you may be a better judge than me.

Name ſome of them.—I cannot take upon me to name them all now, I recollect two or three, there might be two or three picklock keys.

No ſuch things as piſtol, powder, or ball?——No.

And no crow?——No.

What did you drop it at the time; was that all?——There was a dark lanthorn.

And a little flint and ſteel.——I do not recollect any ſuch thing.

A few matches?—I do not recollect any ſuch thing.

Come tell us all man.?—I have no occaſion to tell you what you do not aſk me.

You remember your making your appearance in this Court?—Yes, I have on ſuch a cauſe as this.

That was for murder?——Yes, once, the other time was not.

How often in your life have you been here?——I cannot recollect.

Cannot you, why I can recollect three or four times.—Very likely, it is more than I can.

Why three times I remember; now for inſtance, in the year 1776.——Very poſſibly I might.

Will you ſwear you was not here?——I will not ſwear either one or the other.

In the year 1777, you was here again.—I cannot tell that I was or was not, it is not poſſible for me to tell, I do not remember ſo many years back.

Do you recollect being convicted and ſent to the Thames?—Yes, I do recollect that.

Court to Mr. Peatt. You would do well not to bring ſuch witneſſes as that.

Mr. Peatt. My Lord, I know nothing of the caſe nor of the witneſſes.

Mr. Silveſter. You are the man that waſhed your hands in the woman's blood?——No, Sir, I did not waſh my hands.

Did not you foul your hands in it, did not you poke your finger in her eye?——Upon my oath I did not.

When you was told, for God's ſake to be more ſolemn, you ſaid, no, I rejoice in ſuch hands as theſe.—He begged me not to *paw* him, I told him I only wiſhed to ſee juſtice done.

There were no men on the wall?—Yes, there was a perſon upon the wall.

What was he doing?——Nothing, I believe his name was M‘Carty.

How high was the wall?——I cannot ſay how high the wall was.

Cannot you gueſs?——I ſhould imagine it is ten feet.

It is about eighteen feet high.—I thought about twelve.

Is that the wall that you got over?——That I got over is a conſiderable deal higher.

Was the wall as high as that gallery?—No.

What was he doing?——Only looking over as a ſpectator.

What was there to ſee?——A parcel of women making a noiſe.

Were not they throwing ſtones?—Not as I obſerved, I ſaw none thrown; there was a wall broke.

Who broke the wall?—I do not know, I was not there.

You ſay poſitively you did not rejoice at this?—Far from rejoicing.

You was one of the Jury?—No, Sir.

Who were?——One Wagſtaffe, he is a priſoner for a miſdemeanor, it is for receiving goods belonging to other people; goods that have been taken in pledge, work unfiniſhed, not receiving them knowing them to be ſtolen; there is one Young, he was for a baſtard child; Mr. Vincent was one, he is a publican; there were ſix *gaol birds*, and ſix of the outſides: Mr. Penroſe was one, he is in on an execution for debt.

Court. Priſoner, what have you to ſay in your defence?

Priſoner. I leave it to the Council and the Court.

JOHN WOODWARD *ſworn.*

Examined by Mr. Silveſter.

I was a turnkey at this priſon, there was a diſturbance, I think it was on Friday; on Friday night I let the women down as uſual to ſerve them their fines, but there was a great diſturbance, and I thought proper on the Saturday to ſerve them through the hole, as well as the men, and that would keep them from the men, and ſo I did, it was very quiet; on the Saturday, the men had broke a hole through their wall into the women's wall; we were obliged to ſet up all night, and have workmen all night to mend that hole up again: on Sunday evening, about ſix o'clock, I went to ſerve the women as uſual, and thought they would take it quietly again; when I came to bring in the baſket, Ann Charnock, one of the women, began to blaſpheme and ſwear that they would have it down as uſual, I expoſtulated with them that it was the Governor's orders, which I muſt obey; I thought within myſelf, if I let her down the reſt will be quiet, and take their fines as uſual; ſhe flew at me and drove me from the gate, the reſt began to ſwear they would have the gate down: Forſyth, another ſervant of our's, came to my aſſiſtance, and ſhe began to fly at him, however between us we got her into the lodge, we told her we muſt puniſh her for her impudence, and we put her on a ſmall pair of irons, to cool her and calm her; ſhe caught me by my coat; and I did not ſee them take the arms.

Whilſt you was in the lodge was there a great noiſe and diſturbance in the gaol?—Undoubtedly.

Did you hear any thing particular?—I heard nothing particular, I cannot ſay what kind of noiſe it was.

Was there any ſtones, or any thing elſe thrown?——There were ſtones thrown whilſt I was in the yard, undoubtedly, plenty, a great many.

Where did they get them from?—Pulling the wall down, and pulling up the pavement, here are ſome of the ſtones.

(A quantity of ſtones almoſt as big as a man's head produced.)

Court. Who proves that theſe ſtones were picked up there?——Charles Price.

Croſs-examined by Mr. Peatt.

You ſaw ſtones thrown?—I ſaw ſtones thrown.

There were undoubtedly ſtones laying in the yard?—Theſe were gathered up in the yard.

Have you any reaſon to believe now that there were that quantity of ſtones thrown?——Yes, I have.

Is there no rubbiſh in the place?—Yes.

How can you to take upon you to ſay, that you thought the priſon was in danger from the clamour of the women?——Upon my word, I cannot tell what to ſay.

Had you any ſerious apprehenſions ariſing from the clamours of the women about the victuals?—I could not tell what their intentions were, people that are of a riotous diſpoſition; I do not know what they might have done, if they had burſt that door open.

Was there any man upon the wall?——I did not ſee any.

Would you have conceived it juſtifiable to commit ſo cruel an act, as firing at any one of the women in conſequence of the clamours of the women?——Undoubtedly I ſhould not, if I could have quelled it any other ways.

Should you have thought ſuch a ſituation demanded ſuch coercive meaſures or acts?——I cannot tell what another man would have done.

Whether under all the circumſtances of the ſtate of the priſon, you think, upon your oath, there was any ſerious danger?—God knows what would have been the conſequence if that had not happened; but to be ſure it ſtopped it immediately: if this firing had not been, I make no doubt but the door would have been burſt open immediately.

But the door you ſpeak of was the door of the inner priſon.

CHARLES PRICE *ſworn.*

Examined by Mr. Garrow.

What are you?——I was one of the ſervants to the keeper of this gaol.

The firſt of Auguſt?——Yes.

Tell the Court and Jury what paſſed on the Sunday; in what ſtate was the gaol at that time, was it perfectly quiet?—No, they were *kicking up a very great row.*

That is, in plain Engliſh, making a very great riot?——Yes, Woodward was ſerving their proviſions to them, and after he had ſerved the men he ſerved the women at their own gate, without letting them down into the yard; they did not like that, they would come down as uſual: Mr. Woodward let one Ann Charnock down, and thought the reſt would be quiet; ſhe knocked him down and behaved very ill, they put on ſome irons, that made them worſe; they came and threw ſtones and brickbats, and tried to drive the broomſtick into my eye; I gathered up ſome of theſe ſtones that lay there.

Can you take upon you to ſay that theſe were ſome of the things that was thrown at the gate?—Yes, I can.

Had there been any miſchief done to the wall?——Yes.

What was it?——They had made ſuch a hole, that there was room enough for a man to get through; they had repaired that on the Saturday night.

Did you ſee any of the men out of their proper place?—I cannot recollect that I did, either upon the wall or elſewhere.

Whether from the ſituation of the priſon at that time, as to the ſtate of the gaol to ſecurity, you believe it was neceſſary to reſiſt them by the force that was uſed, in order to prevent their eſcape?—It was; they were kicking and knocking, and they ſaid they would ſet my maſter's houſe on fire; there was great danger that they would eſcape.

Mr. Peatt. Which ſide of the gate was you when the noiſe happened?——On the oppoſite ſide to the women.

Did you ſee the ſtones thrown?——Yes, and more than that, one of the ſtones hit me over the head, I cannot ſay who threw them, but I ſaw them thrown.

Did you open the wicket of the women's apartment?——No, Sir, I tried to keep it ſhut; I ſaw no otherwiſe than the wicket was broke open by main force; the men were all quiet.

You conceived yourſelf to be in very great danger from theſe clamorous women?——Yes, Sir, I did.

You ſay it was uſual to bring down the fines?—Yes.

Did you conceive the priſon was in danger from the ſcolding of theſe women?—Exceedingly in danger, in great danger, when they were heaving ſtones fit to knock our brains out.

I thought there were two outward gates?——Yes.

Did you think theſe ſcolding women, who had not their food in the manner they were accuſtomed to have it, endangered the gaol?—They ſaid they would ſet the houſe and priſon on fire, and break the gates and the priſon down, if they did not let them out.

Did not they ſay that to receive the proviſions?——No.

Would you yourſelf have ſhot one of theſe unhappy devils, or thought it neceſſary to do ſo on ſuch an occaſion?——I would.

Mr. Garrow. I believe your priſon is not ſtronger than Newgate was before it was burnt?—No, Sir, nor near ſo ſtrong.

Court. How far is the Governor's houſe from the women's gate?——About nine or ten yards.

They had but a little way to go then if they could have had fire?—No, Sir, they had not.

Sir Robert Taylor. The moment they are out of the women's yard they are upon the houſe directly.

Court to Witneſs. Is there any partition between the gate and the Governor's houſe?—None at all.

Mr. Peatt. Your Lordſhip and all the world knows, that women's tongues will ſay every thing when they mean to do nothing.

Court. I do not know that, but I know that ſtones in women's hands, and firebrands in women's hands, will do as much as in the hands of men.

Court to Jury. The rule of law is, as in the caſe of Huggins and Bambridge; the Courts are very properly watchful over the conduct of the gaolers and the perſons employed under them: to their priſoners they are not to behave with the leaſt degree of unneceſſary cruelty, that is clear; and they are reſponſible to the public for the lives of thoſe that are under their care: that doctrine which common humanity ſpeaks, is moſt fully and clearly explained in thoſe authorities; but there is a maxim of law for the intereſt of the commonwealth, that the priſons ſhould be in ſafety, and in order to preſerve them ſo, the law inveſts the gaoler with all neceſſary power, to be conducted as prudence, neceſſary prudence, requires;

then here are abundundance of women ſitting up a law for themſelves, who are under the proper control of their keeper, the maſter of the gaol, and inſiſt upon it, notwithſtanding the reaſon that has been given, that they will have their proviſions at ſuch a place; the Governor of this gaol, for the ſafety of that priſon over which he preſided, thought it imprudent and improper to let theſe women out in the uſual courſe of indulgence that had been obſerved to them before, and he had two objects in view, the one ſafety, the other reformation; he might think, that by a ſtrict and rigid confinement, he might bring theſe women to a ſtate of conduct and regularity: why againſt this prudent and wiſe meaſure of the gaoler do theſe women rebel? by force they broke open the wicket, then they inſiſt on breaking open the gate, they threw their miſſile weapons, the ſtones, in great abundance, and one of them ſtruck one of the people over the head; they threatened to commit an actual felony, they ſaid they would burn the priſon and the Governor's houſe, which is nine yards from the gate: now under theſe circumſtances, ſuppoſing them to be the facts, I for one am of opinion, in point of law, that they had a right to reſort to this extremity: I never had a doubt of it in my life; if, that were an actual felony is committed, or upon the point of being committed, perſons are authorized by law to repreſs that by every poſſible means; I wiſh that had been underſtood a little earlier in thoſe terrible riots, I believe a great deal of the riots would have been prevented: this is my idea of the law; I am ſure I am quite open to have any miſtake I may have fallen in corrected. It ſeems to me there is no grounds for proceeding further.

Mr. Peatt. In conſequence of what your Lordſhip has ſaid on the law of the ſubject, with reſpect to theſe perſons that are committed for ſafe cuſtody, it is certain diſcretionary power reſides with the keeper to repel force by force; but ſhould the meaneſt and loweſt of his ſervants exerciſe the diſcretion of taking away the life of an individual, when there is any noiſe in the gaol, that does not amount to ſuch a riot.

Mr. Juſtice Gould. You are right, I have watched very cloſely to this evidence, I did not hear of this felony and riot being threatened.

Mr. Peatt. I have no wiſh about it, but the common intereſt of humanity.

Mr. Juſtice Gould. I have the happineſs to be aſſiſted by the learned and worthy Recorder of the City of London, I ſhould be glad to know whether he concurs with me in opinion.

Mr. Recorder. I am clearly of opinion, that all perſons, not confining it to thoſe in cuſtody, with a ſpecial authority have a right to reſiſt and oppoſe, even if it is indiſpenſibly neceſſary to the endangering the lives of thoſe that are attempting to commit, or in the act of committing a felony; and I am clearly of opinion, that a gaoler having in his care and cuſtody numbers of priſoners of a dangerous deſcription, has a right, not only for the ſecurity of the public, to repreſs tumults and diſorders in that gaol, by every degree of force that may appear to be indiſpenſibly neceſſary; I intirely concur in the law laid down by the learned Judge; and here it is a queſtion of fact, whether the degree of force uſed was in that caſe neceſſary, as the only probable means of quelling the riot, if ſo, I conceive that the law admits no poſſible doubt in the caſe.

Mr. Juſtic Gould. Gentlemen, you have heard the opinion of my learned brother and myſelf as to the law, the fact is for you to decide upon; if you pleaſe I will ſum it up to you, but if you are ſatisfied from your recollection of the evidence that has been given, perhaps that will be unneceſſary; you will pleaſe therefore to tell me whether you wiſh me to recapitulate the evidence to you?

Jury. We are ſufficiently informed, my Lord.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

844. **WILLIAM FORSYTH** was indicted for feloniouſly, wilfully, and of his malice aforethought, being preſent, aiding, abetting, and aſſiſting one William Stevenſon in feloniouſly killing and ſlaying Elizabeth Scott, againſt his Majeſty's peace.

He was alſo charged on the Coroner's inquiſition.

The witneſſes being called, and not appearing, the Priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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845. **ELIZABETH JONES** and **MARY SMITH** was indicted for feloniouſly ſtealing, on the 24th of July laſt, three paper fans, value 14s. the property of Joſeph Grays, privily in his ſhop.

——— LEWIS *ſworn.*

On Saturday the 24th of July laſt, I ſaw the two priſoners, while they were in Mr. Gray's ſhop being ſerved with ſome fans, I obſerved one of them, while ſhe was ſerving, put ſomething under her cloak, as if in her pocket, I was immediately oppoſite to the houſe; I ſaw her hand moving towards her pocket, and I ſaw them walking careleſsly down Ludgate-hill; they were about a quarter of an hour in the ſhop. I ſuſpected they had ſtole ſomething; they went up into a houſe in Chancery-lane, a private door into a paſſage up two pair of ſtairs; I went to the houſe, and and went up into the room, with a conſtable and the gentleman that traced them, and they were ſitting at a table; there was another woman in the room with the two priſoners, they had got three fans on the table, lying open; on our entering the room they looked at us, one of them took one fan on the ſide of the table where ſhe ſat, and the other took two fans and threw them down on the ſide where ſhe ſat, and threw their clothes over them; we took the priſoners in cuſtody, and ſearched their apartments, and brought them to Mr. Gray's houſe, they then acknowledged the fact, and begged for mercy.

Were any promiſes made uſe of?—None in the leaſt, but a promiſe to proſecute.

Mr. Garrow, Priſoner's Council. Who are you?—I am well known in this Court, I live in Ludgate-ſtreet, I am a comb-maker and a hardware-man.

I believe you have ſome reaſon to know ſome of the rules of evidence?——Why, Sir?

I believe you have been here pretty often in the character of proſecutor and witneſs?——Frequently, and if I have an opportunity I may appear againſt more; but I never came without a ſafe conſcience to this Court.

You have a good deal of leiſure time upon your hands I take it for granted?——I could perhaps fill up my time ſometimes better than I do.

Anſwer my queſtion, Sir, you have heard it?——I have ſometimes leiſure time upon my hands.

It ſo happened you had a good deal of leiſure at this time?—I was attending theſe women in my ſhop the day before.

What is the diſtance, what is the width of that part of Ludgate-hill that faces Mr. Gray's ſhop?——I do not know.

Gueſs at it?—You can gueſs as well as I can.

I am not a witneſs upon oath, I chooſe to have it from you.—It is directly oppoſite the Bell Savage.

In the courſe of the quarter of an hour that you ſtood watching theſe people, how many carriages paſſed?——I cannot tell.

A great number of people and carriages were paſſing between you and Mr. Gray's ſhop?—No doubt of it.

You told us, with a great deal of accuracy and minuteneſs, that theſe people went to a certain court in Chancery-lane; now you do not know that?—Not of my own knowledge, I ſaw them a part of the way, and after I came there I ſaw them at the window.

Now, Sir, be ſo good as to tell us what it is of all the evidence that you have given, that you do know: how far did you follow them?——Into Shoe-lane, I ſaw them through the courts; I miſſed them in the narrow alleys by the King's printing-office.

Now you have told us, that when they were carried back to Mr. Gray's ſhop, they put their hands together and aſked for mercy, and acknowledged the fact; I wiſh ou to ſtate the very expreſſion?——I do not know that I can immediately ſtate the expreſſion; the fans were produced that they threw down, Mr. Gray's daughter declared in their preſence, that thoſe were the fans that ſhe had been ſhewing them; they ſat very patient till they heard the charge againſt them fully, the fans and their perſons identified by the young lady, and they then got up and wrung their hands, and hoped for mercy.

Was that all they ſaid?——I cannot recollect every word.

Then that is what you meant when you ſaid they acknowledged the fact?—I conſider that as an acknowledgment.

Then when you told my Lord, that theſe women had acknowledged the fact, you meant to refer to their having ſaid that they deſired mercy?——They begged for mercy.

That is what you call acknowledging the fact, Sir, is it? that is a little extraordinary.

Jury. Was it through the window, or by the door being open, that you ſaw them?——The door was open, and they were ſtanding by the counter.

MARY GRAY *ſworn.*

I am daughter to Mr. Gray; I recollect the two priſoners coming into our ſhop the 24th of July, between ſix and ſeven in the evening.

What did they come in for?——They came in and aſked to ſee ſome fans, I ſhewed them ſome fans, and they ſtaid a good while in the ſhop, at laſt they fixed on one, and ſaid they had not money enough to purchaſe it, but would come in an hour's time, if I would lay it by for them; they bought a little doll's fan, and paid ſixpence for it; then they went out of the ſhop, they were in the ſhop about a quarter of an hour or twenty minutes; I ſaw there was a fan lay under their cloak, I did not ſuſpect any thing, and I took it.

Did you perceive either of them taking thoſe that were loſt?——No, I did not at all.

Then you had no particular ſuſpicion of them?—Not the leaſt; Mr. Lambert came over, and ſaid he was afraid they were ſhoplifters; they were taken into the parlour, and I ſaw them three fans, which were produced by the conſtable; they only cried and begged for mercy.

Did you know them to be the ſame women?——Yes, one of them had changed her dreſs, but notwithſtanding that, I am ſure ſhe was the ſame; my father was at home when they were brought back again, but not when they came into the ſhop the firſt time.

JOSEPH THOMPSON *ſworn.*

I have the three fans, which I got out of the lodgings of theſe two women in Chancery-lane; as ſoon as I went into the room, Jones was ſitting on the left-hand ſide of the table, and Smith on the right-hand, the moment I went into the room theſe two fans dropped from Jones.

Were they on the table or in her hand?—They were either on the table or in her hand, I do not know which; the other two gentlemen being rather more active than I, got to the priſoner before me, but I went into the room firſt.

——— GRAY *ſworn.*

(Looks at the fans.)

Mr. Garrow. Point out the mark.

Court. You are ſure of them all?—Yes.

What may be the value of them all at the loweſt valuation?—Fourteen ſhillings, that is the price.

Whoſe hand writing is it?—My daughter's.

Being only the price mark, in courſe any other ſhop will put the price on their's?—I am ſure they are mine; this one I marked, I am poſitive to that.

Mr. Garrow to Mr. Gray. Is it by the writing of the mark that you knew it?——Yes, by the writing.

You took them at firſt to be your daughter's writing, did not you?——I thought they were.

I obſerve it is made by a pencil on bone; now from the little experience we all have of writing on ivory, it is the very worſt ſpecies of writing, our pencil ſlips, ſo that the figure or word written, is not ſo plain as if written on paper; now, independent of the writing, you would not know this: you do not manufacture them; there are many of the ſame pattern; for inſtance, if there was a balloon fan now?——We have them now.

So I gueſſed; now I will aſk you, whether you rub out the mark univerſally when you ſell fans?——No, never.

Court. Suppoſe theſe marks entirely obliterated, could you in that caſe have ſworn to the particulars of theſe fans?——I cannot ſay, I did not ſerve the fans myſelf; my daughter and my wife ſerved theſe fans themſelves.

Court to Miſs Gray. I think you ſaid, when the three fans were brought back, you only miſſed one?——No, but when I ſaw them I recollected ſhewing them.

The priſoners called three witneſſes to their characters.

ELIZABETH JONES,
MARY SMITH,
} GUILTY, 4s. 10d.

Each to be privately whipped, and confined to hard labour twelve months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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846. GEORGE GREEN and BENJAMIN COLEMAN were indicted for feloniouſly ſtealing on the 13th of September, two pair of ſilk ſtockings, value 16s. the property of John Smith, privily in his ſhop.

JOHN SMITH *ſworn.*

I live at No. 280, Holborn, I am a hoſier, the two priſoners came into my ſhop, about four o'clock on the Monday in the afternoon, the 13th of September.

Did they come in together?—Yes, they aſked to look at ſome ſtriped ſilk ſtockings that lay in the window, I reached them down, they aſked me the price, I told them half a guinea a pair, then they aſked to look at ſome white ſilk, I then took another pair of the ſame price from the window, and George Green aſked me to ſhew him ſome that were lower priced, I never ſaw him before to my knowledge, I reached him ſome out of the paper, there were ſeven pair in the paper when we reached them down, we always mark on the outſide how many there are; he told me they were too large a ſize, he would be glad if I would ſhew him ſome ſmaller, I then reached a dozen of women's ſilk, them I aſked him nine ſhillings for, he then ſaid, he did not underſtand ſilk, he would look at ſome cotton, I did not offer to reach him any more, the other priſoner ſaid, he wondered he could give the gentleman ſo much trouble, the other man went out after he had ſaid them words, and this Green was going to follow him, and ſaid, he would call in the morning, and bring ſomebody that underſtood them, and he was going out, and I miſſed a pair of ſtriped ſilk.

Court. What before he was gone out?——Yes, I collared the little one, and told him, I would make him pay for what he had got before he went, he then fell a crying, and ſaid, if I would give him leave to go, he would give me what he had got, and he pulled out a pair of white ſilk ſtockings out of his pocket, which pair the conſtable has, that was a pair I had not miſſed, I have never recovered the others nor ſeen them ſince, I left him with a young girl that was in the houſe, and went to look after the other, but I could ſee nothing of him then, but he was taken about nine the ſame night.

Mr. Knowles, Priſoner Coleman's Council. You ſeem to ſwear pretty hardly, Sir, you tell us Sir, that the other perſon took the ſtriped ſilk ſtockings, did you ſee him take them?—No, Sir, I did not.

Did you give the ſame account before the Magiſtrate?—Yes, Sir, to the beſt of my knowledge.

Did not the Magiſtrate tell you, that if you deſcribed theſe to be the value of five ſhillings, that the indictment would affect the priſoners lives?——He did not to my knowledge.

Will you ſwear that he did not?——I will not.

Then a little after that, you ſaid, you would loſe your life or hang theſe fellows?——I did not.

In what package were thoſe ſtockings?——The ſtripe ſilk were taken out of the window.

For ought you know, the priſoner you laid hold of might have ſecreted theſe blue ſilk ſtockings as well as the others?—I dare ſay, he did not.

Will you ſwear he could not poſſibly have done it?——He was ſearched in our parlour by the conſtable.

Court. How long was it before the conſtable came?—Not two minutes.

Did you find any thing on Coleman when you apprehended him?—Nothing of my property.

Have not you loſt a great many things?—Yes.

Then I conceive you was irritated, and angry?——I cannot ſay I was, I ſhould be glad to apprehend thoſe kind of people.

Court. Is the price you have mentioned, the reaſonable ſelling price?—It is laid leſs than they coſt me.

So that they were of the full value of eight ſhillings?—Yes, Sir.

You never ſaw any of the priſoners before?—Not to my knowledge.

JOHN PROSSER *ſworn.*

I am the conſtable of St. Giles's, and Mr. Johnſon and me were ſent for together, he gave charge of the priſoner Green, he ſaid, two men came into the ſhop, and robbed him of theſe ſtockings, Mr. Smith delivered them into my cuſtody.

What did Green ſay?—He owned himſelf guilty, I took Coleman upon the information of Green, at a public houſe in Bedfordbury, I cannot tell the ſign, the moment I laid hold of him, Mr. Smith ſaid, that was the man that had been in the ſhop with Green, we found nothing upon him, but a pocket book and knife, which are here in Court.

JOHN JOHNSON *ſworn.*

I am a conſtable, I was with Mr. Proſſer at the taking this priſoner, I live near Mr. Smith in Great Turn-ſtile, Holborn, it was this day week, between three and four the priſoner Green was there, I ſearched him, and found theſe buckles, and this box of ſhaving powder upon him, the ſtockings were delivered to Proſſer, they were white.

Was you preſent when Coleman was taken?—Yes.

Was any thing found upon Coleman?—A pocket book and knife, nothing elſe.

Mr. Knowles. You have related every thing that took place when the conſtable was ſent for?——Yes, as far as I know.

PRISONER GREEN's DEFENCE.

My Lord, this man is a very ſlight acquaintance of mine, only I lodged with him two weeks, I met him in Holborn, he aſked me where I was going, I ſaid to buy a pair of ſtockings, as he was a better judge than me, I aſked him to go with me, when we came to Mr. Smith, we went in and looked at ſome, I cannot tell how many, he aſked half a guinea, I aſked to look at ſome at nine ſhillings, he ſhewed me ſome and I thought they were too big, and he ſhewed me ſome ſmaller, and this man went out of the ſhop and took a fancy for a pair, and before I could get the money out of my pocket Mr. Smith ſtopped me, and to my great ſurprize, I had changed my breeches, and I had left half a guinea in my pocket, and had only four ſhillings about me, he ſaid, I ſhould not go unleſs I paid for the pair which the other man had got, ſo he charged me with a conſtable.

PRISONER COLEMAN's DEFENCE.

I was coming down Holborn, and I went with Green to buy theſe ſtockings, and I ſaw ſomebody go by as I was in the ſhop, and I went out after them, I wiſhed Green well, he was a ſlight acquaintance of mine, Smith ſaid, he would hang both of us if he could.

Proſecutor and Proſſer. Green had but four ſhillings and ſome halfpence in his pocket.

GEORGE GREEN,
BENJAMIN COLEMAN. } GUILTY, 4s. 10d.

Each to be tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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847. EDWARD JONES was indicted for feloniouſly ſtealing on the 6th of Auguſt laſt, ſix watch movements, value 20s. one hundred and eighty five watch movements framed, value 4l. one braſs watch cap, value 6d. forty eight centre watch wheels and pin, value 12s. ſeventy ſix watch barrels and harbours, value 15s. ſixty ſix great watch wheels and fuzees, value 24s. twenty one cantright watch wheels, value 2s. two hundred and thirty ſeven ſmall watch pins, value 16s. two hundred and forty eight watch ſcrew wheels, value 5s. nine watch ſtuds, value 6d. ſeventeen watch vergers, value 2s. thirty watch balances, value 18d. three turnbenches, value 5s. a pair of mens ſhoes, value 6d. a pair of buckles, value 6d. a ſpectacle caſe mounted with ſteel, value 6d. and one linen ſheet, value 3s. the property of William Taſh: and JOHN DENNIS otherwiſe HAMMOND was indicted for feloniouſly receiving on the 27th of Auguſt laſt, ſixty-nine watch movement frames, value 40s. fifty one watch barrels and harbours, value 8s. two hundred and thirty-ſeven watch pins, value 16d. two hundred and forty-eight watch ſcrew wheels, value 5s. twenty-four watch balances, value 12d. twelve cantright watch wheels, value 15d. nine watch ſtuds, value 2s. ſeventeen watch vergers, value 2s. parcel of the above mentioned goods and chattles, knowing the ſame to have been ſtolen, againſt the ſtatute.

(*The witneſſes examined apart.*)

WILLIAM TASH *ſworn.*

I am a watch movement maker; the 6th of Auguſt I was diſturbed by the watch, at two o'clock he knocked at the door, and ſaid, there were thieves backwards; I got up and let him in, and we went into the yard, and found the ſhop door wide open, I examined the drawers, the work ſhop was broke open, and the work taken out of the drawers, and the drawers put upon the work board, then they took the remainder part of the work that was on the work board, I was informed they had got one priſoner in the watch houſe, and I went there, there were ſix movements that never were found, I went down to the watch houſe, and I ſaw the priſoner Jones, without his coat and hat ſtanding there, whom I knew very well from a child, then I and one Green, a watchman, went down where the priſoner was taken, and juſt at the bottom of Norman-ſtreet, there is a wall breaſt high, which looks into a garden ground, the coat hung on the wall, upon ſome tenter-hooks; then Mr. Green laid hold of the coat, ſays he, here is his coat, and the weight of the things in the pockets, almoſt pulled off the arms of the coat, the coat was taken down to the conſtable with the work in it, and delivered to him, we took it down to the watch-houſe where we found divers of the things, I knew the coat, I had ſeen him with it on, the coat was found at the back of my yard; the neareſt way to get to my ſhop, was over the kitchen and the ale-houſe, I ſuppoſe they got in that way, becauſe there was ſome tiles broke; I can ſwear to the things, as well as a man can to his hand writing: I gave the door a pull after me at night, but whether it was latched or no, I will not ſwear; it is only upon the latch at all times, there was no mark of violence on the door; on the 26th of Auguſt at five in the afternoon, I was fetched by Catchpole and Lucy to Juſtice Blackborow's, there I ſaw the priſoner Dennis, at the Juſtice's, and I found ſeveral of the things mentioned in the indictment, then Mr. Lucy the officer ſaid, there were a great many more things in his apartments, and I went with him the next morning and ſearched.

Where did the priſoner lodge?—In Golden-lane, the corner of Bell-alley; I know the priſoner Dennis coming to my houſe upon buſineſs.

What family has the priſoner in that lodging?——I believe he has a wife and three children.

How old is the eldeſt of his children?—I cannot ſay, there we found twenty-four balances, twelve cantright wheels, nine ſtuds, ſeventeen vergers, and a frame with large works in it, and ſome other things; when we were before the Juſtice, the priſoner deſired to look and ſee that we had taken none of his property, he ſaid, they were all his property, and were brought to him to ſell by one Thomas Peatman, who goes by the name of Tom the Gigler.

Court. That is not the priſoner?—No.

Mr. Garrow, Priſoner Jones's Counſel. How long have you known the priſoner Jones?——I have known him a long time.

What is his general character?——Very indifferent indeed, he keeps bad company, and is turned out one of your fighting Gentlemen.

Mr. Chetwood, Priſoner Dennis's Council. I believe that you expreſſed yourſelf, that the other priſoner is not guilty?—I did ſo to his wife and the conſtable.

JOHN GREEN *ſworn.*

I am beadle; about two o'clock on the 6th of Auguſt I heard the rattles go, and I run down and met the priſoner Jones, and two other watchmen, they brought him to the watch-houſe, he was without his coat or hat, and they went back to get more, I ſtaid at the watch-houſe till ſuch time as the watchmen came back again, then I went to ſeek after the coat, and at the upper end of Norman-ſtreet, I found the coat hanging upon a tenter hook, I cannot ſay it was his, I laid hold of it and it was very heavy, I called out to Mr. Taſh, Sir, here is a coat, and I fancy here is your property in the pocket, there was a parcel of braſs implements for watches, I did not keep them, I turned them out at the watch-houſe; in the left hand pocket there was a pair of ſpectacles.

(*The ſpectacles depoſed to by the Proſecutor.*)

CHARLES MEERS *ſworn.*

I was officer of the night; about two two o'clock in the morning the rattles went, and two of the watchmen were bringing the priſoner Jones to the watch-houſe and ſince that time I have had the property in my poſſeſſion, this coat was delivered at the watch-houſe to me being found by the beadle, and this hat was found by a watchman in the ſtreet.

Court. Put down all the things that were found in the pocket, upon the table?——Theſe were found by other people and delivered to me.

(*The things depoſed to all but a ſpicket and faucet.*)

THOMAS PEASNOR *ſworn.*

I am a watchman, I apprehended the priſoner Jones, no body was with me, another man came to my aſſiſtance, his name is Hugh Harris, I took him in Norman-ſtreet, the priſoner paſſed me juſt as the clock ſtruck two, he had a coat on, I cannot tell the colour, he ſtood at the end of the church, he ſaid, he wanted to make a neighbour's ſon hear, he was to have laid with him, he could not make him hear, he ſaid, he would go to the watch-houſe, he was known there, ſoon after I heard ſome tiles rattle by the ſide of St. Luke's church, I looked up and there was a man coming, and on the door way on the back ſide of the church, there was a man ready to drop down into the ſtreet, I ſet my rattle a going, as I was rattling he jumped down, I laid hold of him he cut away from me, Jones was ſtanding but ten yards off by another door, the priſoner that run from me went to the priſoner Jones, they run round thoſe buildings and I run after them, I purſued them, and ran over two hats, I met Jones without his coat and hat, he made no reſiſtance, I am ſure he is the man.

HUGH HARRISON *ſworn.*

I am a ſupernumary man, I happened to be out the night this robbery was committed; going up Ironmonger-row, crying paſt two, I heard a rattle, and by the corner of Church-row, I ſaw a man run hard, and when I came up the watchman had ſtopped him in Norman-ſtreet.

Court. Did you obſerve whether he had a coat on or not?——I cannot ſay; I took Jones and brought him to the watch-houſe, he had neither coat or hat on, I picked up two articles at half paſt ſix.

JAMES MAXEY *ſworn.*

I heard the rattles go about half paſt two, and I ſaw Jones at the watch-houſe, and I picked up a wet ſheet the back ſide of St. Luke's church. (*The ſheet produced and depoſed to.*) I ſaw the tiles broken, I picked up one of the hats round the other corner.

JOHN PEARCE *ſworn.*

I know nothing of the robbery, I took Jones into cuſtody about nine on the 6th of Auguſt, he had then a green coat on, which I believe to be the coat now produced.

JOHN LUCY *ſworn.*

On the 26th of Auguſt by virtue of a ſearch warrant, I went to the priſoner Dennis's apartments, and I found this property, it was diſperſed in different parts of the ſhop, he opened the apartment for me himſelf, it was in his work ſhop, the garret, he ſaid, it was work he had from a maſter in the country of that trade, I told him, I thought it was uncommon to have part of it in a bag in a cloſet, and I ſuſpected it was ſtolen, he then ſaid, he bought them at a ſale, I ſaid, I ſhould take him into cuſtody, he then ſaid he bought part of a watchman, and part was brought into his ſhop by one Tom a baker; Catchpole and Newman were with me.

John Newman depoſed to the ſame effect as this laſt witneſs.

PRISONER JONES's DEFENCE.

I know nothing of the matter, I had been making half a holiday, and I went to Smithfield, and I pulled off my coat and hat and loſt them, and coming home the watchman ſtopped me.

The priſoner Jones called eight witneſſes who gave him a good character.

PRISONER DENNIS's DEFENCE.

I was not at home when theſe things were found, they ſaid if I would tell the truth how I came by them, they would ſet me at liberty, and I ſaid, I would tell that before a magiſtrate; I might be a little frightened at firſt.

The priſoner Dennis called three witneſſes who gave him a good character.

EDWARD JONES, GUILTY.

Tranſported for ſeven years.

JOHN DENNIS alias HAMMOND, GUILTY.

Tranſported for fourteen years.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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848. **NICHOLAS BIRNE** was indicted for feloniouſly ſtealing on the 16th of Auguſt, one woollen jacket, value 3s. one man's hat, value 4s. one cotton handkerchief, value 2s. one ſtriped cotton ſhirt, value 2s. one pair of ſilver buttons, value 12d. one pair of cotton ſtockings, value 2s. one pair of ſilver ſhoe buckles, value 20s. one pair of leather ſhoes, value 5s. and five ſhillings in monies numbered, the property of Thomas Hutchinſon.

THOMAS HUTCHINSON (a black) *ſworn.*

I belong to the Columbus at Liverpool, ſhe came to London, I loſt the things mentioned in the indictment on the 6th of Auguſt, we were paid off, all the people that were ill were brought into a houſe in Virginia-ſtreet, we ſtopped to drink a pot or two of beer, and I ſaw this Birne ſet in the next box, and every time I went out he looked very hard at me, and ſeemed to know me, we ſtaid till about eleven o'clock, and then we parted, we went home, and I was rather a little in liquor to be ſure, and as I was going down Virginia-ſtreet, I happened to tumble down, and I laid there ſometime, and I felt a perſon pulling at me, I raiſed my head up and looked at his face, and laid my head down again, in the mean time he took my ſhirt, and jacket, my ſhoes and buckles, and took every thing off but my trowſers, that was the perſon, I did not ſpeak to him, it was very dark, it was a little after twelve.

Court. What light enabled you to ſee it was the priſoner?—Only the lamp that was very near me.

How long did you lay there?——Till about five o'clock.

Can you poſitively ſwear that is the man?—I can.

Priſoner. Did you ever ſee me in your life before I ſay?—I ſaw you at that public houſe and the man at the public houſe ſaw you at the ſame time.

In what ſtreet?—It is down at the bottom of Virginia-ſtreet, in Redman-lane, I went on the Monday following, and I was going along Roſemary-lane, and the firſt jacket I clapped my eyes on was mine, hanging up at this woman's door to be ſold, ſhe aſked me if I wanted to buy a jacket, I told her I did but it would be rather hard to buy a jacket twice, I had only wore it when I was out and on Sundays.

MARY WILLIAMS *ſworn.*

I keep a little bit of a ſhop in Roſemary-lane, I ſell ſecond-hand clothes, the 16th of Auguſt, about eight, the priſoner came to my door, he had a jacket, a ſhirt and ſhoes, and a pair of buckles, ſays he, will you buy theſe things, my huſband was there, ſays he, I want the money, take the whole for half a guinea; I ſaid, are they your own? he ſaid yes, I immediately ſaid, it was a pity a man ſhould ſell his ſhoes off his feet when he has got ſuch a bad ones on, and he ſaid, I am obliged to ſell them, becauſe I am neceſſitated; I bought only the ſhirt and the jacket, he aſked me 7s. 6d. and I gave him ſix ſhillings.

(The ſhirt and jacket depoſed to.)

Proſecutor. I have a particular mark in my jacket, a ſtroke of tar, which is marked quite acroſs the waiſt.

JOHN WILLIAMS *ſworn.*

I am huſband to the laſt witneſs, I remember the priſoner coming, and he brought thoſe things on the 16th of Auguſt laſt, about nine, and he aſked me to buy them, they were his own he ſaid, and I bought ſome, he aſked me half a guinea I opened the bundle, ſays I, I don't deal in buckles, I will buy the ſhirt if I can deal with you, he aſked ſeven ſhillings and ſixpence, at laſt he let me have them for ſix ſhillings, the proſecutor came and claimed them, the next night I found him in Roſemary-lane.

PRISONER's DEFENCE.

Before the Juſtice the proſecutor ſaid he was ſo bad in liquor, he could not hold up his head, and that he ſhould not know the man; as for the ſilver buttons, he never mentioned before, the ſilver buckles were no more than metal.

The priſoner called one witneſs to his character.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. *Baron* HOTHAM.

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849. **SAMUEL RICHARDS** was indicted for feloniouſly ſtealing, on the 31ſt

of Auguſt laſt, two pounds weight of ſilk, value 40s. the property of George Courtould.

(The witneſſes examined apart.)

GEORGE COURTOULD *ſworn.*

I live in Whitechapel, and am a ſilk-throwſter; I know nothing of the fact, I am the owner of the ſilk.

MARTHA JOHNSON *ſworn.*

I ſerved my time to the ſilk buſineſs, winding and doing anything in the buſineſs; I had this ſilk on my premiſes, I was going to get a light to ſit down to work, it was on Tueſday the 31ſt of Auguſt, I had twenty bobbins, the bobbins were taken out of the place, and were dropped; I miſſed nineteen from my place: I thought I heard ſomebody in my room, I immediately went and peeped into my room, I thought I ſaw the ſhadow of ſomebody; I cried out, for God's ſake, O my work! he made acroſs a ditch, and got out of my ſight; they were in a baſket in the back room, at the window where I ſit with my reel; it was about eight o'clock when I went to light my candle, I ſaw the glimpſe of a man juſt turn out of the back door, I called ſtop thief! the man was taken by William Cox, he had got my baſket and all our bobbins of ſilk.

WILLIAM YARDLEY *ſworn.*

I was going home about a quarter after eight, and the poor woman came out of her door and ſaid, Lord have mercy upon me, I have left all my maſter's work, and the man has run off backwards; I did not ſee him till after he was taken.

WILLIAM LISLE *ſworn.*

They hallooed out, ſtop thief! I was in the field, and ſaw a man run, and I run after him; I did not obſerve whether he had any thing or no; I ſeized him, he threatened to rip me up, he had his knife in his hand, it was a claſp knife, but he had not time to open it: the priſoner is the man.

GEORGE BROWN *ſworn.*

I took charge of the priſoner, the 31ſt of Auguſt, I carried him to priſon.

WILLIAM COX *ſworn.*

I took the priſoner, but before I caught him he caſt ſomething out of his hand, but what it was by that light I cannot ſay; I went and picked up a bundle of linen.

Proſecutor. They belong to my mother and ſiſter, a parcel of cloth, they were in the garden; the ſilk was dropped the other ſide of the ditch with the baſket; the neighbours about the place picked it up, I cannot ſay who they were, it was none of theſe people; I ſaw the baſket in his hand as he went acroſs the ditch, there was no other man went acroſs the fields, his back was towards me.

PRISONER's DEFENCE.

I had been at Whitechapel, I heard a noiſe, and the people caught hold of me.

Court. What way of life have you been in?——A ſeaman.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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850. THOMAS GRIFFITHS was indicted for ſtealing, on the 16th of Auguſt, one hundred and forty yards of black gauze, value 4l. the property of Edward Simpſon and John Preſton.

JOHN PRESTON *ſworn.*

I was called on Wedneſday morning at three o'clock, to know whether I had loſt any thing, and the warehouſe door was unhaſped, or at leaſt the ſtaple drawn, and the door open, which had been ſhut the night before; when we came to go up ſtairs, we found another door open, and the lock drawn, we miſſed ſome things, but we could not tell the exact quantity.

What ſort of goods did you miſs?——Black gauze: I ſaw the gauze before five in the morning, in the conſtable's poſſeſſion, the conſtable is not here; I have no doubt of their being mine, the ſhop marks are on them, they have been in my poſſeſſion ever ſince; here is one hundred yards which has never been out of my poſſeſſion, the reſt went to be redreſſed.

JOHN GREEN *ſworn.*

I am a watchman in Biſhopſgate-ſtreet; about one in the morning this man and another was coming along, and I aſked him what he had got there tied up, he had a bundle, he muttered ſomething, I could not tell what; ſays I, I inſiſt on knowing, and will know, and he run away, I cried ſtop thief! he was ſtopped before he got out of my ſight; I delivered the bundle to the conſtable.

What was his name?—Mr. Grimes; we aſked the priſoner how he came by it, he ſaid he found it at the corner of a place where he had juſt been, and ſaw nobody; I obſerved there was a paper marked upon it, but what it was I cannot ſay, as I cannot write, the other man made his eſcape; this is about two hundred yards from Mr. Preſton's warehouſe.

CHARLES PROSSER *ſworn.*

My brother watchman called out ſtop thief! and I purſued and ſaw the priſoner run down the paſſage, and I took him at the end of the paſſage, which is no thoroughfare, but he was totally out of breath.

—— SHILLEY *ſworn.*

He went to breakfaſt with me on Sunday, and then to dinner, and then I went up into my maſter's warehouſe to do a little job, he was up in the warehouſe with me, he locked the warehouſe, and gave my maſter both the keys to carry home.

PRISONER's DEFENCE.

I had been down with a young man, I ſaw this bundle lay, and picked it up; that young man called to me, and I inſiſted on ſeeing it, he never offered to take hold of me, but called ſtop thief! I ſaw the watchman run, he ran immediately, which was near a quarter of a mile from the place where he firſt aſked to look at the property.

Proſecutor. The handkerchief in which the gauzes were belonged to us.

Priſoner to Proſecutor. What particular mark have you to the handkerchief, that you can ſwear to it?——I am ſure it is the ſame handkerchief.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

The Ninth Part will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*;
HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 15th of SEPTEMBER, 1784, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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M DCC LXXXIV.

THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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851. JOHN CARTER was indicted for feloniouſly ſtealing, on the 9th of Auguſt laſt, fifteen yards of ſattinet, value 50s. the property of Thomas Townſhend, in his dwellling houſe.

THOMAS TOWNSHEND *ſworn*.

On the 9th of Auguſt, about three, I miſſed a piece of ſattinet from my window, and the two witneſſes came to my houſe to know if I had miſſed any thing.

Court Is your's an open ſhop window?——No, it is cloſed; I did not ſee the priſoner in the ſhop.

NATHAN NATHAN *ſworn*.

On the 9th of Auguſt, I was coming down Shoemaker-row, and ſaw the priſoner and another man running down Shoemaker-row with a bundle, I ſuſpected he had ſtole it; I went to Levy the officer, and informed him, and we both followed them and took them in Houndſditch; when I ſtopped him he dropped the bundle and ſaid, here is your property and let me go; I did not know whoſe property it was all we enquired, and the firſt ſhop we aſked at was Mr. Townſhend's, and he owned it, and ſaid he had been robbed four or five times before, we afterwards ſealed it up at Guildhall, and it is in poſſeſſion of the conſtable.

Priſoner. Aſk him if ever he ſaw me near the place?——No, on ſearching him we found a pair of piſtols in his pocket.

DAVID LEVY *ſworn*.

On the 9th of Auguſt I was informed by Nathan about the priſoner, and I went to him and aſked him what he had, and he dropped the property and ſaid, now I may go about my buſineſs; this is the ſame man.

(The ſattinet depoſed to.)

Court. What is the value of this at a low valuation?—It coſt me fifty ſhillings.

PRISONER's DEFENCE.

A man ran by me, and he left that piece of ſattinet, a man came up and ſaid I took it, I have witneſſes.

The priſoner called two witneſſes to his character.

GUILTY, 39s.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

852. **PHILLIP FARRELL** was indicted for feloniouſly ſtealing, on the 14th of July laſt, one cambrick handkerchief, value 1s. the property of Major Taylor.

MAJOR TAYLOR *ſworn.*

I came from Temple-bar, and juſt by Chancery-lane there was a croud, I ſtopped to ſee what was the matter, and found a man intoxicated with liquor; I deſired the watchman to take care of him, and while I was talking, I had the right-hand of my coat unbuttoned, and my handkerchief taken out; I went home, and then went towards Temple-bar from home again, determined to take any pick-pocket I ſaw, and there I found a perſon at my left-hand pocket, unbuttoning it, it was the priſoner, he was in a blue jacket; ſays I, you are attempting to pick my pocket; no, blaſt you, ſays he, I am not; I directly ſaid, you ſhall go to the watch-houſe; he went on about ten yards, he did not come directly; I told him I would knock him down if he made the leaſt reſiſtance: at the watch-houſe I ſaid I did not charge him with picking my pocket, but on ſearching him there was found a large claſp knife, and a large handkerchief I had taken from him in the ſtreet, that was all that was taken from him; I ſaid that I wiſhed to have his breeches ſearched, when his breeches was looſed, to my great ſurpriſe, the conſtable took out a handkerchief that was my property.

(The handkerchief given by the Conſtable and depoſed to by the Proſecutor.)

PRISONER's DEFENCE.

I never ſaw the gentleman in my life; I picked up the handkerchief coming through Temple-bar, I did not know but the gentleman might be ill-natured enough to ſwear againſt me, therefore I put it into my breeches, which I did at the houſe, and I believe the gentleman ſaw me; I think it is a very unlikely thing, that if I had picked his pocket ten minutes before, that I ſhould pick it again.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before
Mr. Baron HOTHAM.

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853. **LOVELL HUDSON** was indicted for feloniouſly ſtealing, on the 16th day of Auguſt, one ſilver table ſpoon, value 10s. one linen table cloth, value 5s. the property of Ann Wilſon.

ANN WILSON *ſworn.*

I loſt the things mentioned in the indictment, I ſaw them before dinner, there was no light in the houſe; the priſoner was employed to clean knives; I found the things laſt Thurſday, at Mr. Harding's, in the Minories; the priſoner went paſt my door, and my mother took him and ſtopped him; he confeſſed what he had done with them, I had not ſeen them from the time they were loſt till then; he ſaid he had ſuffered the law for them, he had been impriſoned, he was ſtopped with them: Mr. Harding ſtopped him, and advertized them.

(The ſpoon and table cloth produced.)

THOMAS HARDING *ſworn.*

I am a goldſmith, I have a ſpoon broke in two; the priſoner at the bar brought me this ſpoon and table cloth, and ſaid he found them coming from Hampſtead, as he was muſhrooming on Primroſe-hill; the ſpoon was wrapped in the table cloth, I ſtopped him and ſent him to priſon.

Priſoner. I have nothing to ſay.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before
Mr. Baron HOTHAM.

854. SARAH HALL was indicted for feloniouſly and burglariouſly breaking and entering the dwelling houſe of Lyon Phillips, between the hours of four and five in the afternoon, on the 14th of July laſt, no perſon being therein, and feloniouſly ſtealing therein one brown cloth coat and waiſtcoat, value 9s. one Marſeilles waiſtcoat, value 4s. a pair of velveret breeches, value 5s. two cotton gowns, value 8s. a white Marſeilles petticoat, value 5s. one black callimanco ditto, value 5s. one linen ſopha cover, value 3s. three linen ſheets, value 3s. three linen ſhifts, value 3s. three muſlin neckcloths, value 3s. his property.

LYON PHILLIPS *ſworn.*

I am a houſekeeper, I have a wife and three children, no lodgers; I went out in the morning of this day, and left my wife and children at home; I came home at night between five and ſix, and then I was informed I was robbed, and that the woman was taken, and I went there, and there ſhe was with my property; I know the things, and ſo does my wife.

REBECCA PHILLIPS *ſworn.*

My huſband went out and left me at home in the morning, I went out in the afternoon about three, and left nobody at home, the children were at ſchool, I went up ſtairs, and put on my hat and cloak, I came down and locked my door, and padlocked it.

In what ſtate did you leave the windows?——My kitchen windows were ſhut, my ſhutters were open.

Why in that hot weather were none of your windows open?——No, none.

Are you ſure of that?——I am very ſure of.

How happened it they were all ſhut?—As I was going out I ſhut them all.

When did you come home?——I came home about a quarter after five, when I came into the ſtreet I was informed I was robbed, then I went home and found my houſe broke open.

How did it appear to be opened?—The padlock was cut, and the look was broke.

How do you mean cut?—With a knife or file, or ſomething.

Was not it an iron padlock?—Yes.

Was the other lock open, the lock of the door?——That was broke, and two of the drawers were broke open.

Where were the things before they were loſt?——They were in thoſe two drawers very ſafely.

Do you know any thing at all of the priſoner yourſelf?—Nothing at all, ſhe is quite a ſtranger to me.

MARY PACEY *ſworn.*

I did live then in the Little Minories oppoſite theſe people; I was talking to my little girl, I ſaw the priſoner bundle up a packet of clothes, I ſaw her through the window, their window was a-jar, it was neither open nor ſhut, in the one pair of ſtairs; Mrs. Phillips had had her windows cleaned, and left her window open, or elſe I could not have ſeen.

Then ſhe had left her window open before ſhe went out?—She had left her window a-jar; I did not ſee the priſoner go out, I ſaw her in the room, ſhe appeared to me to be looking over clothes; I looked at her a good while, I had my little girl with me, and I ſaid to her, Mrs. Phillips is very buſy looking over her things, and preſently I ſaw the priſoner come down with the property: I ſhould have had no miſtruſt, but ſhe dropped a pair of morone coloured breeches and an old ſheet in the paſſage, I then thought ſhe had been robbing the houſe, ſhe had a large bundle, almoſt as much as a porter could ſtand under, with a quantity of falſe keys, and all that ſhe had about her.

Did ſhe turn back to pick them up?—No, ſhe went on, I purſued after her as quick as poſſible, ſhe went with the things to the Three Kings, where ſhe had left her child while ſhe committed the robbery.

Who got the things after?——I do not know, it was a Jew man, a conſtable.

Did he take it into his cuſtody in your ſight?——Yes.

Were thoſe things the conſtable took charge of the ſame that you ſtopped upon the priſoner?——Yes, Sir, the ſame to my certain knowledge.

What did ſhe ſay for herſelf?—Firſt ſhe ſaid ſhe had them given her, then ſhe ſaid ſhe got them for twenty-five ſhillings.

HANNAH ELIAS *ſworn.*

Pleaſe you, my Lord, I ſtopped this woman, ſhe had the things with her, I ſaw the conſtable take charge of her, they are the ſame things.

Court. Is the conſtable here with the things?—He was not bound over; the things were left in my care, becauſe there was ſome things in them, which his wife could not do without in her lying in.

When were thoſe things given to you?——There were thirty-four picklock keys found in her pocket and a particular knife.

When did the conſtable deliver them up to you?—It was the 15th of July, the next day after the robbery; the ſame night ſhe was taken the things were ſealed up, and left at my next door neighbour's houſe.

Who took charge of the things at the Three Kings?—The conſtable ſealed them up, and left them with a next door neighbour of mine in my preſence; I ſaw them again the next day at Guildhall, they were brought there in the ſame ſtate; they were opened by Alderman Plomer, and they were looked over, and the Alderman aſked me what I would value them at; I told him I would leave it to him, and he valued them at three pounds; they were then committed over to my care, and have been in my poſſeſſion ever ſince, and are here now, the ſame things that were ſealed up in the bundle.

(The priſoner's pocket produced.)

Proſecutor. Theſe are my breeches, all the neighbours knew them, I wore them conſtantly, and my coat, I wore it conſtant every ſabbath.

(The things depoſed to.)

Court. What may your coat and waiſtcoat be worth?—Ten ſhillings, the velvet breeches five ſhillings.

What are your two gowns worth?——Ten ſhillings, they are charged in the indictment at eight ſhillings.

What is your white petticoat worth?—Four ſhillings; the black petticoat, four ſhillings; and the ſopha cover, four ſhillings.

Are there any ſheets?——Here are three old ſheets, value three ſhillings; three ſhifts, three ſhillings.

Court. Were there any neckcloths?——I cannot find any here.

(The padlock produced that was found in the fire place.)

PRISONER's DEFENCE.

I deal in clothes, a woman aſked me to buy them, and I bought them, and that gentlewoman charged me with an officer: I have two poor children.

Court to Jury. Gentlemen, this indictment is founded upon a particular act of parliament, which was made for the protection of poor people, who are obliged to leave their houſes in the day time to go to their labour, and which makes it a capital offence to break into a houſe by day time, and to ſteal therein to the amount of five ſhillings; if there is a deficiency in the proof of breaking and entering, that makes an alteration in the charge, for unleſs the houſe is broke and entered, ſtealing therein to the value of five ſhillings in the day time is not a capital offence; but if ſhe did not break and enter the dwelling houſe, ſtill, if ſhe ſtole to the value of forty ſhillings, ſhe is guilty of a capital offence.

GUILTY,

Of ſtealing to the value of 39s. but not of breaking and entering.

To be impriſoned in Newgate twelve months.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

855. JOSEPH NASH and WILLIAM PEARMAN were indicted for feloniouſly aſſaulting William James May, on the King's highway, on the 25th of July laſt, and putting him in fear and danger of his life, and taking from his perſon and againſt his will, one penknife, value 10d. one pair of ſhoe buckles, value 3s. one hat, value 1s. and three ſhillings and ſixpence in monies numbered, his property.

WILLIAM JAMES MAY *ſworn.*

Examined by Mr. Knowles Council for the Proſecution.

On the evening of the 24th of July laſt, I was at the ſign of the Golden-key, Cock-lane, I went there at the requeſt of William Clarke, in order to ſettle a piece of buſineſs between him and James Saunders; we had ſettled the buſineſs, and he had provided a ſupper, and we were in company till one o'clock, when I was very deſireous of going home; I had two ſons men men grown with me, they were in diſpute with Mr. Clarke about ſome buſineſs they had done; I could not get either of them to go away, I ſet out by myſelf, and the watchmen were all going their rounds paſt one o'clock; it is a general cuſtom with me when I am out late, to take one or two watchmen, I went on to Bethnal-green, and in the middle of the road by the turnpike, I heard the voice of two perſons, and they proceeded on from the turnpike houſe, on the foot-way to Bethnal-green, I was on the highway, I had a pointer bitch with me, I then proceeded to turn up to my houſe, which is about three hundred feet from the turnpike road, juſt as I was going to turn up, I ſaw the two priſoners at the bar turn round and face me, and I ſtopped and ſaid, halloo, and the inſtant on my ſtopping, I ſaw the face of Naſh ſo perfect, and ſo much it is impreſſed in my mind, that I believe ſo long as I live it will never be eradicated; the other's face I cannot be ſo poſitive to; Naſh came up into the road to me, and he ſtruck me a blow on the ſide of my neck, with a ſtick or a bludgeon, I returned the blow, upon which I had ſeveral blows upon my head, which brought me down to the ground; while I was on the ground, the other man that is taller ſtruck me over the head with a hanger; Naſh leaned over my left hand ſide, and after he had picked my pocket of my penknife and a few memorandums, and I believe five halfpence, he leaped over me, and put his hand in my right hand pocket, and then I had another ſight of his face, there he took out a dollar, and a few memorandums, likewiſe ſome ſilver was dropped, which was found the next morning; I told them for God's ſake not to murder me, I had but little for them, and the tall one ſaid he would murder me, and then I cried out as loud as I could ſpeak, murder, murder, murder! my voice being heard in the family, my wife with three of my daughters women grown, came all out with a light, and they immediately left me on the ſight of it before they riffled my waiſtcoat and coat pockets, but they took my buckles out of my ſhoes, and as I lay upon the ground, I ſaw them go down the next road, and go towards ſome brickfields.

Were you in ſuch a ſituation that you could obſerve the perſon of each?——Yes.

Then you only conclude that you know Pearman by obſerving a perſon rather taller?——His cutting me three times in one place, it went to my very ſoul, I caught at the hanger.

Mr. Garrow, Priſoner's Counſel. You have told us, it was the talleſt man that ſtruck you with the hanger?——Yes, but the other laid upon me.

You ſtaid late at the alehouſe?——Yes, this buſineſs detained me at the alehouſe, I only drank one pint of porter and one glaſs of gin.

Was you drunk or ſober?—Sober.

What ſort of a night was it?——It was a darkiſh night, but the light came on, it was morning.

There was no moon?——No.

You were not near any lamps I believe?—No.

Did you obſerve the clothes in which Naſh was dreſſed ?——No, Sir.

Only by the face, which ſo dreadfully impreſſed you ?——No.

Did you ever ſee him before ?——Not to my knowledge.

How long might this buſineſs be tranſacting ?——That is impoſſible for me to give an account of, it might be five or ten minutes.

Do you think it was five ?——I do not know that it was.

How ſoon afterwards was it that you ſaw either of theſe two men ?—I believe it was the Tueſday following.

Was not it Thurſday ?——I cannot recollect.

You recollect, that before you did ſee them you had application from their friends to know if you could identify them ?——Not to me, I was kept in a dark room becauſe the ſurgeon ſaid, that I was in ſuch a ſtate that I muſt be kept cloſe.

When did you firſt ſee them afterwards ?—At my houſe.

Upon your oath, do not you know they came with their friends ?—No, not one.

Did not Naſh ?——Pearman did.

You loſt a great deal of blood ?——No.

RANDALL DURANT *ſworn.*

It was on Saturday night, I left Mr. Lloyd's houſe, where our pay table is, going out, I went into a field and two other witneſſes with me, it looked very black, I was watchman at the brickfield, I went to ſee if there was any ſtraw on my maſter's bricks, and I heard the cry of Murder, and a dog bark, and I ſaw a light come at the laſt cry, and in two minutes after we heard the feet of two people come cloſe by us, and it was two men coming towards Bethnall-green road, theſe two young men the priſoners came up.

Were they running ?——No, walking a pretty goodiſh pace, they came up to me pretty near Mare-ſtreet gate, it was the ſide of the road, I aſked them where they came from, and if they did not hear of a murder, they ſaid no, I ſaid, I am ſure there is a robbery committed, the young fellows ſaid no.

Do you know the priſoners ?—I have ſeen Pearman before, but I did not know Naſh, and then Thomas Defee came up, and ſaid halloo, he ſaid, he knew them, and he lived but three doors off, and I let them go, I heard of this the next morning, and I mentioned this circumſtance, and one Mr. Yardley went and fetched one Mr. May to me, and on the Sunday evening theſe young fellows hearing there was a ſcandal upon them about the neighbourhood came to reſign themſelves; they went to the Bladebone, but what paſſed I do not know, I met them both coming back not in cuſtody, and on the Monday young Pearman drank two pints of beer with me at May's houſe, I know them to be born in the ſtreet, and to be hard-working induſtrious people.

Mr. Garrow. And they were not taken again till the Thurſday ?——They had their ſecond hearing on Thurſday.

Court to Durant. You mention it's being very dark ?——Yes.

And your letting them go ?——Yes, I clapped my hand on Pearman's ſide, but I did not ſee any thing.

THOMAS DEFEE *ſworn.*

I know nothing at all about the robbery, only I heard the cry of murder at about a quarter after one, from the cry I ſtopped the two priſoners at the bar, a very few words paſſed, I aſked them if they heard the cry of murder, and they ſaid no, I did not ſearch them, I knew them from children, and born of honeſt good parents, I knew no harm of them, I let them go upon that knowledge; as for Durant he cannot know much about it, for he was ſo drunk he could not ſtand.

Durant. Yes, your honour, I was in liquor, I did not know the priſoners when I ſtopped them, I was ſo drunk; there was a hat produced as one of the priſoners, but I never ſaw them in ſuch a hat, and they both had hats on.

Mr. Garrow. My Lord, I have fifty people to the character of theſe men, but

Mr. Knowles thinks it is too much to preſs it.

Proſecutor. My Lord, I wore a round hat my round hat was taken from me, and this was a round hat which they took.

Defee. When Mr. May came to me, he ſaid, one had a round hat, the other a cocked hat on; one in a blue jacket, the other in long clothes, he ſaid one of them muſt certainly have a bruiſe at the ſide of his head, and they were ſtripped, and I never ſaw any bruiſes about them, they was ſtripped to be ſearched.

Durant. There were two people run up juſt before.

Court. You know you told us you was drunk before.

JOSEPH WHITLING *ſworn.*

I live at Bethnall-green, I have known Naſh theſe ten years, I know Pearman he is a very honeſt, ſober, induſtrious, hard-working lad, he continued at his work till he was taken up.

JOHN FERRY *ſworn.*

I have known Pearman ſeven years, I never heard any thing amiſs of the youth, he worked about ten months in my houſe.

ROBERT GREW *ſworn.*

I have known Pearman theſe ten or twelve years, a very honeſt lad, that is his general character, nor never heard a bad word coming out of his mouth.

CHARLES BLOWN *ſworn.*

I have known Naſh upwards of three years, a ſober, honeſt, induſtrious, inoffenſive young man.

——— COTTERELL *ſworn.*

I am foreman to Mr. Wells, Pearman worked for him at the time he was taken, his general character as to honeſty is undeniable, I uſed to be there two or three times a week, and always found him in his buſineſs.

HENRY HALL *ſworn.*

I have known Pearman about ſeven or eight years, a hard-working, ſober, honeſt induſtrious lad.

RICHARD MUMFORD *ſworn.*

I have known Pearman from his cradle, a ſober, honeſt, induſtrious young man.

Court. Gentlemen of the Jury, in ſuch ſuch a doubtful caſe as this, ſuch a character as you have had ought to ſtand them in ſome ſtead, and as from the cruelty of their behaviour, if they were convicted they could not hope for pardon, therefore we ſhould be uncommonly cautious in ſuch a caſe.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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856. ROBERT RANSON was indicted for feloniouſly ſtealing, on the 11th of September, one feather bed, value 7s. one linen ſheet, value 3s. one woollen blanket, value 1s. one woollen rug, value 1s. the property of William Ravenſhire, being in a certain lodging let to him, to be uſed by him, againſt the form of the ſtatute.

WILLIAM RAVENSHIRE *ſworn.*

I live in White's-yard, Saffron-hill, I let a lodging to the priſoner, he lodged with me three weeks, he came to lodge about the 18th of Auguſt; I loſt a bed, blanket, coverlid, and two ſheets, I miſſed them between nine and ten on Saturday, I purſued him, and took him with the things, he had been at the lodging not above an hour, and had paid the rent about half an hour before I caught him; and the moment he paid the rent and went away, I found the things were gone; then I went and purſued him, and found him at the Caſtle, the bottom of Saffron-hill, and he had one of the ſheets with him.

What was it, a bundle or in his pocket?—He had it looſe.

What became of the blanket and rug?—I do not know.

ANN

ANN SMITH *ſworn*.

I live at the top of Fleet-lane, I bought this bed of the priſoner laſt Saturday was ſeven-night.

Proſecutor. The bed is mine.

Priſoner. I took the lodging of this gentleman, he had a falſe key, by which he uſed to come into my room when I was abſent, I was out of work ſeven months, I have a wife that is in great diſtreſs; I took the things and pledged them; I have loſt two or three different things in reſpect to my work, who took them I could not tell.

Court. So now, having robbed the man, you add to the injury by attempting to take away his character.

Priſoner. I did not ſell the bed, I put it into this gentlewoman's hands as a pledge, I did it to pay my rent; the ſheets ſhe tied the bed in.

What became of the other ſheet; I got all the things out, and when I came to deliver them up he would not take them: the Juſtice had them all; I am a watch-caſe maker by trade; I am greatly diſtreſſed.

ALICE MATTHEWS *ſworn*.

I have known him between three and four years, he is ſomething in the watch way; his mother lived in my houſe almoſt three years, he came every day, I never heard any thing bad of him.

Court to Proſecutor. Did you know any thing of this man before?——He ſerved his time in Shoe-lane, I went to enquire his character, his maſter gave him a very indifferent one.

But as to this particular fact, had he ever done any ſuch thing before?——Not that I heard of.

GUILTY.

To be whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

857. WILLIAM SHELBURNE was indicted for feloniouſly ſtealing, on the 15th day of July, four pounds weight of tobacco, value 3s. the property of Ralph Clay.

RALPH CLAY *ſworn*.

I was walking round by the warehouſe, the 15th of July, I met the priſoner and Mr. Hooper, who is the King's locker, they was ſcuffling together, the man was trying to get away from him, I laid hold of him, and took this tobacco from him; I found the hogſhead, that I could ſwear to the tobacco, being of a particular ſort; the head of the hogſhead was broke open.

THOMAS HOOPER *ſworn*.

I followed this man, and laid hold of him; I ſaw the tobacco in his boſom, between his ſhirt and his ſkin: he is a labouring man that works in the warehouſe, he wanted to get away, but I kept him, and we took the tobacco from him.

(Matthew Brigs called, but did not appear.)

Did you go into the warehouſe?—I was in the other houſe, and the lad came to me.

Court. Are thoſe warehouſes that are under the King's locks left open?—They are open during the legal hours, from ſix to ſix.

Did there appear any vacancy?——Yes, a great deal more was gone, another man eſcaped, that was loaded at the ſame time.

PRISONER's DEFENCE.

I was coming out to get ſome refreſhment, and I came into the ſtreet, and ſaw this tobacco lay, and put it into my boſom, and I was ſtopped: I was going to bring it back when I had got ſome refreſhment. I belong to the Coldſtream regiment of guards, and they are always upon duty.

Court. What company do you belong to?——General Trylawney's.

MATTHEW BRIGGS *ſworn*.

I ſaw the priſoner go out of the warehouſe, with a great quantity of tobacco between his ſhirt and his ſkin, I was in the warehouſe, he paſſed by me, and I went and told Mr. Hooper.

GUILTY.

Transported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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588. **SAMUEL COX** was indicted for feloniouſly ſtealing, on the 20th day of Auguſt laſt, one quart pewter pot, value eighteen-pence, the property of William Billinger.

WILLIAM BILLINGER *ſworn.*

I keep a public houſe in the Broad-way, Weſtminſter, the Three Tuns; on the 24th of Auguſt I took the priſoner with my pot.

——— BARRETT *ſworn.*

The priſoner was my lodger, he came in the profeſſion of a taylor; he uſed to go out early in the morning to work, as he told me, and came in late at night, and was blowing up a very ſtrong fire; I ſuſpected the man, and went up into his room, and ſaw five pint pots; I went up next day and ſaw ſeven, or eight, or nine, there were four under the bed, and five in the cloſet; on the 20th I went up and found a vaſt number of pints, in the whole twenty; on the Monday I was determined to have the man taken up; I went to different publicans, whoſe names I took down, and told them I deſired they would meet at the Crown and Anchor, Seven Dials, at ſeven in the evening; two of them met, and ſtaid there till half after nine, when I informed them the man I judged would begin to melt at eleven, we then took coach, and went juſt oppoſite; then I took theſe people over one by one where the man was; in a quarter of an hour the man began to make a fire as uſual, and blew very much; I then deſired Mr. Lucas, who was then acting conſtable, to go up ſtairs, and ſit upon the top of the ſtairs till the man began to melt; it was about twelve before he began to melt, as he called it; he called it *making of broth.* This woman that is admitted as an evidence, was in the room with him; Lucas then forced in and found him, and upon a chair was found two quart pots, and three more in the room; we found no more than theſe five: the man was then taken to St. Giles's round-houſe for the night; the next morning he was taken before Juſtice Walker, and examined: the pots are here.

(The pots depoſed to by Mr. Billinger.)

Priſoner. I found them in the ſtreet, and I took them home, not knowing whom they belonged to; I ſhould have taken them home in the morning.

GUILTY.

Transported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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859. **DAVID BENNETT** was indicted for feloniouſly ſtealing, on the 11th of September, one ſilver watch, value 30s. a baſe metal chain, plated with ſilver, value 12d. a ſtone ſeal, value 6d. one key, value 1d. the property of Agnes Scragg.

AGNES SCRAGG *ſworn.*

I loſt a watch the 11th of September; I only went from the parlour to the ſhop to ſerve a pennyworth of tobacco, I ſaw nobody take it; I ſuſpected the priſoner, he came in with a pot of beer in his hand, and ſtaid in the houſe half an hour, I was in the room all the time, except when I went out to ſerve the tobacco.

Was your bed in the room?——Yes.

When did you miſs your watch?—Exactly at nine, as near as I can ſuppoſe; I had known him before, he had been in the neighbourhood two or three months, and uſed my ſhop; we found him at a public houſe at ten o'clock, and we went to a pawnbroker's ſhop, where I ſuſpected he had pawned it, and it was pawned in his name; the pawnbroker's name is Mary Smith; I had no particular reaſon for going there.

MARY SMITH *ſworn.*

I am a pawnbroker, I live in Chelſea, I had this watch from the priſoner.

Proſecutor. It is my watch, I have no doubt about it.

Mrs. Smith. I remember taking in ſuch a one, and ſhe came at night to enquire for ſuch a thing.

Who did you take it from?——I believe the priſoner may be the man, he called himſelf David Bennett, he ſaid it was his own.

Have you any recollection of his perſon?——I never ſaw him before that afternoon, I do not ſwear poſitively to him.

What did you advance upon it?—Nine ſhillings.

Proſecutrix. She refuſed to let me ſee it, till ſhe was paid what was on the watch.

DANIEL M'CARTY *ſworn.*

On the 11th of September, I went to the proſecutrix's houſe and ſat there ſome time, I went to ſee what it was o'clock by the watch, and Mrs. Scraggs thought the young woman might be jeſting; ſhe ſuſpected the priſoner, who was there very much in liquor; I was fearful of being blamed for the watch; we found the priſoner at about ten, ſtill in liquor, there was no money found about him, but three halfpence farthing: he ſaid he did not take the watch.

Court to Mrs. Smith. Was the man in liquor, or ſober?—He was not in liquor at that time.

PRISONER's DEFENCE.

All that I have to ſay is, I went out three times for three pots of beer, my ſhopmate called me aſide, and aſked me to take a walk to Chelſea, we went to a public houſe, he pulled the watch out of his pocket, and aſked me to go and pawn it, I thought it was his own, I did not know any further.

Proſecutrix. I have only to ſay diſcreditable of him, being an old ſoldier and I an old ſoldier's widow, I had not the leaſt ſuſpicion that his conſcience would allow him to wrong me; he was diſcharged ſoldier for being infirm in mind, and when he is in liquor he is diſtracted.

Court to Jury. I wiſh that had come out before, but ſince that is the caſe, you may reaſonably ſuppoſe he has not a full exerciſe of his underſtanding.

GUILTY.

Branded.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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860. WILLIAM WALSH was indicted for feloniouſly ſtealing, on the 24th of June, one ſilver cream pot, value 20s. two ſilver ſalts, value 24s. two ſilver ſalt ſhovels, value 2s. two ſilver tea ſpoons, value 3s. the property of Thomas Andas, in his dwelling houſe.

JOHN BLADON *ſworn.*

I am partner at the London tavern, on Thurſday laſt the two witneſſes that are here informed us, they had a perſon in cuſtody with ſome of our plate, I went and recollected the priſoner being employed the day before at our houſe, as extra waiter, and he had been there before.

LEVY ABRAHAMS *ſworn.*

I was in Dukes-place, and the man came to me, and aſked me if I would buy any ſilver; I told him, I could tell him of a perſon that bought it, it was about ten o'clock on Thurſday, I told him I could not buy it, but I would bring a man that would: I went to the Synagogue, and Mr. Solomons was there, and I fetched him.

SOLOMON DAVIS *ſworn.*

I live in Houndſditch, Levy Abrahams came to me in the Synagogue, and told me, there was a perſon had ſome ſilver to ſell, and then he ſhewed him me, ſays I, let me look at it, he ſaid no, not unleſs I would go with him to a private place, I went with him to a houſe in Dukes-place, I aſked him what ſilver it was, he ſaid, he would not tell me unleſs I would tell him the price, he ſaid, he had it at home, I aſked him where I lived, he ſaid, he would not me, then I told him it is ſurprizing you come to offer ſilver to ſell, and not have it about you; no, ſays he, if you tell me the price, he took one ſpoon out of his pocket, and I looked upon it, and there was ſtamped upon it, London tavern, I aſked him how he came by it, he ſaid, he found it, he ſaid, he had two more but not here, he would not tell me where he lived, I took out my ſhort ſtaff, ſays I, I am a city conſtable, and I inſiſt to know how you came by that ſpoon, and I took out theſe two ſpoons with this cloth, and I took him to the Compter, he begged for me to let him go about his buſineſs, and leave the ſpoons.

PRISONER's DEFENCE.

I had no intent to ſteal the ſpoons at all, nor did I ſteal the ſpoons, I never offered them for ſale at all, I have been waiter ever ſince I was fourteen years old, and I never lived in a place, nor never waited on a company, but I had ſpoons in my pocket in the courſe of the hurry of buſineſs of the day; I went down ſtairs for clean plates, and clean ſpoons, I brought up fourteen or fifteen, and theſe three were left in my pocket, which I did not recollect; I have had ſpoons in my pocket many times, I have even travelled for miles with ſpoons in my pocket, and have not known it till the next day, nor did I know of theſe till I awoke in the morning, for after drinking a little drop together we went away; I was coming along to bring them to the London tavern, and I ſaw this man, and I was joking with him, and pulled out one of the ſpoons, he immediately tapped me over the ſhoulders, and called for a glaſs of peppermint, I ſaid to the perſon that was with me, we will ſee what he has to ſay; I told him, I did not mean to ſell them, and he immediately laid hold of me, I was coming from Tooley-ſtreet, the houſe where I lived, in order to go to the London tavern, but I had occaſion to go to the Minories, I was in company with a relation of my own, who is not here to ſpeak for me, I have no body at all for my character.

What place did you call at in the Minories, in your way from Tooley-ſtreet?——I was waiting for a perſon that I called on, who keeps a ſhop the corner of the ſtreet.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Baron EYRE.

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861. **JOHN JOHNSTON** was indicted for feloniouſly ſtealing, on the 24th of July, three carpenter's ſaws, value 3s. one plow, value 6s. one iron adz with wooden handle, value 3s. twelve planes, value 12s. two ſtones, value 4s. the property of Daniel Clegg.

DANIEL CLEGG *ſworn.*

I am a carpenter, I loſt my tools in Preſcott-ſtreet, Goodman's-fields, about the 24th of July laſt.

JOHN HARVEY *ſworn.*

I work for one Goodyer in Whitechapel, a carpenter; I was there waiting for my maſter, at a houſe in Preſcott-ſtreet, my maſter was repairing, Clegg worked there; I did not work there at that time; when I came there, the man was juſt brought out by a watchman, I found the tools withinſide the parlour.

GREGORY PURGEEN *ſworn.*

I am a private watchman, and porter to the Tenter-ground; a few minutes before nine I was ſent for, we could not get in for ſome time, at laſt by getting on a wall I could get in, a boy and me got into the houſe, we ſearched but found nothing, but the boy heard ſomething among the ſhavings, and ſearching all round, we found the priſoner behind the back parlour door, he had nothing with him, but two Turkey ſtones, but I did not know what they were, a bit of a handkerchief, and a brad-awl, the tools was in the paſſage near the fore parlour door, about two yards and a half from the man, the tools are here, but not the two ſtones, they are of no conſequence; the cloſet was broke open.

PRISONER's DEFENCE.

I never ſaw the tools, the reaſon I was in the houſe, I was out of work, and I was going to Wapping, and was a little in liquor, and ſeeing the houſe was empty, I went in there to lodge all night, I went in at the kitchen window.

GUILTY.

To be publickly whipped, and impriſoned three months in Newgate.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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862. **SAMUEL POOLE** was indicted for feloniouſly ſtealing, on the 30th of Auguſt, one thickſet coat, value 2s. one linen handkerchief, value 6d. a purſe value 2d. and two ſhillings in monies numbered, the property of John Parker.

JOHN PARKER *ſworn.*

I am a carpenter, I loſt my purſe and money No 66. in Preſcott-ſtreet, Goodman's-fields, it is the ſame houſe the tools were loſt from.

JOHN PURDIE *ſworn.*

I ſaw the priſoner at the bar go out, on the 30th of Auguſt with the proſecutor's things, I ſaw a man in the ſtreet, looking to ſee if any perſon ſaw him; I went on, and came back and ſaw the man coming out, we found the priſoner in Queen-ſtreet, then the owner of the coat aſked him if he knew any thing of the coat, and he denied it, but was committed, and the coat was found.

SARAH GREENWOOD *ſworn.*

I was crying old clothes in Chandler's-ſtreet, Goodman's-fields, he aſked me to buy a coat, I bought it, and gave eightpence for it, I am ſure I bought it of the priſoner, I carried it to to ſell in Roſemary-lane, but the owner came and owned it, and took it out of my hand.

PRISONER's DEFENCE.

I did not know what I was doing, I was drunk and out of my ſenſes.

GUILTY.

To be privately whipped, and impriſoned three months.

Court to Priſoner. The next time you are caught, you ſhall be tranſported.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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863. **WILLIAM SHERGOLD** was indicted for feloniouſly ſtealing on the 12th of September, one ſilver table ſpoon, value 10s. the property of Samuel Corbin.

GUILTY.

To be whipped, and impriſoned three months.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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864. **ABRAHAM ABRAHAMS** was indicted for ſtealing on the 29th of Auguſt, one canvas bag, value 2d. and two guineas, value 2l. 2s. and five ſhillings, the property of John Fearnhard.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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865. **PATRICK CERNOCK** was indicted for ſtealing on the 28th of Auguſt, one fourteen pound braſs weight, value 18d. the property of Richard Woodcock.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

866. WILLIAM VAUX was indicted for feloniouſly ſtealing on the 24th of June laſt, one ſilver cream pot, value 20s. two ſilver ſalt holders, value 24s. two ſalt ſhovels, value 2s. two tea ſpoons, value 3s. the property of Thomas Odaſs, in his dwelling houſe: And **CHARLES FRANKLIN** was indicted for feloniouſly receiving the ſame goods knowing them to be ſtolen.

Suſannah Sarjent the principal witneſs called on her recognizance, and not appearing, and there being no other evidence but the confeſſion of Vaux, the priſoners were

BOTH ACQUITTED.

Tried by the London Jury before
Mr. RECORDER.

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867. MARY ALLEN was indicted for feloniouſly aſſaulting Joſeph Wright in the King's highway, on the 5th of September laſt; and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one ſilver watch, value 1l. 1s. one ſteel chain, value 12d. one ſteel ſeal, value 18d. one ſtone ſeal, ſet in baſe metal, value 6d. one key, value 3d. one hook, value 1d. one handkerchief, value 6d. and eight ſhillings in monies numbered, his property.

NOT GUILTY.

Tried by the London Jury before
Mr. RECORDER.

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868. THOMAS WILLIAMS was indicted for ſtealing on the 16th of July laſt, one cloth coat, value 15s. one cotton waiſtcoat, value 5s. one pair of thread ſtockings, value 3d. the property of John Dory.

GUILTY, 10d.

To be whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before
Mr. RECORDER.

869. GEORGE FREELAND and **LEWIS RODDIN** were indicted for ſtealing on the 23d of Auguſt laſt, twelve yards of callico, value 20s. the property of Francis Skurr, privily in his ſhop.

BOTH NOT GUILTY.

Tried by the London Jury before
Mr. RECORDER.

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870. WILLIAM WRIGHT was indicted for feloniouſly ſtealing on the 10th of Auguſt, one watch, with the inſide caſe made of metal, and the outſide of ſhagreen, value 20s. and one linen gown, value 5s. the property of Charles Allen.

The witneſſes examined apart at the requeſt of the priſoner.

Mrs. ALLEN *ſworn.*

On the 10th of Auguſt, at ſeven in the morning, the priſoner came into my apartment, I was in the room, he took the watch and gown out of the room, I was in bed and ſaw him before he went out of the room, I did not ſee him come in, I called out Charles, I thought it was my huſband, but I ſaw it was not him, and I was rather terrified: the priſoner went out, he was ſtopped and taken directly to the watch-houſe; I know the priſoner is the ſame perſon that was brought back, but I did not ſee his face in my room, his coat was the ſame colour, the watch and gown were found upon him, the gown was concealed in his foot-bag.

THOMAS GOOD *ſworn.*

I ſaw the priſoner run out of the ſtreet, and drop a foot-bag which ſeemed very heavy; I purſued him, and he was taken, the gown was in the bag, and the watch in his pocket.

——— FOSTER *ſworn.*

I ſearched the priſoner, and found this watch and gown on him, they have been in my poſſeſſion ever ſince.

(The gown and watch depoſed to.)

Priſoner. Do you poſitively ſwear to me, miſtreſs?

Court. No, ſhe does not.

PRISONER's DEFENCE.

When you come to hear me ſpeak, you will find it to the contrary; firſt you will obſerve, that ſuch as watchmen, and thief-takers, and ſuch ſort of people as thoſe, never come to ſwear for their King and country in this Court, but alſo for the money that is allowed by this government: alſo, the night before this happened, my brother came and told me, that another brother was very bad; in the morning about a quarter before ſix I aroſe, when I had dreſſed myſelf the clock had ſtruck ſix; I ſet out to go to Knight's-bridge, and coming along Piccadilly, on this ſide the Hay-market, I heard the alarm of ſtop thief, and one man five feet high, and one man ſix feet high, one in a light coloured coat, and one in a drab coloured coat, one man took ſomething from under his coat, but I cannot ſay what it was; he threw down a ſack and immediately croſſed to the other ſide of the way, I went over and took up the ſack, I turned back and came towards Hare-ſtreet, and ſaw the proſecutrix ſtand there, in a ſmock and flannel petticoat, and I thought it was a horrid thing, and ſhe ſaid to me, I believe you are one of the thieves; and I was taken up, they all ſearched my coat pocket, and my breeches, and a man ſays to me (begging your pardon my Lord) damn me I will do for you now; he cried come along, follow me, and there were ſeven or eight more people, and they were all amazed, ſays one man, I will be on my oath, I put my hand in his coat pocket, and there was nothing; I pulled them inſide out, but they are welcome to ſay what they pleaſe, I am innocent.

Court to Foſter. Is there any truth in this?——None.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

871. MATTHEW DALY was indicted for ſtealing, on the 17th of Auguſt, one quart pewter pot, value 12d. and two pint pewter pots, value 12d. the property of Thomas Steer.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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872. JOHN SMART and ROBERT MACKENZIE were indicted for ſtealing, on the 23d of July laſt, one watch in a ſilver caſe, value 40s. the property of Andrew Miller.

BOTH NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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873. ANN BUSH was indicted for ſtealing on the 1ſt day of September, one cloth coat, value 10s. one pair of nankeen breeches, value 2s. one ſhirt value 6s. two handkerchiefs, value 12d. one linen gown, value 3s. two aprons value 2s. one ſhift, value 12d. one dimity bed-gown, value 12d. one muſlin frock, value 5s. one pair of ſilver ſhoe buckles, value 8s. one pair of knee buckles, value 2s. the property of Henry Thomas Doubtfire.

GUILTY.

To be privately whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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874. ANN SHAW was indicted for ſtealing, on the 27th of Auguſt laſt, one cotton jacket and petticoat, value 3s. two towels, value 1s. two dimity petticoats, value 5s. one linen frock, value 3s. one ſhirt, value 2s. one cap, value 2s. one ſhift, value 2s. one towel, value 1s. the property

of Charles Earl of Trequair; one muſlin tucker, value 1s. two muſlin aprons, value 2s. one pair of muſlin ruffles, value 1s. one muſlin handkerchief, value 6d. the property of Iſabella Landall.

GUILTY.

To be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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875. JOHN HOWELL and GEORGE FERGUSSON were indicted for ſtealing, on the 9th day of July laſt, ſix new ſtreaks of iron, value 8s. one winch, value 12d. one iron lock, value 6d. one crow, value 12d. and ten pounds weight of old iron, value 6d. the property of Samuel Powell.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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876. ROBERT TAPLEY, THOMAS WATSON, and RICHARD CANE, were indicted for ſtealing, on the 21ſt day of July, one fuſtian frock, value 3s. one cloth waiſtcoat, value 2s. the property of Sir William Fitzherbert, Bart.

ALL THREE NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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877. ELIZABETH COLE was indicted for ſtealing, on the 16th of Auguſt laſt, one cotton gown, value 5s. two ſilk handkerchiefs, value 4s. one pair of Briſtol ſtone buttons ſet in ſilver, value 12d. the property of Edward Bean.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

878. MARY MATTHISON was indicted for ſtealing, on the 23d day of July, one hempen ſheet, value 1s. the property of James John Dentell, one pair of velveret breeches, value 5s. one nankeen waiſtcoat, value 6d. and two pair of cotton ſtockings, value 1s. the property of Jacob Goodwin.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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879. JOHN SMITH was indicted for ſtealing, on the 30th of Auguſt laſt, one ſilk gown, value 10s. one cotton frock, value 10s. and one ſilk cloak, value 10s. the property of John Elliot.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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880. WILLIAM ALLEN MACLACLAN was indicted for ſtealing, on the 31ſt of Auguſt, two linen table cloths, value 4s. the property of William Shepherd.

GUILTY.

To be whipped and impriſoned three months in Newgate.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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881. SARAH WOOD, otherwiſe SARAH, wife of JOHN SLADE, was indicted for that ſhe, on the 10th of September, between the hours of five and ſix in the afternoon, the dwelling houſe of Edward Carpenter did break, no perſon being therein, and feloniouſly did ſteal therein, one ſilk cloak, value 30s. one gown, value 5s. one other gown, value 8s. one waiſtcoat,

value 8s. two aprons, value 2s. two other aprons, value 5s. one ſhirt, value 2s. two jams, value 2s. four children's gowns, value 2s. one blanket, value 1s. one linen ſheet, value 2s. ten caps, value 1s. the property of the ſaid Edward.

ANN CARPENTER *ſworn*.

I came out of my ſhop to call my children to tea, and returning I ſaw the priſoner coming out of my ſhop door, heavy laden, I let her go about ſixteen yards, and I ran after her and ſtopped her; I pulled out ſome of the things, and ſaw the lining of my huſband's coat.

Court. Was your door cloſe?——Yes, I had ſeen it locked about three-quarters of an hour before, I found it broke open after ſhe was taken.

(The things produced and depoſed to.)

Two other witneſſes depoſed, that they ſaw Mrs. Carpenter take hold of the priſoner and the bundle.

PRISONER's DEFENCE.

A woman aſked me to carry the things, who ſaid ſhe was moving; I was in liquor.

The Priſoner called two witneſſes to her character.

GUILTY, 39s.

To be confined twelve months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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882. RICHARD WILLIAMS was indicted for feloniouſly aſſaulting Humphrey Gould, on the King's highway, on the 12th of September laſt, and putting him in fear, and taking from his perſon and againſt his will one ſilver watch, value 42s. one chain, value 6d. one ſeal ſet in ſilver, value 6d. one watch key, value 3d. the property of the ſaid Humphrey.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

883. JOSEPH BAGLEY was indicted for ſtealing, on the 20th of Auguſt laſt, one cotton counterpane, value 15s. the property of Stephen Cooke.

GUILTY.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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884. THOMAS SCANDERLIN and ELIZABETH SCANDERLIN his wife, were indicted for ſtealing, on the 27th of July laſt, one cloak, value 40s. one cotton gown, value 30s. one ſilk bonnet, value 9s. the property of William Middleton.

THOMAS SCANDERLIN, GUILTY.

To be whipped and confined twelve months in the Houſe of Correction.

ELIZABETH SCANDERLIN, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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885. MARY TYLER was indicted for ſtealing, on the 19th day of July laſt, one cotton gown, value 15s. one petticoat, value 1s. one child's apron, value 6d. two ſhirts, value 1s. one ſilk hat, value 6d. the property of Henry Sweet.

GUILTY.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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886. WILLIAM FERGUSSON was indicted for ſtealing, on the 30th of July laſt, three quart pewter pots, value 2s. and

three pint pewter pots, value 18d. the property of Nicholas Bird.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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887. **JOHN WYER** was indicted for ſtealing, on the 21ſt of Auguſt, ſeven copper nails, value 5s. the property of Samuel Whitbread.

GUILTY.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

---

888. **ABRAHAM ISRAEL** was indicted for ſtealing, on the 9th day of September, fourteen pounds weight of moiſt ſugar, value 2s. the property of William Barber.

GUILTY.

To be fined 1s. and impriſoned one month in Newgate.

Tried by the London Jury before Mr. RECORDER.

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889. **JOHN PERRY** was indicted for ſtealing, on the 7th of September, one linen handkerchief, value 12d. the property of Thomas Haydon.

GUILTY.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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890. **JOHN PRITCHARD** was indicted for ſtealing, on the 14th of July laſt, two ſilver ſhields, with coats of arms engraved thereon, value 20s. the property of George Eades.

The Proſecutor's man caught the priſoner in the fact in the day time, which he confeſſed in Court.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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891. **MARTIN STEVENS** was indicted for ſtealing, on the 9th of Auguſt, one carcaſs of a ſheep, value 18s. the property of Robert Chamberlayn.

GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. Baron HOTHAM.

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892. **JANE PAYNE** was indicted for ſtealing, on the 4th of Auguſt laſt, one half crown piece, value 2s. 6d. the monies of John Brockholes.

NOT GUILTY.

Tried by the London Jury before Mr. Baron HOTHAM.

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893. **MARY PEARSON** was indicted for ſtealing, on the 31ſt of July laſt, two pewter pint pots, value 2s. the property of John Boddington.

GUILTY.

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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894. **WILLIAM ROGERS** and **JOHN CASS** were indicted for ſtealing,

ing, on the 21ſt of Auguſt, a copper tea kettle, value 8s. the property of John Macfane.

BOTH GUILTY.

Whipped.

Tried by the London Jury before *Mr.* RECORDER.

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895. **LAUNCELOT BLACKSHIRE** was indicted for ſtealing, on the 13th of July, one cotton handkerchief, value 8d. the property of a certain perſon unknown.

GUILTY.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before *Mr.* RECORDER.

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896. **WILLIAM PRICE** was indicted for ſtealing, on the 14th of Auguſt laſt, two fowls, value 2s. the property of John Clarke.

GUILTY.

To be fined 1s. and impriſoned three months in Newgate.

Tried by the London Jury before *Mr.* RECORDER.

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897. **JOHN FREKE** was indicted for ſtealing, on the 11th of September, two packs of cards, value 1s. 3d. the property of John Couſens and George Couſens.

NOT GUILTY.

Tried by the London Jury before *Mr.* RECORDER.

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898. **MICHAEL FITZPATRICK** was indicted for ſtealing, on the 15th of September, one pewter quart pot, value 16d. and one pewter pint pot, value 8d. the property of William Kirby.

GUILTY.

To be whipped and confined ſix months in the Houſe of Correction.

Tried by the London Jury before *Mr.* RECORDER.

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899. **ANN GOODMAN** was indicted for ſtealing, on the 27th of Auguſt, one ſilk purſe, value 6d. nine guineas, value 9l. 9s. and one iron key, value 1d. the property of Thomas Swindall.

GUILTY.

To be privately whipped, and confined twelve months in the Houſe of Correction.

Tried by the London Jury before *Mr* RECORDER.

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900. **MARY BROWNE** was indicted for ſtealing one pewter pint pot, value 10d. the property of John Cropley.

GUILTY.

Privately whipped and diſcharged.

Tried by the London Jury before *Mr.* RECORDER.

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901. **WILLIAM BENNET** was indicted for ſtealing, on the 10th of September, one ſide of lamb, value 9s. the property of Thomas Gregg.

GUILTY.

Whipped.

Tried by the London Jury before *Mr.* RECORDER.

---

902. **GEORGE GOLDSMITH** was indicted for ſtealing, on the 4th of Auguſt

laſt, a linen handkerchief, value 1s. the property of William Henderſon.

The Proſecutor and witneſſes not appearing, the priſoner was

ACQUITTED.

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903. **JOHN SULLIVAN** was indicted for ſtealing, on the 5th of Auguſt laſt, five pieces of fire wood, value 2s. the property of Edward Gray, Eſq; and **GEORGE SMITH** was indicted for feloniouſly receiving the ſame, knowing them to be ſtolen.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

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904. **WILLIAM BLAKE** and **ROBERT WALKER** were indicted for ſtealing, on the 22d of July laſt, twelve loaves of bread, value 3s. 3d. the property of William Wetherſtone; and **ANN GAFNEY** was indicted for feloniouſly receiving ſix loaves of bread, value 20d. knowing them to be ſtolen.

ALL THREE NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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905. **EDWARD HUMPHREYS, GEORGE READ**, and **SUSANNAH HUMPHREYS**, were indicted for ſtealing, on the 6th of Auguſt laſt, one bed-gown, value 3s. one pin-cloth, value 1s. three neckcloths, value 3s. one ſhirt, value 3s. twenty yards of thread lace, value 6s. one lawn handkerchief, value 1s. the property of Stephen Johns.

ALL THREE NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

---

906. **SARAH HICKEY** was indicted for ſtealing, on the 24th of May laſt, two linen aprons, value 2s. two handkerchiefs, value 6d. and two ſhifts, value 3s. the property of Jonathan Jackſon.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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907. **JAMES GRIFFIN** was indicted for ſtealing, on the 19th of July, four guineas, value 4l. 4s. the monies of William Smeeton, in his dwelling houſe.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

---

908. **ANN SATCHELL** was indicted for ſtealing, on the 21ſt of July, thirty-five table knives, value 8s. forty-one table forks, value 5s. one wooden box, value 2s. the property of Thomas Eades.

GUILTY.

To be privately whipped and impriſoned one month in Newgate.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

The Tenth Part, being the laſt, containing the remarkable Trial of Elizabeth Curtis, for the Murder of her Baſtard Child, will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 15th of SEPTEMBER, 1784, and the following Days;
Being the SEVENTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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M DCC LXXXIV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING'S Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, *&c.*

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908. **ANTHONIO JOSEPH** was indicted for ſtealing, on the 14th of Auguſt, one adze, value 3s. one bell crank, value 3s. two axes, value 2s. one other axe, value 1s. 6d. two iron ſockets, value 12d. two awls made of iron and ſteel, value 6d. one iron ſcrew wrench, value 6d. one trivet, value 2s. the property of Thomas Waters.

The Priſoner pleaded Guilty; he ſaid he had nothing to eat or drink, and could get no employment: he belonged to the Iſland of Madeira, and was a ſhip-caulker.

GUILTY.

Sentence reſpited till next Seſſions, but if the Portugueſe Ambaſſador will ſend him home, he is to be delivered up.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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909. JOHN WILLIAMS was indicted for ſtealing, on the 4th of September, one hundred and forty-four metal buttons, plated with ſilver, value 16s. the property of Henry Wood, privately in his ſhop.

Mary Pocock, ſervant to Mr. Wood, depoſed, that the priſoner came in for fourteen buttons, and as ſoon as he was gone ſhe miſſed th eſe button

The *Proſecutor* produced the buttons, which he believed to be his, though he could not actually ſwear to them; and ſaid that he caught the priſoner ſelling them to Mr. Allen, and that the priſoner confeſſed the fact before the Juſtice.

William Allen depoſed, that he bought theſe buttons of the priſoner for twelve ſhillings, and he was to have a coat for the remainder.

Priſoner. He ſaid if I would aſk his pardon he would forgive me.

The priſoner called three witneſſes to his character.

GUILTY, 4s. 10d.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Baron EYRE.

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910. MARY BECKFORD was indicted for ſtealing, on the 14th of July laſt, one man's hat, value 2s. the property of William Preſton.

GUILTY.

To be privately whipped, and impriſoned three months in Newgate.

Tried by the London Jury before Mr. ROSE.

911. **JAMES GILES** was indicted for ſtealing, on the 14th of September, ſeven pounds weight of loaf ſugar, value 5s. the property of Leonard Pope.

GUILTY.

To be whipped and confined twelve months in the Houſe of Correction.

Tried by the London Jury before Mr. ROSE.

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912. **THOMAS JONES** was indicted for feloniouſly ſtealing, on the 27th of Auguſt, one half of a hempen net, called a ſalmon net, value 20s. the property of John Corderoy.

GUILTY.

To be publickly whipped and impriſoned three months in Newgate.

Tried by the London Jury before Mr. Baron EYRE.

---

913. **THOMAS JONES** was indicted for ſtealing, on the 28th of July, one quart pewter pot, value 1s. 6d. the property of Jonathan Fountain.

GUILTY.

Privately whipped.

Tried by the London Jury before Mr. Baron EYRE.

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914. **JOSEPH CRANE** was indicted for ſtealing, on the 26th of July, one wicker baſket, value 2s. the property of William White.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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915. **THOMAS GRAINGER** was indicted for ſtealing, on the 16th of Auguſt, a ſilk handkerchief, value 2s. the property of Robert James.

GUILTY.

Tried by the London Jury before Mr. RECORDER.

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916. **WILLIAM HARVEY** was indicted for ſtealing, on the 26th of July, one lawn apron, value 1s. the property of William Midwinter.

This appearing not to be the Proſecutor's property, the priſoner was

ACQUITTED.

Tried by the London Jury before Mr. RECORDER.

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917. **JOHN MARTIN** was indicted for ſtealing, on the 23d of July, one iron crow, value 6d. the property of Thomas Strudwick.

NOT GUILTY.

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918. The ſaid **JOHN MARTIN** was again indicted for ſtealing, on the 23d of July, one pewter pint pot, value 3d. the property of Amos Biddulph.

NOT GUILTY.

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919. The ſaid **JOHN MARTIN** was again indicted for ſtealing, on the 23d of July, one pewter pint pot, value 10d. the property of Michael Clark.

The priſoner was taken with the property upon him.

Court to Priſoner. Where do you belong to?——To Newfoundland; I have ſerved his Majeſty eighteen years and nine months; I have wages due to me, but I have loſt my certificate; the Captain lives at Goſport: I have wages due from the Vengeance, a ſeventy-four; from the Heart of Oak, an armed ſhip; from the Leghorn, and from the Endeavour.

Court. Let his ſentence be reſpited till next Seſſions.

Tried by the London Jury before Mr. RECORDER.

929. JAMES

920. JAMES ATKINS was indicted for ſtealing, on the 14th of Auguſt, three pewter plates, value 9d. the property of William Oſborne.

GUILTY.

To be fined 1s. and impriſoned in Newgate one month.

Tried by the London Jury before Mr. RECORDER.

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921. JOHN WINTERSGILL the younger, was indicted for feloniouſly ſtealing, on the 2d day of September, one ſteel bit, value 10s. one ſteel ſnaffle bit and rein, value 2s. one pair of plated ſpurs, value 3s. one pair of ſpur leathers, value 2s. two leather dog collars plated with ſilver, value 2s. one leather noſe-band plated with ſilver, value 3s. five ſaddle girts, value 4s. one piece of hog-ſkin, value 5s. three leather ſtraps, value 6d. one piece of Morocco leather, value 6d. and twenty-ſix girth buckles, value 6s. the property of Robert Gibſon: And JOHN WINTERSGILL the elder, was indicted for feloniouſly receiving the ſame knowing them to have been ſtolen.

JOHN GIBSON *ſworn.*

My father is a ſadler in Coventry-ſtreet, Hay-market; I conduct his buſineſs, we were very frequently miſſing things in the ſhop, and could not conceive how they went, one day I was going up Swallow-ſtreet, and I ſaw ſome things which I imagined to be my father's, I ſaw a dog collar, the woman aſked me three ſhillings for it, I gave her three ſhillings and ſixpence for it, this was the ſhop of the elder priſoner, I looked round the ſhop and came away, and informed the foreman of it, and ſhewed it to him; the dog collar had my father's price mark on it, in conſequence of which I went to the public office in Bow-ſtreet, and obtained a ſearch warrant for the elder priſoner's houſe, I went there and ſearched, and found one pair of plated ſpurs, and two pair of ſpur leathers.

Court. What marks had you on theſe by which you know them?—The dog collar has my father's mark on, and the ſpurs had each a little bit of the plate off, I have ſeen them very frequently; the ſpur leathers I cannot ſpeak to, this is a black regimental ſtock, we were cleaning the ſhop, and I was rather in a hurry, I did not take time, and pulled down the ſtock and tore it, I marked it at the time, and broke a pain of glaſs alſo; I am ſure it is our ſtock, here is a pair of girths, which I know from the paleneſs of the yellow, we have our girths paler than any body elſe in town, there is no other mark that I can ſwear to them by but that, but there is alſo the name of the maker which is Birch, who makes for us, here is a bit I cannot ſpeak to, we work for all the regiments in England and abroad, nobody elſe cuts that kind of leather; this is a noſe-plate of a Lady's bridle, I found it upon the neck of a girl who is daughter to the priſoner, that which belonged to it was ſecreted in a drawer; here is a piece of red Morocco I can ſwear to, there is an A and C on it, here is a bridle, part of it is mine and part is not, here are two girths which I know it by, I found theſe ſeveral things part in the window expoſed to ſale, and part in Mrs. Winterſgill's drawers, the drawers were not locked up, in conſequence of finding theſe things the two priſoners were apprehended.

Court. What was the younger priſoner?——He was ſervant to my father about a twelvemonth.

In what employ?—A journeyman ſadler.

Did you know his father carried on this ſort of buſineſs?—I know he kept a ſhop.

Mr. Peatt, Priſoner's Council. Your father is a very large ſadler?——Yes.

You muſt have a very large quantity of goods in your houſe?——Not ſo much but we can ſwear to them.

There is a diſtinction between ſadlers and bridle cutters, is not there?——Yes.

Do you manufacture the whole of theſe things?——We have people out of doors that do it, we have ſome from the country, and ſome from town.

Which are the articles that are manufactured in the country?——The ſpurs, and the ſnaffle bits.

Thoſe perſons that manufacture for you in the country, work for a great many other people?——They may for what I know, I dare ſay they do.

You have already ſaid, that you can recollect every article in your ſhop, notwithſtanding you manufacture for the whole army, theſe are plated ſpurs?—Yes.

It is very uſual to have a bit off the plateing?——They are very remarkable.

Did you never ſee ſpurs defective before?—I never kept them in my ſhop.

Who puts on the ſhop marks upon the things you ſpeak of?—My father to ſome, and I to others, all the things have not marks.

Did not you mark all your dog collars?——No, that is my father's writing.

You ſwear that?——Yes.

I firſt of all appriſe you, Mr. Gibſon, I have not the ſmalleſt notion that you will ſay what is wrong, but I think it is very probable you may miſtake, can you ſay that is your father's writing?—I can, Sir.

You pulled this ſtock from a nail it ſeems?——Yes.

I think no man who has had thoſe kind of ſtocks in their hands, but muſt know they have been jagged; now your memory is ſo very tenacious, that you can take upon you to ſay, that you remember thoſe marks when you bought that ſkin of leather?——I do.

What is the mark on this?—It is a very particular plate that we uſe to ladies noſe-bits, and our workmen know them.

You think it is impoſſible you ſhould miſtake?—No, that I have not ſaid; I am ſure to ſome things, ſome I am not ſure of; I am very ſure my father's hand writing cannot be upon other people's goods.

Now about this pale yellow, that is more ſingular than any thing elſe, do the men in the country work for your father only?——No.

You are ſure he manufactures no others, that vary a ſingle ſhade from theſe?——Not pale, if you can find me the fellow of it in London, I ſhall be willing to forfeit any thing.

Mr. Garrow, Council for Proſecutor. I believe from the ſeveral circumſtances you have mentioned, you have a reaſonable belief theſe are your goods, and ſtolen from your ſhop?—Yes.

THOMAS PEATT *ſworn.*

I am foreman to Mr. Gibſon, this is a noſe-plate for a Lady's bridle, and ſome of it is my own putting on, it hung in a particular glaſs caſe cloſe by were I worked; I have had it in my hands ſeveral times, and this plate I have had in my hands ſeveral times, and I put it on with my own hands, I ſwear to its being Mr. Gibſon's property, I know that ſtock.

Do you remember that rent in the ſtock?—Yes, I remember its being pulled down, as to the girths I know them by their particular yellow, we had a piece of pluſh we wiſhed to correſpond with the girths, and we ſent down a piece in a letter in order to get it dyed on purpoſe, I believe this to be my maſter's property, and juſt the ſame as to the regimental leather, the mark in the dog collar is maſter's own hand writing.

Mr. Garrow. Go round to the Jury, and ſhew that Morocco leather which you ſwear to?—I cannot ſpeak to the Morocco leather.

Mr. Peatt. How long ago is it you ſent down that piece of pluſh?—Perhaps four months, or leſs, I cannot ſay,

Can you ſwear poſitively that this is like the pluſh that you ſent down?——To the beſt of my belief, I am pretty ſure it is my maſter's, the leather of the reins is a ſtronger kind of leather than is uſed for reins in general.

Court to Proſecutor. Have you miſſed any articles before?—Yes, ſome tips and buckles, here is one of the buttons.

JOHN FURNEAUX *ſworn.*

I went with the ſearch warrant to the houſe of Winterſgill, here is twenty-ſeven buckles I found in a cheſt of drawers when I took *that gentleman* up with *a body warrant,* I found this ſingle buckle in his breeches pocket, it's here by itſelf.

Mr. Gibſon. We had miſſed a quantity of this maker's name.

——— SHARRARD *ſworn.*

Here is a dog collar, taken out of Mrs. Winterſgill's hand, I went into the ſhop.

WILLIAM SINCLAIR *ſworn.*

Mr. Garrow. You was ſervant to Mr. Gibſon?——Yes.

Young Winterſgill was likewiſe ſervant? ——Yes.

Tell what you know of this matter?—One night I was going to the George and Blue-boar, Holborn, to go to Haſtings, and I met the priſoner, young Winterſgill and another, in Coventry-ſtreet, they aſked me where I was going, and I told them, young Winterſgill went with me, he ſaid, he wiſhed I would get them a bit.

How get it?—Why to ſteal it.

To ſteal it, from whom?——From my maſter, and I did ſo, and young Winterſgill aſked me to get him three remnants of ribbon, ſome of it was ſcarlet.

Do you know of his taking any thing of himſelf?——Yes, he took two whole heads and reins, and a plated ſnaffle, I ſaw him take them.

What occaſion had he to employ you?—Becauſe I lived in the houſe, and he did not, and he could not get the bit in the day time, the men would ſee him; he was cleaning the garret out, and he cut off the ſnaffle reins at one time, and the other at another, he ſaid, he would carry them home to his father.

Had you any part of the profit of any of theſe things?——One time he gave me ſixpence, and another time a penny, he told me I ſhould never want for money, or any thing elſe; there were ſome tips I took for him.

Are there any of the things that you have ſeen here, that he took himſelf?——Yes, the heads and reins, theſe he took himſelf, I am ſure of it.

Mr. Pratt. Well my honeſt little gentleman, do not you know yourſelf by that name, look this way, how do you know thoſe things, by the marks?——Yes.

Do you know them by their colour?—I ſuppoſe he had no other of his own, theſe are the ſix tips I gave him.

How do you know that?——Becauſe I gave them to him.

Court. In reſpect to the things that this boy ſtole and gave to the priſoner, it clearly cannot ſupport this indictment, becauſe this boy is the thief, and young Winterſgill is the receiver.

PRISONER WINTERSGILL, the younger's, DEFENCE.

There was young John Slater who uſed to work piece work for my maſter, he worked in my father's ſhop, there are ſeveral articles which this ſame perſon will take his oath he left in my father's ſhop, he promiſed to be here.

Why did not you ſubpœna him.

Priſoner. One night as I was going home, two or three nights before I had theſe things, this boy came and aſked me to buy them, an acquaintance of his had ſome to ſell; two or three nights after, he came and brought them to me, and deſired me to ſell them, I took them and put them in my box and drawers, unknown to my father; the boy teazed me for the money, and I gave him ſixpence, my father was out of town, in the mean time I hung theſe things up in the window for ſale, I did not know they were ſtolen, I left word what the price was, as to this regimental rein, which my young maſter ſays is his own, he has ſome doubt about it, for it was at one Mr. Hitch's, a bridle cutter, I aſked him if he ever had any old ſecond hand heads and reins, he ſaid he had, I gave him half a crown for them, my father knows nothing of theſe things.

(The priſoner called one witneſs who gave him a good character.)

Court to Jury. In high treaſon and petty larcency there can be no acceſſary, the crime of receiving ſtolen goods, is in the nature of an acceſſary after the fact; if the charge of either of the priſoners is true, the crime of the receiver is certainly greater than the thief, it is particularly ſo in this caſe, where the father is the receiver, and the thief is the ſon: if you confine your verdict merely to the two articles which Sinclair ſaw the boy take, they are both of the value of twelve-pence.

JOHN WINTERSGILL, Jun. GUILTY, 10d.
JOHN WINTERSGILL, Sen. NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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922. ELIZABETH THOMPSON and MARY M‘DANIEL were indicted for ſtealing, on the 15th day of Auguſt, ſeven guineas, value 7l. 7s. and one half guinea, value 10s. 6d. and ſix ſhillings in monies numbered, the monies of Thomas Clifford, in the dwelling houſe of Mary M‘Daniel.

THOMAS CLIFFORD *ſworn.*

I came from Bengal, and I received clear to myſelf eight guineas, and about the 15th of Auguſt laſt, I went out and changed a guinea, and I met a girl in the ſtreet, and ſhe picked up diſcourſe with me, and we went and had a ſhilling's-worth of gin; as near as I can gueſs, it was between four and five, we made an agreement for a night's lodging, that is the truth, and I was to give her half a guinea, and going along ſhe deſired me to ſtop at a pawnbrokers; then ſhe ſaid, ſhe was very hungry, and I gave her a ſhilling to get ſome victuals with, then ſhe brought me to the houſe of Mary MacDaniel, ſhe owned herſelf miſtreſs of it, I think they call the place Roſemary-lane, and the old woman which is Elizabeth Thompſon, came up to me, and aſked me for a halfpenny for God's ſake, and I gave it to her; ſhe told me to take care, for that was a very bad girl; as ſoon as ſhe ſaid that, I wiſhed myſelf away, and for all that, I conſidered within myſelf, that I had given her four ſhillings, I was ſolid and ſober, and would have my diverſion out; the priſoner Mary M‘Daniel ſaid to me, young man, I am but a poor woman, but I have a great regard for my reputation, and I took her by her looks, to be a ſenſible like woman, and not of a bad diſpoſition, *nor oppreſſed with money*, and I told her the truth, that I had ſeven guineas and a half in my pocket, and I gave it into her hand, and ſhe ſaid, young man, do you chuſe to leave me this money till tomorrow, and I ſaid no, then ſays ſhe, if you pleaſe I will lock the door; and what ſhe ſaid *ſprung ſo much* in my mind, that I was inclined to call for no more liquors, but take care of myſelf, I went to bed with this girl, and Thompſon wiſhed me a good night, and Mary MacDaniel locked the door.

Court. You went to bed with your woman I ſuppoſe?——Yes, I undreſſed myſelf, and put my breeches under my head, I went to ſleep between eleven and twelve as I think, though I heard no clock, about twelve the woman that was alongſide of me waked me, and called for a drink of water from M‘Daniel, and ſhe came in with a candle, and the woman ſaid, O dear Poll, don't come with a candle, and they whiſpered together, and I found my money was gone out of my pocket, I deſired the candle from the landlady, I told her I had loſt my money, O Lord, ſaid ſhe, how did you loſe your money, nobody has been in the room, and I locked the door, and took the key, when ſhe went to fetch the candle, the girl that had been in bed with me ran down ſtairs, I hallooed to her, and ſaid, young woman I want you; I thought it was unneceſſary for me to follow her in the dark, ſays I to the landlady, bring that woman back, and I will give you a crown to ſpend; Lord, ſays ſhe, I know nothing of her, I never ſaw her before, I have beds to hire, and I will let them to any body; ſays I, I know you are connected, what whiſpering did you keep with her when you came in; ſays ſhe, you fellow, I will have you ſent to gaol, and I will do this and that with you, and ſhe began to halloo out for a man, and I ſaw a fleſh fork over the chimney, and I intended if any man came there to oppreſs me, *to reaſon all caſes and ſenſe with them*, if that would bring them to reaſon, but if they would force upon me, I intended to have played my part; then I laid by the fork, and ſhe and I began to talk for talk's ſake; ſays ſhe, I am not ſleepy, I will go and get you a pint of gin, and a pint of beer; ſays I, I have no money, I want none, and I will drink none, I have loſt ſeven guineas and a half, two half crowns, and a ſhilling, I had not a halfpenny.

Did you ſee the old woman, as you call her, Thompſon, after you was in the room with your girl, after you gave her the halfpenny?—I ſaw her now and then, but ſhe never came into my company, only to come and ſtand in the place and walk out again.

——— TAYLOR *ſworn.*

On the 16th of Auguſt the proſecutor gave me charge of the two priſoners at the bar; the woman that had been with him was gone; I ſearched them, and I found on Mrs. M‘Daniel twelve ſhillings and a halfpenny; Thompſon had no money at all: when they were ſober I took them before the Juſtice, and they confeſſed they had part of the money.

What was it they confeſſed?——They confeſſed they had four guineas amongſt them.

How, in what manner?—They received it from the woman that laid along with this man; they ſaid that ſhe dropped it, and that they picked it up.

ELIZABETH SHAW *ſworn.*

I went to Mary M‘Daniel at ſix o'clock in the morning, on the 16th of Auguſt, after this man was robbed, her door was faſtened, and ſo was Mrs. Thompſon's; I enquired for them at the public houſe, and found them very much in liquor, at the ſign of the Black Horſe, in Well-ſtreet; M‘Daniel was very much in liquor, and down on her knees curſing a man that ſhe cohabits with; Thompſon was very much in liquor, ſhe aſked me to drink a glaſs of anything, I ſaid with all my heart, ſhe pulled out two guineas in gold and ſome ſilver; I ſaid to her, Lord! Mrs. Thompſon, where have you been to get all that money? Huſh, ſays ſhe, I will tell you preſently, when Mary has turned her back; and Mary went to the bar about ſomething, I cannot tell what, and I ſays to Thompſon, I wiſh you would lend me ſixpence; ſays ſhe, Shaw, I cannot, for every farthing of this muſt be ſettled between Mary and us; ſays I, why, how the deuce did you come by it? ſays ſhe, Nance Cooley brought up a man to Mary M‘Daniel's room laſt night, and ſhe robbed him of ſeven guineas and a half, and two half crowns, ſhe mentioned no ſhillings, and ſhe ſaid ſhe gave them four guineas to let her run down ſtairs and go away; I told her I was afraid ſhe would get in trouble; I went home and got the kettle on, but they went to Mr. Macmanus's, the Sun and Sword, the corner of Church-lane, and when I came there, they were fighting about the money, and I ſaw two guineas drop out of Thompſon's hand, and one guinea a ſtrange man picked up.

Conſtable. When I went to take charge of them, this woman was in the room, and went to the watch-houſe with them.

LAWRENCE M‘MANUS *ſworn.*

On the 15th of Auguſt, about ſix, the priſoners came in, they were both vaſtly in liquor, the old woman told me ſhe had *a ſpice of the ague*; I brought them a quartern of gin, and two ſoldiers came in, and the women went to quarrelling about ſome money, and there was a guinea on the table, and ſeveral ſhillings on the ground; and they knocked down the guinea, and a ſoldier gave it to me, and the old woman dropped another guinea, and the young woman picked it up and gave it to me, and one ſhilling I had: I told them I would have an officer directly, I thought it very unreaſonable to get in liquor at another houſe, and then come to make a noiſe at mine.

Court. Produce the two guineas and the ſhilling.

Prisoner Thompson's Defence.

I never ſaw the ſight of that man's money, this was money ſent me out of the country; I never wronged man nor mortal ſince I was created.

Prisoner McDaniel's Defence.

I never ſaw any thing of the money, the good man gave me the money to take care of till the morning, ſeven guineas and a half, two half crowns, and a ſhilling, when the woman ſaw it, ſhe would not undreſs to go to bed; the man aſked me to give him the money again, which I did; I locked the woman in, and in about an hour and a half the woman knocked and ſaid, miſtreſs! miſtreſs! be ſo kind as to give me a drink of water; the woman was dreſſed, and ſhe whipped over the ſtairs; the man ſaid, ſhe had got his money. I ſaid to the man, do not let us be too poſitive, let us ſhake the clothes. I go out a charing very hard for my bread.

Court. How came you to be quarrelling with Thompſon about the two guineas?—We happened to get a little drop of liquor in our heads, *it is natural*, Sir. My huſband and ſon were killed in America.

Court to Jury. I do not think that the rule of law extends to the caſe of the priſoner's *own* dwelling houſe, it is the dwelling houſe of other perſons in which a man is aſſaulted and robbed, and not the parties dwelling houſes; therefore I ſhall not recommend to you to find them guilty of robbing *in the dwelling houſe.*

Both Not Guilty.

Tried by the London Jury before Mr. Baron Eyre.

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923. **WILLIAM ANDERSON** was indicted, for that he, on the 13th of Auguſt laſt, one piece of falſe and counterfeit milled money, to the likeneſs and ſimilitude of half a guinea, the ſame not being then cut in pieces, unlawfully and feloniouſly did put off to one John Pritchard for two ſhillings and one ſixpence, being of the value of 2s. 6d. againſt the form of the ſtatute.

Another Count in like manner for putting off a guinea for 5s.

The Indictment was opened by Mr. Reeves, and the Caſe by Mr. Silveſter.

JOHN PRITCHARD *ſworn.*

I uſed to go to a tripe-ſhop to buy ſome tripe and calves-feet; on the 13th of laſt month I was informed by the ſhopman, that there were ſome perſons oppoſite that dealt in bad gold, and he told me to apply for one William Anderſon, at the Horſe-ſhoe and Magpye, in Clare-market.

Court. This is not a conviction to be countenanced, for a man to go for the purpoſe to lead a man to commit a felony, and then to bring evidence againſt him.

Court. With what intention did you go to enquire for Anderſon?——The ſhopman told me them people could ſell me ſome bad pieces, and he ſaid if you have a mind to buy ſome bad gold, you may; I ſaid I would, for I could paſs them: he ſent me to the Horſe-ſhoe and Magpye.

Then you went to buy it on purpoſe to paſs it?——No, my Lord, on purpoſe to apprehend him.

Is this the firſt time you have employed yourſelf that way?—Yes.

Let us hear the converſation?——The converſation was to apprehend ſuch people, to bring them to juſtice.

What did you go to the Horſe-ſhoe and Magpye for?—For Anderſon.

For what?——On purpoſe to buy half a guinea of him.

What did you intend to do with the half guinea?—I intended to deliver no money for it till I went to the runners; when I ſaw him he produced half a guinea; I had only three ſhillings in my pocket; he ſaid he would take five ſhillings, which I agreed to give him; he told me he would take half a crown in part of payment; I told him if he would come with me I would give him the five ſhillings; I told him I lived in Leather-lane.

Where did you give him the money?—No, he took the half guinea back in his pocket; then he came up with me to Turnſtile, Holborn, but he would not go with me for the money; I told him I did not like to run in truſt, but I was going to take him to another houſe; then I turned up into High-ſtreet, Bloomſbury, there I met Umpage, I told him about it, then Umpage told me to go and buy it; I went for it, and gave him half a crown, and I promiſed him the remainder; when I went back for the bad ſilver, he gave me the half guinea, and I gave him the half crown; he ſaid he would truſt me till the next day.

What excuſe did you make him for not bring the whole money?——I made no excuſe at all, he took the half crown very contentedly; I was to bring the half crown at night, Mr. Umpage, and I, and one or two, went down to look for him, and did not find him: about eleven on the Saturday I met with the priſoner at the Horſe-ſhoe and Magpye; I aſked him why he did not come at night; he ſaid he could not get what he was to bring. He was taken up that morning; I gave the half guinea to Mr. Umpage.

Court. Is that the ſame you bought of the priſoner?——I am ſure of it.

FRANCIS UMPAGE *ſworn.*

I attend the office at High-ſtreet, Bloomſbury; I have half a guinea that I had of the laſt witneſs, *(produced)* I have had it ever ſince; there is a particular mark, ſo it is very well known.

Did you examine the priſoner at the time?——He had two bad ſhillings found upon him.

Court. Have you had this half guinea ever ſince?——Yes.

Do you know what metal it is?—No.

RICHARD FRANKLIN *ſworn.*

I am one of the moniers of the mint, this is bad.

Are you clear in that?——I am clear of it.

From what circumſtance do you know it?——By the making.

Is it gold or falſe metal?—Falſe metal.

I immagine that cannot be told without it is aſſayed?——The milling is not like the Tower milling, I have no doubt at all.

Court to Umpage. When did this happen?——Pritchard came to me on the 13th of Auguſt.

Priſoner. I wiſh to aſk the proſecutor what money he gave me; I leave myſelf entirely to the Court to plead for me: he offered half price for it; I would not take half a crown for it; he came to me on Saturday morning, and brought a crown piece and half a crown piece, here, ſays he, I have got money enough, you muſt bring the half guinea. I never had a half guinea but that in my life; I never ſaw a bad half guinea before.

Court. If you ſuppoſed this to be a good half guinea, why did you ſell it?——I am partner in a news-walk, I received a little money, and this amongſt it, and I ſuſpected a man, and he ſaid if I would go and take my oath before a Juſtice of peace, he would take it of me: you muſt think me a madman to ſell this to ſtrangers I never ſaw before.

The priſoner called ſix witneſſes who gave him a very good character; and one witneſs, who ſaid he believed the Proſecutor would ſwear falſe, if he could get any thing by it.

Court to Jury. This is a felony, by the act of King William, without any ſpecific puniſhment; here is a very great difference between the means uſed to obtain evidence of a felony already committed, and drawing a man into the commiſſion of a crime; it is juſt the ſame, as if anybody hearing that a man had the character of a thief, was to leave property in his way, in order that he might ſteal it, and then proſecute him for the felony: it is extremely different from making uſe even of indirect means to obtain proof of a felony already committed. Here the felony was committed at the inſtigation of the witneſs; he does not ſtand directly in the light of an accomplice, in which caſe, there being no evidence but his, the law would not admit you to convict the priſoner on his teſtimony alone; yet he does not appear more deſerving of credit, and the whole reſts on his ſingle teſtimony; for all that any other witneſs can prove is, that he himſelf produced a bad half guinea: but the proſecutor has fully proved the charge againſt the priſoner, if you think him intitled to credit, however you may diſapprove the manner in which he acted.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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924. **ELIZABETH SHAW** was indicted, for that ſhe, on the 16th of July, with force and arms, twenty-four pieces of falſe and counterfeited ſilver milled money and coin, each to the likeneſs and ſimilitude of one ſhilling, and twelve ſixpences, not being then cut in pieces, unlawfully and feloniouſly did pay and put off, at a lower rate, viz. at the rate of twenty-four for one guinea, being the value of 21s. againſt the ſtatute.

And **WILLIAM MACKENZIE** was indicted, for that he, before the ſaid felony was committed in manner aforeſaid, did then and there unlawfully and feloniouſly council, aid, abet, and procure, the ſaid Elizabeth Shaw to do and commit the felony aforeſaid.

JAMES FARRELL *ſworn.*

I am head waiter at the Swan and Two Necks, in Lad-lane; I went to her houſe to buy ſome money, for the purpoſe of apprehending her; ſhe called me into her yard, I ſaid I was informed ſhe dealt in bad money, and I could be a cuſtomer to her; ſhe told me I could get more by dealing with her, than I did from the perquiſites of my place; ſhe called to her maid, and deſired her to hand a brown paper that ſhe had in her pocket, the maid did, in which was a quantity of bad ſilver, which ſhe wanted me to purchaſe; I ſaid I had no money then, but muſt defer it to another time; the priſoner Mackenzie was in the yard at this time, he ſtood neuter all the time; he ſaw her ſhew me the money. I went in about two or three days again, Palmer deſired me to get a guinea's-worth of this ſilver, for the purpoſe of apprehending her, and when I went there he ſtood at the corner of Bull and Mouth-ſtreet; one Iſaacs was with Palmer, and I then ſaw both the priſoners in the kitchen; I ſaid I was come after a guinea's-worth of ſilver, that I had talked about the day before; the priſoner called to the maid, and deſired her to bring another paper, wherein was this money, there were twenty-four ſhillings and twelve ſixpences contained in this paper: after I had received them, this Mr. Mackenzie called to this maid, and deſired her to hand a ſhilling from off the ſhelf, which ſhe did, and he put a ſhilling into the paper; I then came out, and one of the officers took them into cuſtody. I gave a guinea to this woman.

Court. What was your bargain?—I had thirty-one ſhillings with the one he had put in.

(An objection was here made, that the indictment was laid that the money given was twenty-four ſhillings and twelve ſixpences, and it appeared by this, that twenty-five ſhillings and twelve ſixpences were given.)

Proſecutor. The ſhilling was given after I had received the thirty ſhillings and paid the guinea.

Mr. Chetwood, Priſoner's Council. Had you never been at her houſe before?——I never was there but twice in my life; ſhe went by the name of Mackenzie, otherwiſe *Black Beſs*, I never ſpoke to her afterwards: I told her I heard ſhe dealt in it, and would be glad ſhe would let me have ſome.

Did you know at that time you was committing a felony?——No, Sir.

Did you mean to buy when you went firſt?——No, Sir, only to ſee if ſhe would ſell; I meant to put a ſtop to the circulation of it at the houſe where I lived.

What did you in your evidence before the Magiſtrate ſwear that you received in exchange for a guinea?—My memory will not allow me poſitively to give an anſwer to that queſtion.

Did you, or did you not, poſitively ſwear there, that you received twenty-five ſhillings and twelve ſixpences?——I cannot tell.

Will you ſay you did not ſwear that?—No, I will not ſay one way or the other; I know the Juſtice aſked me if I had received that money from the woman, and I recollect ſhe was committed on account of delivering the thirty ſhillings to me, and he was committed for aiding and aſſiſting in ordering the maid to deliver the ſhilling off the ſhelf.

Court. Was not the woman committed upon your oath for putting off twenty-five ſhillings and twelve ſixpences?——I cannot ſay.

Court. Shaw went by the name of Mackenzie?——I took her to be the wife of Mackenzie, but I cannot ſay; they both lived together, and kept this little girl as ſervant; they live in a court oppoſite the Caſtle and Falcon in Alderſgate-ſtreet.

You do not know whether they are man and wife or not?——I heard the little girl call them maſter and miſtreſs.

And they live as ſuch?——I ſuppoſe ſo, my Lord, but I do not know.

WILLIAM PALMER *ſworn.*

I am conſtable, I know the two priſoners in cuſtody; I took them in cuſtody: I have the money that was found, but not found upon them, it was delivered to me by the perſon whom I ſent to buy it: in ſearching Mackenzie I found another ſhilling of another make.

Mr. Garrow. He was a ſtranger to you, was he?——No, I have known him about four years; I cannot directly charge my memory with it.

Where do you live?—In Peter's-lane, Cow-croſs.

Did not you know that the buying bad money for a leſs price was a felony?—No, Sir.

Upon your oath?—Upon my oath I did not know it was.

How ſoon did you learn that it was?—By applying to Mr. Vernon.

What did he tell you he had got when he gave it to you?——That he had got one and thirty ſhillings-worth; I carried them to Mr. Blackborow's.

The man was not committed at that time?—Yes.

When was he diſcharged?—I believe the next day, when they were examined, Shaw was committed.

Court. What are you?——I am a victualler.

Whoſe office do you attend?—No office at all.

How came you to carry the priſoners before Mr. Blackborow, and not before a Magiſtrate?——There was no Magiſtrate to be found when we took them, Sir.

THOMAS ISAACS *ſworn.*

I am one of the conſtables that apprehended this woman; I examined her and found ſixpence.

Mr. Garrow. That was all you found?—Yes.

And you ſearched very attentively, no doubt of it; did not you find the marked guinea?—If it had been there I ſhould have found it: Farrell came out in about five minutes.

Farrell, you, and Palmer had a conſultation about this buſineſs?—No, I was not by at the time.

RICHARD FRANKLIN *ſworn.*

I am one of the moniers of the Mint, this money is bad, and that ſhilling is good.

The priſoners called nine witneſſes who gave them very good characters.

Court to Jury. Though artifice may be frequently adviſable, or even excuſable, and ſometimes meritorious where crimes have been already committed; I myſelf can hardly ſuppoſe a caſe in which it ſhould be juſtifiable or praiſe worthy, to lead a perſon into the commiſſion of a crime in order to convict him of it, which this man did, and which is juſt like leaving your money in the way of a perſon whoſe honeſty you ſuſpect, in order that you may proſecute them to conviction, which is conduct I can never look upon to be meritorious or juſtifiable.

BOTH GUILTY.

Each to be fined 1s. and confined ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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925. ELIZABETH CURTIS was charged on the Coroner's inquiſition, for that ſhe, on the 18th day of Auguſt laſt, at the pariſh of St. James's, Weſtminſter, being big with a certain female child, after which, to wit, on the ſaid 18th day of Auguſt, the ſaid female child alone and ſecretly from her body, by the providence of God did bring forth alive, which ſaid female child by the laws of this country was a baſtard, and that ſhe, the ſaid Elizabeth, afterwards feloniouſly, wilfully, and of her malice aforethought, upon the ſaid female child did make an aſſault, and with both her hands about the neck of the ſaid female child, did choak, ſtrangle, and ſuffocate, of which choaking, ſtrangling, and ſuffocation, the ſaid female baſtard child inſtantly died; and ſo the Jurors ſay, that ſhe the ſaid Elizabeth Curtis, the ſaid child did kill and murder.

The inquiſition opened by Mr. Garrow; and the caſe by Mr. Silveſter, as follows:

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, this young woman at the bar, Elizabeth Curtis, comes before you to be to be tried on the Coroner's Inquiſition; and it becomes neceſſary for me to inform you, that after the inquiſition is found, and the woman committed, the next ſtep in point of law is to prefer an indictment before the grand Jury for the ſame offence, that was preferred, which has been thrown out; it is right for me to ſtate that, because you ought to know the whole of the circumſtances of the caſe, in order to judge fairly of the innocence of the perſon at your bar; the facts on which the Inquiſition was found, and which I will lay before you, for you to judge of the guilt of the priſoner, are ſhortly theſe: ſhe was a ſervant to Mrs. Soy, who kept the Blue-poſts, in King-ſtreet, St. James's, Weſtminſter; her miſtreſs obſerved ſhe was with child, and ſhe told her ſhe ſuſpected her ſituation, the young woman denied the charge, upon which her miſtreſs went to her neighbour, and informed her of her ſuſpicion, and they went up ſtairs into the maid's room to ſpeak to her, ſhe ſaid, ſhe was not with child; ſome time after this going up into her room, a Mrs. Baker a midwife was ſent for, and when ſhe came ſhe obſerved to the young woman, that ſhe either was or lately had been brought to bed, and deſired her to confeſs, the young woman then ſaid, it is true, the child is wrapped up in a napkin there on the ſide of the bed; ſhe ſaid, ſhe was aſhamed to own it; ſhe was then aſked whether the child was born alive or not, ſhe ſaid, the child was ſtill born, and had never been born alive; ſhe was then aſked, whether ſhe had provided any things in caſe the child had been born alive to put it in, ſhe ſaid, ſhe had, and they very properly examined the drawers, and found amongſt the young woman's clothes, ſome things proper for the child, the ſurgeon was went for, and when he came he examined the child, and his opinion was very doubtful whether the child died in the birth for want of aſſiſtance or any other cauſe; and, in ſhort, I am inſtructed to ſay, that he at that time ſaid he could not poſitively take upon himſelf to ſwear, whether the child was born alive or not. Gentlemen, in a caſe like this, I think it my duty to open every circumſtance againſt or for the priſoner; it is not my wiſh, or your wiſh, I am ſure, to ſtrain the law againſt this young woman: you will, under my Lord's direction, firſt enquire, whether the child was born alive, or whether it was not; and if it was, whether violent hands were laid upon it: ſhe alſo ſaid, that ſhe meant to bury it privately, that it might not be known. If you ſhould be of opinion that the fact is not ſufficiently proved, then you will pronounce her not guilty.

MARY SOY *ſworn.*

I am the wife of Theophilus Soy; the priſoner was my ſervant: the priſoner was taken ill in the morning of the 18th of Auguſt, between eight and nine in the morning; I was called up, and met her in the paſſage, ſhe ſaid ſhe was very ill, and had a very bad pain in her ſtomach; I ſaid I would go up ſtairs with her, I did ſo, and ſhe was very bad, in great pain; ſhe ſtood and reſted, and I waited and went up with her to her chamber, and ſhe aſked me to get her ſomething warm, I brought it to her, and ſhe took it.

You are a married woman?—Yes.

Have you had children?——Four dead ones.

Did her pains excite any ſuſpicions in you that they were labour pains?—Yes, I told her I thought ſhe was in labour.

Do you think ſhe underſtood what you ſaid to her, and what ſhe ſaid to you?——I believe ſhe did: I went down ſtairs, and returned in about five minutes, ſhe was on the ſide of the bed then; I went down to get my own breakfaſt, thinking it was gone off: I ſent for a gentlewoman to go up, and in about half an hour I went up; ſhe was got into bed, and ſaid ſhe was much better by what I gave her; I then imagined there was a child born, and between three and four I ſaw a child laying in a white apron by the ſide of the bed; it was dead, I could not take it up.

Did you examine her drawer?—Yes, I did for another account, to look for the child, and there I ſaw a ſhirt and cap.

Mr. Garrow. The poor woman has no Council, I will aſk you what character ſhe had?——I have had her ſix weeks, and I had a good character with her, and ſhe deſerved no other from me.

Mrs. THOMLINSON *ſworn.*

Mrs. Soy and me went up with her, and aſked her if ſhe was not with child; ſhe ſaid ſhe was not, and her miſtreſs left me; I ſat ſome time with her, and ſhe ſaid ſhe was not with child, then I went away and was fetched again, and ſhe would not own it; I ſaw the child in the apron in a chair; I aſked her how that accident could happen, and ſhe ſaid ſhe was ſorry ſhe did not own it.

Did ſhe ſay why ſhe did not own it?—She ſaid ſhe was aſhamed to own it, as ſhe denied it ſo long.

Court. What ſhe ſaid cannot be given in evidence for her.

Mr. WILLIAMS *ſworn.*

I am a ſurgeon and man-midwife; I was called upon to ſee the woman and child on the afternoon of the 18th.

You found the woman had been recently delivered?——Yes.

Was the child at its full time?——Yes; I queſtioned the woman, and I could not by her account learn if the child was born alive; I aſked her if the child cried, ſhe ſaid not; I aſked her if ſhe felt the child move, ſhe ſaid no; I aſked her if ſhe did not uſe a knife to cut the navel ſtring, ſhe ſaid ſhe did not, ſhe ſaid ſhe tore it. I ſhould not ſuppoſe it was born alive; my opinion is, that the child died in the birth for want of aſſiſtance.

Court. That is the conſcientious fair opinion that you form?——That is my opinion.

Were there any marks of violence upon the child?—Not ſufficient to kill it; there was a mark on the cheek, as if ſhe had tore it; there were two marks on the ſide of the neck which I obſerved, which were taken notice of by the Jury: I conſidered it fully, and I think it might happen in the efforts of delivering herſelf.

In the delivery the head of courſe appears firſt?——In the uſual courſe of birth.

Then about the neck and head muſt neceſſarily be the place that the woman muſt lay hold of to aſſiſt herſelf?——I did not ſee the child for ſome hours after ſhe was delivered.

Court to Jury. Gentlemen, this being a trial upon the Coroner's Inquiſition at common law, not under any indictment on the ſtatute, it is neceſſary that there ſhould be ſome evidence to ſatisfy you, that the mother by violence and wilfully was the cauſe of the child's death; for either on the Coroner's Inquiſition, or on an indictment, ſimilar circumſtances of proof are required to thoſe and other caſes of murder, and the caſe only differs in this, that where the act of killing the child is wilful and intentional, it muſt in all caſes amount to murder, becauſe there can be no provocation, it cannot be manſlaughter; that is the only difference: the ſingle queſtion is, whether the child was wilfully and intentionally killed or not? But it is neceſſary that there ſhould be clear proof of the child's being born alive, and having appearances of violence, and that the Jury ſhould be clearly ſatisfied that the mother intentionally killed the child; to be ſure you have not ſuch proof in the preſent caſe. I cannot blame the Grand Jury with not finding the bill. You ſee the young woman had provided ſome things for the child, ſhe had wrapped it up in a cloth, and laid it by her bedſide in a ſituation which ſhe knew it muſt be found. To be ſure in this caſe, there is no evidence to charge her with the crime of wilful murder.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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926. HENRY SMITH was indicted for ſtealing, on the 28th day of Auguſt laſt, ſix ſhammoy leather ſkins, value 6s. the property of Thomas Heartley, Richard Lacock, and Thomas Heartley the Younger.

THOMAS HEARTLEY *ſworn.*

The priſoner was ſervant in my warehouſe; the ſkins were found upon the priſoner; he acknowledged taking the ſkins; no promiſes were made him.

JOHN BAGLEY *ſworn.*

I was ſent after the priſoner, and I found him in the yard at the Bear and Ragged-ſtaff Inn, in Smithfield, with the ſkins under his arm; I brought him to the warehouſe; he ſaid he was going to ſell them to a Jew; he ſaid it was the firſt time, he did not deny but they were his maſter's property.

PRISONER's DEFENCE.

I took up this bundle and thought it was my linen; I went to this inn, and when I came to open it, I found it was not my linen, and I was going to take it back.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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927. JOHN TOVEY was indicted for ſtealing, on the 22d of July, five pounds weight of tobacco, value 2s. 6d. the property of a perſon or perſons unknown.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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928. JOHN ALLEN was indicted for ſtealing, on the 18th day of July, a deal

box, value 18d. the property of Vincent Figgin.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. ROSE.

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929. **WILLIAM CREESY** was indicted for ſtealing, on the 2d of September, a pair of baſe metal ſpurs, value 6s. a pair of ſpur-leathers, value 12d. and one pair of boot garters, value 2d. the property of Robert Gibſon.

The parties not appearing, the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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930. **JOHN KICTHEN** was indicted for ſtealing, on the 13th of Auguſt laſt, one wicker baſket, value 10d. ſix quartern loaves, value 3s. 9d. four other loaves, value 1s. the property of John Biſby.

GEORGE SMITHY *ſworn*.

I loſt my baſket of bread in Groſvenor-ſquare.

WILLIAM JACK *ſworn*.

I am a baker, I ſtopped the priſoner with the baſket of bread about eleven, in Leiceſter Fields, I followed him from Cavendiſh Square; I ſaw him deliver ſome bread, he delivered two quartern loaves at the Three Crowns, in Richmond-ſtreet, going into Rupert-ſtreet; I did not go in there, and whether he was paid I do not know: I ſaw him deliver a brick too.

Court. How came you firſt to take notice of him?——I thought he did not ſeem to be much like a baker, and when I ſtopped him, he would not tell me where he had the bread, but ſaid he would take it back where he had it; the maſter of the Three Crowns ſaid the priſoner had left bread there frequently; and that there was another perſon always called and took it away; I ſecured the priſoner.

(The baſket produced.)

JAMES FORER *ſworn*.

I keep a chandler's-ſhop, and ſell wood and coals in Hedge-lane, and the priſoner came into my ſhop the day of this robbery, and aſked for a man named Walker, he ſaid there were two quartern loaves to be left; I told him there was no ſuch perſon, and adviſed him to take the bread away.

PRISONER's DEFENCE.

I got up in the morning about eight; I have been under Dr. Boſſy's hands almoſt a twelvemonth; I met a man, named Smith, in High-ſtreet, Marybone, I ſaid I had but two-pence in the world, he ſaid he wanted me to do a job for him, and he aſked me to take the baſket of bread, and leave at particular places, which he gave me the names of; ſays I, am I to take any money; no, ſays he, tell them I ſhall call in the evening; then I went to the Three Crowns, and left two loaves there; then he ordered me to go to a chandler's-ſhop, mentioning the man's name, and if he was not at home, to leave the bread: when I was ſtopped, I deſired them to go with me, and they ſhould ſee the perſon. I told the ſame ſtory then.

Court to Jack. Did he tell you this ſtory at the time?——Yes; I gave him liberty to go to the man, and he did not go: I could not ſtop.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

MISDEMEANORS.

931. ROBERT WOOD was indicted, for that he, on the 7th of Auguſt laſt, one piece of falſe and counterfeit money and coin, made and counterfeited to the likeneſs and ſimilitude of a ſhilling, did offer to one Edward Weſt, well knowing the ſame to be falſe and counterfeit.

EDWARD WEST *ſworn.*

I am a publican; the priſoner on the 7th of Auguſt, aſked for a pennyworth of twopenny, and threw down a ſhilling to pay for it; I perceived it was a counterfeit; I ſuſpected him and ſent for a conſtable: there was found in his pocket a good ſhilling and a good ſixpence, and eighteenpence in half-pence, and ſome lumps of arſenick; he ſat down in the tap-room, and underneath were found three ſhillings and half a crown at a little diſtance: the conſtable has had them in his poſſeſſion ever ſince.

JOHN SUFFRIN *ſworn.*

I took up the priſoner, and I ſearched him; I have the ſhilling that was found upon him.

(Produced.)

—— VINES *ſworn.*

This is a counterfeit, certainly.

Are you clear that it is counterfeit money, Mr. Vines?——Yes, my Lord, the three ſhillings and the half crown are all counterfeit.

Now is the one ſhilling counterfeit?—Yes.

Priſoner. About ſeven years ago I had a violent fever, which cauſed a dimneſs in my eyes, and if I had a bad ſhilling, I did not know it. I have witneſſes to my character.

The Priſoner called three witneſſes to his character.

GUILTY.

To be impriſoned ſix months in Newgate.

Tried by the London Jury before Mr. RECORDER.

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932. THOMAS CONNER was indicted for obtaining from one William Mann, eleven yards of linen cloth, value 11s. the property of Edward Mann, with intent to defraud him of the ſame.

GUILTY.

To be whipped and impriſoned twelve months in Newgate.

Tried by the London Jury before Mr. RECORDER.

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933. JOSEPH ALBERT was indicted for conſpiring to defraud Meſſrs. Hankey and Co. of 200l.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

The Trials being ended, the Court proceeded to paſs Sentence as follows:

Received ſentence of Death, 23, viz.

James Liſle, otherwiſe William Johnſon, Kyren Ryen, Samuel Thompſon, George, otherwiſe John Campbell, Ephraim Ephraims, William Smith, Peter Laroche, William Hogbon, William Rellions, Robert Abel, William Collop, James Forreſter, George Drummond, William Smith, William Brooks, Richard Court, Edward Robinſon, Thomas Wotton, John Barker, Joſeph Baker, Joſeph Hewlett, Francis Doyle, and Richard, otherwiſe Jonas Wooldridge.

Wooldridge's ſentence was reſpited at a former Seſſions, having been convicted of ſelling bad money, and having before that had the benefit of his Clergy.

Received ſentence of tranſportation for fourteen years, 1.

John Dennis, otherwiſe Hammond.

Received ſentence of tranſportation for ſeven years, 32.

Edward Smith, William Lee, John Duffey, Simon Allen, John Lawrence, Frederick Uſop, John Winterſgill the younger, James Anderſon, James Alcorn, William Cox, John Smith, William Wright, Henry Smith, William Morgan, Peter Bond, John Skulley, Thomas White, George Green, Benjamin Coleman, John Romaine, Edward Jones, Nicholas Birne, Samuel Richardſon, Thomas Griffiths, John Pritchard, John Carter, Phillip Farrell, Lovell Hudſon, William Shelburne, Samuel Cox, John Williams, and William Walſh.

To be impriſoned in the Houſe of Correction twelve months, 8.

Mary Shepherd, Elizabeth Jones, Mary Smith, Sarah Wood, otherwiſe Slade, Thomas Scanderlin, Ann Goodman, Sarah Hall, and James Giles.

To be impriſoned in the Houſe of Correction ſix months, 26.

George Grace, John Davis, Edward Willis, Thomas Williams, Ann Buſh, Ann Shaw, Margaret Murray, John Allen, James Spink, John Jones, John Hancock, Thomas Linco, Mary Smith, Elizabeth Herring, Mary Matthiſon, Elizabeth Shaw, (fined 1s.) William Mackenzie, (fined 1s.) Joſeph Baggeley, Mary Tyler, John Wyer, John Perry, Martin Stevens, Mary Pearſon, Launcelot Blackſhire, Michael Fitzpatrick, and Robert Ranſon.

To be impriſoned in Newgate twelve months, 1.

Thomas Cormer.

To be impriſoned in Newgate ſix months, 1.

Robert Wood.

To be impriſoned in Newgate three months, 7.

William Allen Maclacklin, John Johnſon, Samuel Poole, William Shergold, William Price, (fined 1s.) Mary Beckford, and Thomas Jones.

To be impriſoned in Newgate one month, 3.

Abraham Iſrael, (fined 1s.) Ann Satchell, and James Atkins, (fined 1s.)

Branded. 1.

David Bennett.

Publickly whipped, 29.

George Grace, Benjamin Coombes, Thomas Plunkett, Edward Willis, Thomas Williams, Matthew Daly, John Jones, John Hancock, Thomas Linco, John Kitchen, William Allen Maclacklin, John Johnſon, William Shergold, Joſeph Baggeley, Thomas Scanderlin, William Ferguſſon, John Wyer, John Perry, William Rogers, John Caſs, Launcelot Blackſhire, Michael Fitzpatrick, William Bennett, Robert Ranſon, Thomas Jones, Joſeph Crane, Thomas Granger, Thomas Jones, and Thomas Cormer.

Sentence was reſpited on John Martin and Anthonio Joſe.

Daniel Clarke received his Majeſty's pardon, on condition of tranſportation for ſeven years.

*** The next Seſſions will begin on Wedneſday the 20th of October next, at the Old Bailey.

N. B. The SET of PAPERS for this SESSION contain, among many others, the remarkable Trial of Colonel Gordon, for killing Colonel Thomas in a Duel; the remarkable Trials of Henry Morgan, who was executed for the Murder of Mr. Linton; George Drummond, for robbing the Earl of Clermont; Kyrin Ryen, for taking a falſe oath, with intent to obtain letters of adminiſtration; with *twenty others* who received Sentence of Death for Burglaries and Highway Robberies: alſo the remarkable Trials of William Stevenſon for Murder, and Elizabeth Curtis for the Murder of her Baſtard Child, who were acquitted: with the Speeches of Council, and Opinions of the Judges on ſeveral material Caſes; faithfully tranſcribed from *Mr. HODGSON*'s Short-Hand Notes; who continues to teach SHORT-HAND in FOUR LESSONS, and to take TRIALS, *&c.* on reaſonable Terms.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 20th of OCTOBER, 1784, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable ROBERT PECKHAM, Eſq; LORD MAYOR of the City of London; the Right Honourable ALEXANDER Lord LOUGHBOROUGH, Lord Chief Juſtice of his Majeſty's Court of Common Pleas; JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
Matthew Salt	James Caney	William Handy
John Lake	Thomas Bradſhaw	Adam Craney
Thomas Viger	Richard Price	Lacey Punderſon
William Cooper	Thomas Kebble	Thomas Martin
James Withers	Thomas Hawes	John Evans
Robert Bowyer	Thomas Blower	John Allen
William Fowler	John Moxey	Peter Taylor
Matthew Hooper	Stephen Stanton	James Gibſon
John Cover	James Crombie	William Pearſon
Peter Olivant	William Williamſon	William Robinſon
John Millington	Samuel Sorrell	Benjamin Brown
William Hoar.	Robert Mills.	Thomas Walters.

934. PORTER RIDOUT was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the Devil, on the 7th of October, in the 24th year of his Majeſty's reign, with force and arms, at London, in the pariſh of St. James's, Duke's-place, upon Moſes Lazarus, in the peace of God and our Lord the King then and there being, did make an aſſault,

and with a certain gun, value 1s. then and there loaded with gun-powder and leaden ſhot, which he held in both his hands, to, at and againſt the ſaid Moſes, feloniouſly, wilfully, and of his malice aforethought, did ſhoot and diſcharge, and him the ſaid Moſes in and upon the right breaſt, and in and upon the right ſide of the body, near the upper part of the belly, did then and there feloniouſly, wilfully, and of his malice aforethought, ſtrike and wound giving to him the ſaid Moſes in and upon the ſaid right ſide of the breaſt, one mortal wound of the depth of four inches and of the width of one half quarter of an inch, and in and upon the right ſide of the body near the upper part of the belly, another mortal wound of the depth of three inches and of the width of one half quarter of an inch, of which he inſtantly died: and the Jurors ſay that the ſaid Porter Ridout, him the ſaid Moſes Lazarus did kill and murder. He was likewiſe charged on the coroner's inquiſition with the like murder.

(The witneſſes on both ſides deſired to withdraw, except thoſe who are only for character.)

The indictment was opened by Mr. Sheppard. And Mr. Rous of council for the proſecution opened the caſe as follows.

May it pleaſe your Lordſhip, and you Gentlemen of the Jury; you have heard the indictment opened by my learned friend, and are acquainted with the crime on which the priſoner ſtands charged. This tranſaction ariſes out of a feſtivity obſerved by the people called Jews, at a particular period of the year; and the rulers of the ſynagogue have thought it their duty to bring the caſe before you for your judgment; it will not be expected from me to aggravate the unfortunate ſituation of the priſoner, I ſhall think it my duty only to ſtate the caſe ſo fair and ſo ſimply as to direct your attention to the evidence on which alone I am ſure your judgment will be founded: The Jews have an annual feſtivity religiouſly obſerved on their part, ſome time in the month of October; the priſoner lives in the neighbourhood, where that feſtivity creates neceſſarily ſome little diſorder, he has lived there I believe twenty years, and has been conſtantly a witneſs of the return of it. In this feſtivity ſome perſons unqueſtionably had exceeded the ſtrict bounds of propriety, ſquibs and crackers had been thrown, and it ſeems Mr. Ridout in this laſt month on the laſt return of that feſtivity endeavoured to apprehend ſome perſons who had fired thoſe ſquibs, in doing ſo a little ſcuffle enſued, ſeveral fell, and among others Mr. Ridout, they aroſe however from the ground ſeemingly without injury, and Mr. Ridout returned to his houſe and ſhut the door; ſome few minutes afterwards he appeared at the window of the room on the firſt floor, and from thence diſcharged a gun loaded with ſhot among the crowd, ſeveral were wounded and ſome fell; and one unfortunate youth of the age of thirteen inſtantly expired: you will hear the law much more accurately delivered from the learned Judge after you are poſſeſſed of the evidence, and therefore can with more correctneſs apply it; it is however my duty juſt to obſerve, that it is not neceſſary to conſtitute the crime of murder that there ſhould be a malignity directed againſt an individual; if a man commits an act from which death may enſue, which from the nature of it marks a wanton diſregard of the ſafety of others, that is equally immoral, and the public ſafety requires it ſhould be claſſed in an equal degree of guilt with the premeditated deſtruction of an individual; I fear it will be difficult for the priſoner to extenuate this caſe: ſome expreſſions will be given in evidence that ſeemed to ſhew a deliberate purpoſe of longer duration than the day; but as theſe expreſſions ought not to make any impreſſion upon your mind till you have them in proof, I ſhall not mention them, but wiſh you to hear them only from the witneſſes.

JONAS LEVY *ſworn.*

Examined by Mr. Morgan.

Do you know the priſoner at the bar?—Yes.

Was you in Duke's-place on the 7th of October?——Yes.

Did you ſee the priſoner there?——Yes.

I ſhall not aſk you unleſs I think it neceſſary any other queſtion, but ſtate yourſelf what you ſaw paſs on that day?——I was going to ſynagogue the 7th of October between five and ſix in the evening and I ſaw a parcel of boys as uſual, letting off ſquibs and crackers.

I believe I muſt deſire you will explain that expreſſion *as uſual?*——As they do among our people once a year, that is at the feaſt of Tabernacles, and I ſtood there a little time to ſee them.

Is this a cuſtomary annual ſport?—Yes, I was ſtanding in Broad-place, I ſaw Mr. Ridout come out of his houſe with two men with him, one had a ſtaff and the other had not, I could not tell whether they were conſtables or not, I ſaw Mr. Ridout go and lay hold of a man that had juſt let off a ſquib, after he had laid hold of this man he called for theſe two men to aſſiſt him, and a ſcuffle enſued, and three of them laid on the ground, one of which was Mr. Ridout, I ſaw the two men get up firſt, and afterwards Mr. Ridout, I ſaw him go ſtrait into his houſe and ſhut the door hard after him; in three or four minutes after I ſaw him up one pair of ſtairs throw up the ſaſh and fire out a fire-arm which appeared to me to be a blunderbuſs.

How was the gun directed?——Towards the middle of Duke's-place Broad-place.

Were there many people there?——Yes.

What number to the beſt of your judgment?——I cannot tell how many, there was a parcel of boys and men together.

Were there a few people or many?——A few.

Did any thing happen in conſequence of that firing of the gun?——A boy fell down dead, the deceaſed.

Do you know his name?——Moſes Lazarus, I believe his name was, after he had fired out he ſhut down his window, and ſtood ſo, *(with his hands folded)* for the ſpace of two minutes as near as I can gueſs, as he was ſtanding there, juſt as he was going away, I ſaw the deceaſed fall down at the ſide of me, he was ſhot in the left ſide and in his mouth, I had him in my arms and there were no ſymptoms of life in him.

Mr. Silveſter, one of the Priſoner's Council. I underſtand Mr. Ridout is a diſtiller?—He keeps wine vaults in Broad-court, Duke's Place.

There were men and boys together?—Yes, Sir, there were boys.

And men?——A few men among them.

By your account they had got to the ground Mr. Ridout and the two conſtables that were with him?——I could not tell whether they were conſtables, they were all three down on the ground.

There was a good deal of noiſe, I take it, by the two men that were down on the ground; you mean the two men that came out of the houſe?—I cannot ſay they were, I did not take notice what two men they were, but among the three one of them was Mr. Ridout.

Do you know for certain whether theſe two men came out of Ridout's?——I cannot ſay.

You ſaw one man with a ſtaff?—Yes.

Was that a conſtable's ſtaff?—It ſeems ſo.

Was that one of the men that was knocked down?——I cannot ſay that, but I ſaw Mr. Ridout on the ground; when he got up, he went ſtrait into his houſe, nobody went with him.

When he went in he ſhut the door as hard as he could?——The door went very hard after him.

And ſoon after the gun was fired?—Yes, the fire-arm whatever it was.

MOSES ISRAEL *ſworn.*

Examined by Mr. Sheppard.

You know the priſoner?——Yes.

Was you in Duke's Place on the 7th day of October?——Yes.

Do you remember ſeeing the priſoner there?——Yes.

Relate what paſſed when you ſaw Mr. Ridout there?—I ſaw Mr. Ridout run in doors, I did not ſee any thing of the ſcuffle, he ruſhed in and ſhut the door very hard after him; in about five minutes, to the beſt of my knowledge, I ſaw Mr. Ridout open the window gradually, and fire a piece, the little boy, Moſes Lazarus, ſtood by me, and ſaid, O Lord! he has killed me! thoſe were the *three words* that he ſaid. Several people came round him, but I could not tell what paſſed after this.

THOMAS GOWER *ſworn.*

Examined by Mr. Rous.

Was you in Broad Place on the 7th of October laſt?——What they call Duke's Place I was.

Do you know the priſoner?—I do.

Did you ſee him there?——I did.

When did you firſt obſerve him?—After the report of the piece, that made me look up to ſee what was the matter.

What did you ſee?——I ſaw ſomething in his hand, whether it was a gun, blunderbuſs, or anything of that ſort, I could not diſtinguiſh, but ſomething was in his hand leaning out of the window; the boy fell at my feet and drew my attention, he was a barber's boy, his name was Lazarus, I ſuppoſe that was the boy, I did not examine, I am no ſurgeon, though I can bleed.

Mr. Silveſter. There were a great many people there?——I ſuppoſe there were a hundred or two, I dare ſay there were.

Have not you ſaid there were ſome hundreds there?——A hundred or two, there might be two or three hundred, for anything I know.

Men and boys?——Men and boys, undoubtedly.

Mr. Rous. Of the number do you ſpeak after the report of the piece, or before?——At the time I was paſſing promiſcuouſly by, I could not ſtand to count the people.

ELIAS AARON *ſworn.*

Examined by Mr. Morgan.

Do you know the priſoner?—Yes, very well, I was coming along Duke's Place, the 7th of October, and I ſaw Mr. Ridout go into his houſe, he was waving his hands, and he went in doors and ſhut the door, and went up ſtairs, and in about a minute or two after, he opened the window, and a blunderbuſs or firelock, I cannot tell which, he fired, and the boy fell down by me, and cried out, O Lord! O Lord! I am dead!

Did you ſee Ridout after that?—I did not not ſee him after he fired, I was ſo frightened I did not know what to do with myſelf.

Have you known the priſoner many years?—He has lived in that place to the beſt of my knowledge twenty years, he was always a very upright man, for what I know.

Was that a particular day?——Yes, it was a particular day, we always make a merry-making the ſame day in every year.

Mr. Silveſter. You have known him many years?——Yes, he has lived twenty years there, always a quiet, peaceable man, as far as I knew.

DAVID BARRYMORE *ſworn.*

Examined by Mr. Sheppard.

Do you remember being in Duke's Place on the 7th of October?——Yes.

Did you ſee the priſoner there?—Yes.

Tell us what paſſed at that time, what the people were doing, and what he did?—As I was going towards ſynagogue, I ſaw a parcel of boys fire ſquibs, and I ſtood looking, and I ſaw this Mr. Ridout come out of his houſe, and a little while afterwards I ſaw him go in doors, and he ſhut the door very hard, and I ſaw him in the window about five or ſix minutes after; and I ſaw him lift up the window and fire a piece; I cannot tell what it was, whether it was a blunderbuſs or no; and after he had fired, he ſhut the window directly.

Did you ſee him after that?——No, I ſaw him ſhut the window very hard.

SAUL MORDECAI *ſworn.*

(*Examined by Mr. Rous.*)

Do you know the priſoner at the bar?—Yes.

Do you remember ſeeing him before the feſtival, on the 7th of October?——A great many times before, I have known him theſe twenty years, and upwards; about a fortnight or three weeks before this affair happened, I happened to go into Mr. Ridout's houſe for ſome liquors, the diſcorſe fell out about ſome holliday, he aſked me in Hebrew, what I meant to make *Skoke yanck* of, that is, we always preſerve fruit, a fruit which we never eat till that time comes, it being the new year, to make a bleſſing off; I told him, your time is coming on, that you think ſo troubleſome, that is, *Simka ſacra* we call it in Hebrew, it is the Rejoicing of the Lord, in Engliſh; I aſked him, if he remembered the time that he run after a boy into the Synagogue, with either a ſword or cutlaſs, he ſaid, he was better provided for them now, for he had a piece that would carry a ball or two now nicely; and he would take care ſome of them ſhould have it among them.

(Croſs-Examined by Mr. Fielding.)

Mordecai, you have known this Mr. Ridout, for twenty years?——Longer, I am thirty; as long as I can remember I have known him, I am a glaſs-ſeller, I was bred and born in the ſame houſe, my father kept the houſe fifty years before.

You know how troubleſome theſe returns were to Mr. Ridout?——I know that he thought it ſo, becauſe he run into the Synagogue after a boy, I left Broad-court, that very afternoon at three, on account of thoſe words; I always take care to be out of the way of any quarrel, I never affronted a neighbour in my life, I knew Mr. Ridout always thought of that night, and had always ſaid, he would put this night aſide.

Did not you expect that there would be a riot?——I do not know what you mean by a riot.

A tumultuous quantity of people?——There is always a quantity of people aſſembled in that place, there are three ſynagogues that have no yard or ſettled place of meeting, we go about five, about an hour before the people ſay to their wives, we are going to ſynagogue, they go to Duke's-place, and ſtay there till the clock ſtrikes, then they all go to ſynagogue.

You appeared before the Coroner?——Yes.

How came you there?—I came to Mr. Ridout's, a day or two before, and I told Levy what I had heard, and he told me to appear before the Coroner, I was not preſent, at the time of this unhappy affair; about three o'clock I came to the top of Duke's-place, and I met Levy there, who is a conſtable.

I want to know, how it was that you came to go before the Coroner?——That very night, I knew of it, about half an hour after it happened.

Who told you?——He is a man that deals in fiſh.

You will not tell his name?——I cannot tell you.

Where was it?—In the ſynagogue entry in Leadenhall-ſtreet.

Where did you go immediately?——A man came and run out, and ſaid, the report is given, that a boy and two men are killed, upon which we run to Duke's-place.

Where did you go immediately with this man that gave you the intelligence?——I did not ſee him after he gave the intelligence, I run immediately into Duke's-place.

Had you much converſation with any body before you went to the Coroner?—No, Sir, I did not tell any body to my knowledge, before I came into the room at the Compter, where Mr. Ridout was; I might ſay before I went up, I heard him ſay ſo and ſo before.

Did you liſten to the report as it was made by any body; and had you much converſation on this melancholy affair, before you were induced to go before the Coroner?——I had not with any body.

And yet you went before the Coroner?——Yes.

What Levy is this?——Levy the conſtable.

What the ſame Levy, you appeared for on

Monday before the Recorder, to give evidence of an aſſault, which aſſault was contradicted by three witneſſes I think?—It was the neglect of the Council, for not calling Mr. Levy up, or elſe he would have proved his aſſault.

Mr. Rous. Who directed you to attend before the Coroner?——I attended entirely on my own account.

Mr. Silveſter. Did not you take the conſtable away with you at that time, when you expected a riot?—I do not tell you I expected a riot or diſturbance.

Did not you ſwear ſo before the Coroner?—No, Sir, I ſaid upon Mr. Ridout's words, and ſeeing him ſtand at his door, I reſolved that I would not be ſeen in any quarrel whatever.

Thinking that there would be a diſturbance at three o'clock, you deſired the conſtable of Duke's Place, Levy, to go along with you?——I deſired him to go along with me, I expected no more diſturbance than there was every year, I thought nothing of the conſtables being there to prevent diſturbances, he is the conſtable of Duke's Place, I was not to order Levy to be there.

He is the ſame man that you appeared for laſt Monday?——Yes.

MICHAEL LEE *ſworn.*

Examined by Mr. Sheppard.

Was you in Duke's Place on the 7th of October?——Yes.

What paſſed?—On the 7th of October, I was coming acroſs Duke's Place, when I had got about half way, I heard the report of a gun or ſome piece, I cannot tell what piece it was, I immediately ſaw it came from Mr. Ridout's window, and I ſtood and ſaw Mr. Ridout ſtand and put down the window, he ſtood ſo, with his arms folded, I ſaw ſome boys fall, and I went to Mr. Ridout's houſe, the mob had got there before, I thought he might get out of the back door, and I ran round with another man, the man gave me a ſtick, I knocked and kicked againſt the door, but I could not get it open, I put my back againſt the door and it flew open, I ſearched about, and all the candles were blown out; I looked about and ſaw Mr. Ridout come to a glaſs door that was at the foot of the ſtair-caſe, he had a piece in his hand, and he put it to the glaſs, and I thought he might fire at me, and I hit the glaſs which flew back, he walked backwards up ſtairs and got the door open, they were putting a boy into the window, he ſaid, if you do not go down, I will kill you, I ſaid, Sir, you have done murder and I will not go down, I hit him acroſs the hand and he dropt the piece, I followed my blow, and he ſaid, I will ſurrender, get me a coach and I will go to the Compter, I told him I could not get him a coach, but nobody ſhould hurt him; the mob at the front put a boy into the window, a woman beat me about the head with the tongs, I told the good woman, do not ſtrike me, I will not hurt you, I only want Mr. Ridout.

Mr. Garrow. You was examined before the Coroner?——Yes.

You was there examined by the name of Michael Lee?——Yes.

Where do you live?——In Short's Gardens, Drury-lane, I lived at that time in Bell-yard, but I have moved ſince.

What buſineſs are you?—I am a ſhoemaker, I muſt move according to where my buſineſs is.

An itinerant ſhoe-maker, was it very dark?——No, it was light enough to perceive any man.

Then perhaps there were no candles lighted?——When I came into the room, there were candles lighted.

What room?—In the room where they ſerve the liquors.

Is that at the back part of the houſe?—There are two doors, I do not know whether it is called the tap-room or coffee-room, the front door faces the back door.

Where is the room in which you have ſworn they had candles?—In Mr. Ridout's houſe.

Now you think it is decent to give

that anſwer to a Court of Juſtice?—It was the firſt room I came into.

You came in at the back door?—Yes.

Do you mean to ſwear that the back door opens into the coffee-room?—Yes.

You mean to ſwear that there were candles lighted in that room?—Yes.

And that they were put out after you had got in?—Yes, after I had been in a minute or two, nobody was in but the two women, Mr. Ridout's wife and her ſiſter or niece, I got in before the mob, the mob were breaking in at the front, and putting a boy in at the window.

Will you venture to ſwear this, that if there were candles lighted, they were not put out by the mob?—I cannot ſwear who put them out, they were put out.

WOLFE SOLOMON *ſworn.*

Examined by Mr. Morgan.

Do you know the priſoner?——Yes.

Did you aſſiſt in taking him?——Yes.

Did you take any thing from him?——No, I helped to carry him to the Compter.

Was you there at the time that Michael Lee was there?—I met a mob that came in along with him, and ſearched and found this gun in his houſe.

(The gun produced.)

Did you find any thing elſe?—No, the gun was as it is now.

Was it loaded or unloaded, was the pan up or down?—Down as it is now.

Mr. Garrow. Are not you one of the conſtables of the diſtrict?—Yes.

It is a day in which the Jews are very riotous, what they call jovial?—I ſaw no rioting.

No, becauſe you took care to be out of the way?—I was right to be ſo.

STEPHEN LOWDEL *ſworn.*

Mr. Sheppard. I believe you are a ſurgeon?—Yes.

Did you happen to ſee the body of Moſes Lazarus, on the 7th of October?—I did not ſee him till the 9th, at Tom's coffee-houſe, in Duke's Place.

What did you obſerve about the body?—They told me he had been ſhot, and I obſerved ſeveral ſmall wounds about the body, but they were ſo ſmall I could not introduce a probe, in the cavity of the breaſt, on the right ſide we found a quantity of blood and ſmall ſhot.

Did you find any other wounds?——There were ſeveral other wounds, but I believe his death was occaſioned by that, it occaſioned a large effuſion of blood which I believe was the cauſe of his death.

What ſhot was this?—Such ſhot as they clean bottles with, theſe are the ſame ſize.

(Producing ſome bottle ſhot.)

Mr. Silveſter. Did you know Mr. Ridout before?——Yes.

What was the ſtate of his health at that time?—He had ſeveral bruiſes about him, I was deſired to call at the Compter to look at him, he had two at the top of his head, and what they call a black eye, a ſettling of blood under his eye, as if there had been a contuſion there, and a pretty conſiderable one upon his leg by his knee, and a large graze on his ſhin, and ſeveral marks upon his legs, and one particular upon his right leg, which was exceeding tender to the touch.

Is not he afflicted with the gravel and ſtone very much?——He is afflicted with a violent pain in his back, whether it is rheumatiſm or the ſtone in his kidneys, I do not know.

Long before this he had complained to you of it?—Yes.

Then a man in that ſituation, thrown down and beat, could not leſſen that pain I ſhould ſuppoſe?—No, it could not, more likely to aggravate it, and I ſuppoſe it did, becauſe when I ſaw him he could not ſit upright, I never ſaw him ſo bad with it before.

DANIEL DIAS *ſworn.*

I am an apothecary, I ſaw the body of

Lazarus, I ſaw the wounds in company with Mr. Lowdell the night that the Jury ſat upon the body; I found in the cavity of the breaſt a ſmall ſhot, with a quantity of extravaſated blood; I have the ſhot in my pocket.

(The ſhot produced.)

Were there any other ſhot wounds?—Many about his body, and one that went under the laſt rib in the external lobe of the liver, and came out at the gall bladder.

Mr. Silveſter. You are only an apothecary?——No, but I have attended anatomical lectures.

DAVID LEVY *ſworn.*

Examined by Mr. Morgan.

I know the priſoner very well.

Had you any converſation with him at any time before the feſtival of the Jews?—I had about five or ſix weeks ago.

State the ſubſtance of it?——About five or ſix weeks ago, Mr. Ridout ſays to me, as you are a conſtable now, I hope you will take care of the boys, and prevent them from firing ſquibs, and take ſome of them into cuſtody; ſays I, go to the Lord Mayor and get a warrant, and I will ſummon all the conſtables and do all I can, ſays he, no, I ſhall not, I ſhall provide myſelf, and if they fire I will fire too, that is all that I know about it.

Court. Priſoner, the evidence againſt you is cloſed, and it is now your time to proceed on your defence.

Priſoner. I believe my evidence are gone for, my Lord.

JOHN CHAPMAN *ſworn.*

Examined by Mr. Silveſter.

You are a breeches maker by trade I believe?——Yes; I am bailiff of the manor and liberty, and beadle of the pariſh, and overſeer of the poor.

Was you ſent for on the 7th of October?—I was, by Mr. Ridout at near ſix o'clock; when I came, he deſired me to get the mob diſperſed, I found it was impoſſible with all I could do, I then went to look for ſome Jew conſtables, knowing their people could diſperſe them better than ours, but I found none; I then went to one Saunders, I told him the nature of the crowd, and deſired him to come along with me, and bring his long ſtaff, that they might know he was a conſtable, we thought then the crowd were very much upon us, I took hold of ſome boy by the arm, but he got away from us, I told Mr. Saunders, that we did not intend to ſend any of them to the Compter, only to get rid of them, I told him I thought the place was in danger, as they were throwing ſerpents they might ſet the place on fire; I took hold on one man that only threw one up in the air, he was a neighbour, ſo I ſaid, we can find him at any time; then after that there were a great many thrown, I got hold of one or two men, but we could not hold them, they got away, the crowd came up, and one fellow came to me and doubled his fiſt, I ſaid, you thief, do you want to rob me, I know you, I took out my watch, I thought that was the way for him to go away, I went to Mr. Ridout, and ſaid it was impoſſible to do any thing, he aſſiſted; they got Ridout down upon the ground, and the headborough was down, and they kicked my ſhins, and I was glad to get away; ſome little time after that, he got up and got in doors, my back was towards Mr. Ridout; I ſaw them throw the ſerpents againſt a wood houſe of one Hyam Joſeph.

Did you at that time think there was danger by this multitude of people that were aſſembled?——I thought there was danger, it was a coffee-houſe called Tom's coffee-houſe; they ſell wine and brandy.

Mr. Rous. This coffee-houſe is much reſorted to by the Jews?——Yes, by all Jews in that neighbourhood, except Mr. Vaughan, another coffee-houſe keeper.

Court. I think you ſay you ſaw Mr. Ridout thrown down?—Yes, I did, I ſaw him on the ground, and ſeveral people upon him, and Saunders was thrown down, and there was a Jew man upon him, one Iſaacs that ſells fiſh; I deſired him to deſiſt.

Court. Was you thrown down?—No, I had

I had my ſhins kicked, but I got out of the way as faſt as I could.

What was it you ſaid of that wooden houſe that you named?—That was Hyam Joſeph's near the pump, where they threw the ſerpents, that was a wood front, my back was towards Mr. Ridouts, that houſe was on the left hand ſide of Mr. Ridout's, near the ſynagogue.

Jury. The Jury would be very glad to know after Mr. Ridout got up in the ſituation you deſcribe him to be in, whether they aſſaulted his houſe after?——I never looked, my back was towards it.

How long was you there after?—A very little while, a great many Jews perſuaded me to go away for fear I ſhould get an accident, they begged of me and took me by the arm and led me away, they behaved very well to me.

——— SAUNDERS *ſworn.*

I am conſtable, I remember Mr. Chapman's application to me, to take my long ſtaff and go to this place, I went there, there were ſome hundred in the place, throwing ſquibs and crackers about, ſome of them hitting Mr. Ridout's houſe, then the Gentleman you examined laſt, ſays to me, the firſt man we ſee throw one, we will lay hold of him, immediately one was thrown very near us, we laid hold of the man, and ſeveral came to reſcue him.

Were they men or boys?—All men as it appeared in the front of them; we knew a man that threw a ſquib, and we let him go, then we went towards Mr. Ridout's houſe, and the mob followed us, and hiſſed us as we went along, and hooted; then Mr. Ridout ſpoke to us, he told us he would aſſiſt us, if we would lay hold of another, he came out and immediately another was thrown by another man about thirty years of age, a ſerpent was thrown, and we laid hold of him directly, a great number got round us to reſcue him from us, in the ſkirmiſh they got Mr. Ridout down, there were ſeveral at the top of him, I could not diſcern to ſee whether they ſtruck him or not, and he had ſeveral marks on the legs as if he was kicked, when I helped him up, I fell down atop of the others, Mr. Ridout was down in the kennel.

How long might he continue in this ſituation?—I believe about two minutes, and ſeveral were upon him.

How long did you make obſervation of Mr. Ridout?—I helped him up, he told me he was almoſt killed, and he walked lame, they dragged him along a foot or two when he was down.

Where did he go to?——Towards his own houſe, and ſeveral followed him immediately.

In what manner did they follow him?—They were talking very loud, and looked very vicious at him, but what they ſaid, I do not know.

Were thoſe people that followed him thoſe that had him down in the kennel?——I cannot ſay, they followed him cloſe up to the door, then he got into his houſe, and I heard the door ſhut very ſharp, but the mob ſurrounded me that I could not follow Mr. Ridout.

Were the numbers at this time diminiſhed or increaſed?——They ſeemed rather to increaſe.

Were ſerpents and crackers thrown at this time?——I did not ſee any thrown I think after that.

What became of you; how did you eſcape?—When I found that Mr. Ridout had got to his own houſe, and I had loſt Mr. Chapman, I was for getting away, but I could not, the mob was ſo thick, and for a couple of minutes I ſaw Mr. Ridout again, before ever the alarm of the piece was. When I lifted him up, he told me that he believed he was robbed, for his pockets were turned inſide out.

ANN HEBDITCH *ſworn.*

Examined by Mr. Silveſter.

I am ſervant to Mr. Ridout.

You remember the 7th, when there was this mob of people round your maſter's houſe?——Yes, I went out to ſee for my maſter, and was told he was in the mob; when he came back, I ſaw him come in, he laid his hand to his ſide, and the mob followed him in doors, and I heard them ſay, damn their eyes, they would have his life: his ſhirt and all his things were torn very much, I have the ſhirt and ſtockings here. (*Producing them.*) I ſhut the door with the aſſiſtance of Mr. Ridout; when he came in doors, they broke two panes of glaſs in the glaſs door.

Mr. Rous. You was examined before the Coroner?——Yes.

Court. Did they attempt to prevent your ſhutting the door?——We could hardly both of us ſhut the door with all our force.

Court. By their puſhing it in?—Yes.

SARAH PARROT *ſworn.*

Examined by Mr. Garrow.

I am ſervant to Mr. Rayner at Aldgate, the five lamps; I remember being at Duke's Place on the 7th, and ſaw Mr. Ridout coming out of his houſe, about five or ſix minutes after ſix o'clock, and he deſired the mob to be peaceable and quiet, they were throwing ſquibs and rockets about the houſe, and in at his windows, and going to make bonfires; they began to be more riotous after he ſpoke, they took and uſed him exceedingly ill; they beat and knocked him about, and threw him down in the kennel, and ſwore they would take his life.

Mr. Silveſter. We have a number of other witneſſes to prove the throwing the ſquibs at Mr. Ridout's houſe, but as that has been proved by two or three witneſſes, we will not trouble the Court with any more on that head.

SAMUEL THORPE *ſworn.*

Where do you live?——At Aldgate.

You are a Common Councilman, I believe, of Aldgate?——Yes, Sir; I have known Mr. Ridout from that circumſtance of being a Common Councilman for ten or twelve years; I always looked upon him to be a very quiet, peaceable, inoffenſive man; it was his good nature that led me firſt to know him, he came to be ſecurity for a man that was collector of the rate.

—— WISE *ſworn.*

I am a Common Councilman; I have known him above thirty years; I had very little acquaintance with him, but he always bore a very good character, a peaceable, harmleſs, inoffenſive man, I never heard any thing to the contrary.

WILLIAM BARNFORD *ſworn.*

I have known him very near thirty years, as good a ſort of man as any I know, he is a good natured peaceable man, I never ſaw him any ways malicious, or obſerved him to ſhew any ill will to anybody.

JAMES CARTER *ſworn.*

I have known him about ten years, we are of the ſame company, cordwainers.

What has been his general reputation, as to good nature and humanity?——One of the beſt.

RICHARD WHITCOMBE *ſworn.*

I have known him thirty years, I never knew any harm by him, I lived in the pariſh with him fifteen years, he is an harmleſs, innoffenſive man.

THOMAS HOWES *ſworn.*

I have known Mr. Ridout upwards of twenty years, a very humane, quiet man.

—— TIMSON *ſworn.*

I have known him about fifteen or ſixteen years, I have ever known him, from the connections I have had with him, a very quiet, peaceable, good kind of man.

THOMAS FARROW *ſworn.*

I have known him above twenty years, a very good character, a peaceable, quiet man.

WILLIAM CHAMBERLAYNE *ſworn.*

I have known him twenty or thirty years, an honeſt, ſober, friendly, good-natured man.

WILLIAM NIXON *ſworn.*

I have known him about two years, a very humane man, I have always conſidered him as an exceeding friendly, good natured man.

JAMES TAYLOR *ſworn.*

I have known him above twenty years, a very good character as ever I knew, a good natured man, and I look upon him to be an inoffenſive man.

——— LOWDELL *ſworn.*

I always knew him to be a very honeſt, peaceable, quiet man; I have known him theſe twenty years.

HENRY FRANCIS *ſworn.*

I have known him near twenty years, I looked upon him as a very reſpectable member of ſociety.

In that you include that he was a humane man, I have no doubt.—Certainly.

Mr. Silveſter. My Lord, we have a great number more of witneſſes, but it is not neceſſary to take up the time of the Court.

Jury. We are ſatisfied as to character.

(The priſoner ſhewed his leg.)

Priſoner. While I was down they robbed me of fourteen pounds ſix ſhillings, they ſtamped upon my leg and wanted to break it.

Court. If the priſoner wiſhes to ſay anything, I am ready to hear it.

Priſoner. I was in danger of my life, and they tore my pockets open, and took out all my money, fourteen pounds ſix ſhillings; it was with a great deal of trouble I got to my door, and they knew I had a great deal of property in the houſe, and they wanted to get it from me; they threatened my life while I was down in the kennel.

NOT GUILTY.

Not Guilty on the Coroner's Inquiſition.

Tried by the London Jury before Lord LOUGHBOROUGH.

935. **ANTONIO JOSEPH** was indicted for feloniouſly ſtealing, on the 6th of Auguſt, one iron plough-ſhare, value 4s. one plough notch, value 2s. two backbands, value 2s. three pieces of iron chain, value 2s. the property of John Johnſon.

JOHN WOOD *ſworn.*

I am a watchman; I took the priſoner by Stepney Church-yard, about a quarter of a mile from the proſecutor's, about a quarter after three in the morning, with the things mentioned in the indictment: there was another man, who ran away.

(The things depoſed to by the Proſecutor and his man.)

PRISONER's DEFENCE.

I was going to the Portugueſe Ambaſſador, I had a ſhip to ſend me home, I met a black, and he aſked me to carry theſe chains for him for ſixpence; I put one in one pocket and the other in the other; the watchman took us.

GUILTY, 10d.

To be whipped and delivered to the Portugueſe Ambaſſador.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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936. **WILLIAM NICHOLLS** was indicted for ſtealing, on the 10th of Auguſt laſt, ſix pieces of rope, called junk, value 6s. the property of William Holmes.

(The Indictment opened by Mr. Garrow.)

WILLIAM HOLMES *ſworn.*

I live at St. Paul's, Shadwell; I am a bomb-boatman.

Do you act under the authority of the Trinity-houſe?——Yes; I loſt a quantity of junk ſome time in Auguſt, from Ratcliff Croſs, it was in my boat, which was on ſhore there; I miſſed, to the beſt of my knowledge, one hundred and a half, or two hundred at the outſide, value at about ſix ſhillings; I never found any part of it.

Mr. Silveſter, Priſoner's Council. What is Nicholls?——He is a waterman, or pilot.

He is employed by the Trinity-houſe?——Not that I know of.

But he does look after the bomb-boats?——Yes, by his own authority, by an arbitrary power as I underſtand.

You have inſtructions given you by the Trinity-houſe?—Yes, the articles ſpecify ſomething of them.

You know the priſoner perfectly well?—Yes.

When he found this cordage, he took the boat and you too to the Juſtice.

Court. Was you preſent when they were taken?——Yes.

Mr. Silveſter. When the Juſtice had you and the cordage, he ſaid this was taken, by your own confeſſion, from the other ſide of the water, in Kent?——Yes, *I hope no offence in my ſpeaking amiſs*; the Juſtice ordered the man to go with me to Greenwich.

Then you begged for favour?—I begged for none of him; I am a phthiſical ſort of a man, I could not follow the goods any longer.

Court. What complaint did he make of you at the Juſtice's?——He made a complaint as ſuch as this, he brought the goods and me before him.

Mr. Garrow. My Lord, it is not my duty to keep this up any longer.

Court. There is only one reaſon for going on, do they mean to proſecute?

Mr. Silveſter. My Lord, this man has been uſed very ill, I will juſt aſk another queſtion; do you know Well Spring?—I cannot ſay I do.

What converſation had you with Nicholls's wife yeſterday?——She aſked me what terms I would make it up upon; ſays I, I have nothing to ſay, do you come along with me to my lawyer, and talk to him about it; I ſaid no more to her.

Did not you tell her yeſterday, that if he would pay your expences and loſs of time, and give a note under his hand that he would not moleſt the bomb-boats, you would make it up?—I ſaid no ſuch thing.

Have you been about to ſolicicit ſubſcriptions among the boat-men?——I have not.

Who pays the expences of this Proſecution?—My friends.

Did not you apply to Argyle?—Not a word, no, Sir, I deny the words before God and man; *before my Maker, that is over my head.*

Deſcribe your friends?——Mr. Slade and Mr. Watts.

Did not you and Mr. Slade go to Mr. Argyle, to deſire him to ſubſcribe to proſecute the priſoner?—My friends ſubſcribed out of their own pocket, I cannot tell what has been ſubſcribed.

After you was releaſed before the Juſtice, how ſoon was it before you indicted this man?——The Friday following, this happened on a Friday.

Was he ever taken up before the indictment was preferred?——No.

Was he ever charged with it?—No.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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937. JOHN MARRIOTT was indicted for ſtealing, on the 19th of Auguſt, one hempen bag, value 1s. the property of the inhabitants of St. Ann's, within the Liberty of Weſtminſter, and twenty-nine linen ſhirts, value 7l. the property of James Alexander.

WILLIAM ARTHUR *ſworn.*

I am employed as porter to the poor-houſe of St. Ann's, I was carrying theſe ſhirts to Dog and Duck-lane, and I fell down, and the priſoner came up to me, and ſays he, old man, how far are you going; I told him; he ſaid he was going to the Borough, he ſaid, I will carry your bundle a little for you, he took it off the ſtones, and I offered to take them from him; he ſaid I will carry them a little further, I told him I had three halfpence, and that would be a pint of beer between us; he ſaid he did not want that: we got into Whitechapel, and croſſing the end of Goulſton-ſtreet, I turned my head and miſſed the priſoner; I hallooed out, ſtop thief! when he had got about ſixty or ſeventy yards up, and he kept running with my property: then he turned the corner, and I loſt ſight of him.

What was in the bundle?—Two dozen of ruffled ſhirts, and five plain; I was carrying them home to Mr. M'Cullock's, in Dog and Duck-lane, they had been made at the poor-houſe, they were wrapped up in this canvas bag.

Court. Who does the bag belong to?—To the poor-houſe; there is St. Ann's, Weſtminſter, upon it.

What was the name of the man that came up to you when you called ſtop thief?——Symons.

Priſoner. Pleaſe to aſk him whether I took the bag or he gave it me?——He took it off the ſtones where it lay when I fell down.

Jury. How was the priſoner dreſſed?—A very good brown coat, *very genteel, like a coachman,* he was neat and clean.

HYAM SYMONS *ſworn.*

I heard the cry of ſtop thief! I ſaw the priſoner running, I let him go through the ſquare, the proſecutor could not run after him, he fell down every minute ſo, I thought he was in liquor; he came up to my houſe, he ſaid he fell down, and the priſoner took the bag from him, and he offered him a pint of beer to carry it; I went with him through the ſquare, and enquired about it, and I found the priſoner under a dray with the property.

Did you keep your eye on the priſoner all the time?——Yes.

Was any body elſe with you?——Nobody but the proſecutor.

How was he dreſſed then?——He had a good coat on, I cannot be particular to the colour; the bundle was by him, under the dray.

PHILLIP MYRES *ſworn.*

I happened to come home between twelve and one, and ſaw the porter running, and this Mr. Symons, I went with him, and he aſked a ſailor, and he directed us to this yard, we looked round, and behind a brewer's dray the priſoner lay, and this bundle with him.

(*James Alexander called upon his recognizance, but did not appear.*)

Priſoner. He gave me the bag into my hand, he was very much in liquor.

GUILTY

Of ſtealing the bag, to the value of 5d.

To be publickly whipped and confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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938. JAMES LEE was indicted for ſtealing, on the 27th of September, twelve pounds weight of ſalt-petre, value 6s. the property of the United Company of Merchants trading to the Eaſt Indies.

A Second Count, for ſtealing the ſaid goods, the property of Samuel Preſton, Eſq; and others.

A Third Count, the property of William Dick Damage.

A Fourth Count, the property of perſons unknown.

LAWRENCE BEVAN *ſworn.*

I am chief mate of the Bellmont; I was commanding officer on board when this ſalt-petre was ſtolen on the 27th of September, I think it was about ten in the morning, I had loaded a craft with ſalt-petre belonging to the Eaſt-India Company, I went down in my cabin to diſcharge that craft, which was my duty; while there, a meſſenger came to me from one of the Company's pany's officers, Mr. Standfaſt, to inform me, there that was a man taken with a quantity of ſalt-petre on his perſon; I went up and ſaw James Lee ſtanding with a quantity of ſalt-petre round him, I felt on both legs a large quantity of ſalt-petre; in conſequence of which I ſent to Mr. Preſton, the huſband of the ſhip, and I delivered the priſoner to the care of Mr. Croſsley, the third mate; he afterwards informed me that the priſoner had let out one of his legs, I went immediately and ſaw the ſalt-petre under his feet, and I felt the other leg, and found the ſalt petre was ſtill there, and the man was committed: the priſoner was a lumper on board.

LAWRENCE CROSSLEY *ſworn.*

The priſoner was put into my charge, he had ſalt-petre about both his legs, and I turned my back about a minute, and he took the ſalt-petre from one leg, I do not know how he turned it out, I ſaw it about his feet: I turned out the other, I aſked him where he got it, the anſwer was, he thought no harm in it, and he took the opportunity, while I was called upon deck to breakfaſt, to fill his ſtockings with ſalt-petre.

JOHN FLETCHER *ſworn.*

I am headborough of St. Paul's, Shadwell, on the 27th of September, I was deſired to go on board this ſhip; I found this ſalt-petre in his poſſeſſion, part of it was in the cabin, and about half of it in his ſtockings; I ſecured him and the ſalt-petre, and carried him before a Magiſtrate; it weighed twelve pounds, I am very ſure it had been in the other ſtocking.

Jury. Was there any other ſalt-petre thereabout?—No, it was in the cabin.

Court to Croſsley. Was there any other ſalt-petre in the cabin?—No.

What is the value?—About four-pence in the pound I believe.

PRISONER's DEFENCE.

I am juſt come home from the Eaſt Indies, and I thought a day's work was better than walking the ſtreets; they were raking out the ground cellars, I thought it no harm to take a little of the waſte goods, I was unacquinted with the work.

(The priſoner called one witneſs who gave him a good character.)

GUILTY.

(He was recommended by Mr. Bevan.)

Privately whipped and diſcharged.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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939. FRANCIS BAXTER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of George Dalby, at the hour of eleven in the night, on the 28th of September laſt, with intent the goods and chattles of the ſaid George, in the ſaid dwelling houſe then being, feloniouſly and burglariouſly to ſteal.

GEORGE DALBY *ſworn.*

On Tueſday the 28th of September, between eleven and twelve at night, my wife and me were abed, my wife awaked me and ſaid, George, the window ſhutters are broke open; I got up and looked at the parlour window, it was an exceeding moon-light night, I ſaw two men paſs by the parlour window, one tall, the other ſhort, the ſhorteſt came and peeped in, I ſaid to my wife, make yourſelf eaſy, they are thieves: I went to the parlour window, and looked ſideways, and ſaw two men turn down the middle turning in the court into Hanway-ſtreet; I came back and put on my coat, I was very much flurried: when I came to the ſaſh again, the man that I believe to be the priſoner at the bar, came with his face, as if he was going to ruſh into the parlour; I did make this imprecation, I ſaid, damn you, you raſcal, are you there again! I purſued him, he ſtopped and pretended to walk the other way, and he ſaid, there he runs; I ſaid, you are the villain: he and I cuffed one another a little, and a neighbour opened his ſtreet door, the man ran away, and I ran after him; I called watch all the way, but no aſſiſtance could I get: at the bottom of Hanover-yard, the watchman croſſed upon him, in the road in Church-ſtreet, St. Giles's, we took him in a paſſage, and he cried out for mercy.

Court. How did you find your windows and ſhutters?——The ſhutters were intirely wrenched out of their place, and hung by a bit of nail, and were both flung back, they were bolted in the evening, they were folding ſhutters with a middle bolt that runs acroſs the middle ſtile of the ſhutters.

Was the ſaſh open?——No, I have a ſcrew within ſide that ſcrews it down.

Were any of the panes broke?——One was.

Had it been broke before?——Yes, the bed is in the parlour cloſe by the window almoſt, when I went to the ſaſh I looked ſideways, I ſaw two men a ſecond time turning into Hanover-yard.

Court. If the ſaſh was faſt how could a man be attempting to get in?——It appeared to me that he was cloſe to it, and with an intent to open it, he ſeemed to be exceedingly eager in the attempt to get cloſe to it.

Do you think that he was attempting to get in?——I do.

Was that what you thought at the time?——Yes.

Jury. How far did he run from you?—From Hanover-yard I ſuppoſe half a quarter of a mile or more.

When you came up to him what did he do?—He begged of the watchmen not to kill him, or ſomething of that kind, and he would give himſelf up, we looked in Hanover-yard and in the court for ſome tools, but we found none, nor none upon him.

Did you look all the way that you purſued him?——We did, as nigh as we could gueſs where we thought it was probable we could find any thing, after I dreſſed myſelf I went to the watch-houſe; I ſaw him no more, nor ſpoke to him, I only went to give the charge.

Court. From your obſervation of your houſe, nobody had been in it; did you find a trace or mark of any body being in it?—No, my Lord, I did not.

The ſaſh had not been forced?——No.

The pane of the window had been broke before?——Yes.

GARRET HAYS *ſworn.*

I was upon duty, crying eleven, I heard the cry of ſtop thief, I looked back and I ſaw the priſoner run, and a man after him, I purſued him into Church-ſtreet, St. Giles's, I run into a paſſage after him, and he cryed out mercy, and ſaid he would give himſelf up, I had him ſearched and ſound no tools upon him.

PRISONER's DEFENCE.

I ſent for a couple of witneſſes for my character. I have not been long come from Gibralter, I was a ſoldier in the 12th regiment of foot, I was coming through this yard; and met the proſecutor hallooing watch, I was on the oppoſite ſide of the way, he ſaid, by God you are one of them, I croſſed over the way, I ſaid, my friend, I am going about my buſineſs, and I went to run away, and they run after me, as they have told you; I never was was near the window upon my ſoul.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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940. MARY JACKSON, otherwiſe NORTON, was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of George Wilks, about the hour of eight in the night, on the firſt day of October, and feloniouſly ſtealing therein, one ſilver watch, value 20s. one ſteel ſeal, value 1d. one braſs ſeal, value 1d. one ſteel chain, value 3d. a braſs watch-key,

value 1d. ſix check aprons, value 4s. one cotton apron, value 1s. three linen ſhirts, value 3s. four linen ſhifts, value 3s. three linen aprons, value 6d. two cotton handkerchiefs, value 1s. three linen handkerchiefs, value 1s. three linen table-cloths, value 3s. one cotton waiſtcoat, value 6d. two napkins, value 1s. one frock, value 1s. two cotton petticoats, value 6d. one linen bed-gown, value 3s. one pair of cotton ſtockings, value 6d. and one linen bag, value 4d. his property.

GEORGE WILKS *ſworn.*

I live in Catherine-wheel-alley, White-chapel, my houſe was broke open about a quarter or twenty minutes after ſeven, on the 1ſt of October, I went out about ſix, and left my wife at home; I came home about half after eight in the evening, and I found the lock of my room door was broke open, there are lodgers in the houſe, and my watch was gone, and the foul clothes bag full of things; about half after nine the ſame evening the priſoner was taken into cuſtody, I was not preſent, I did not ſee her till the next day, then I ſaw one Armſtrong an officer, who had found the property upon her, he came to my houſe and aſked me to come and ſee the things, he brought the woman, and ſome of the things to the office.

JANE WILKS *ſworn.*

I went out about a quarter or twenty minutes after ſeven, I locked my door ſafe, and latched the outer door, I puſhed it with my knee, I am ſure I latched it.

Were any of your lodgers at home at that time?——All of them, I believe; I returned again, about a quarter after eight, and the ſtreet door was locked, I could not get in, I called to my lodger that lodged in the garret, and ſhe came down and let me in, when I went in I found my door wide open, and the room in darkneſs, I called her back again to let me have a light, and the firſt thing I miſſed, was the watch from the mantle piece, I looked round the room, and found the bag of clothes was gone, nobody was in the room; in a ſhort time my huſband came home.

Is that lodger who opened the door for you here?——No.

You do not know how the outer door came locked?——No, the lodgers were all at home, two in the chambers, and one in the garret, my room was the lower room, the door juſt by the ſtreet door.

How did the door appear to have been opened?——It was forced open, the lock was ſpoiled.

Could that be done without making a noiſe ſufficient to alarm the lodgers?—I do not know, the woman that lives in the chamber is hard of hearing, and the woman in the garret might not hear it, I was not long in the place before the officer came in the place, and aſked me if I was not robbed.

JOHN ARMSTRONG *ſworn.*

On the firſt of October, at night, between eight and nine, I was coming down Worſhip-ſtreet, in the end of Norton Falgate, I ſaw the priſoner with a large bundle in her lap, that was about a mile from Catherine-wheel-alley, there are two Catherine-wheel alleys, I ſaid to her, good woman what have you got there, ſays ſhe, what is that to you; I took her into cuſtody, ſhe refuſed to give me any account, ſhe had neither hat nor cloak on, at laſt ſays ſhe, I have them to waſh, I ſtopped her, and took her to the watch-houſe, and found upon her the bag with theſe things, which I have had in my poſſeſſion ever ſince; when I took her to the watch-houſe, before I emptied the bag, I begged the favour of her, to tell what was in the bag, and ſhe could not; I was ſuſpicious it was a robbery, ſhe ſaid, ſhe lived in Catherine-wheel-alley, ſays I to my brother officer, then we will go and enquire there, that was what led me to enquire there, and we went there, and found that the proſecutor had loſt his things; Mrs. Smith ſaid, ſhe had loſt her huſband's watch, I went back to the watch-houſe and ſearched the priſoner, and under one arm I found the caſe, and under the other arm the watch.

SAMUEL HARPER *ſworn.*

I was with the laſt witneſs and ſearched the woman, and ſaw the watch found as he has told you.

(The watch depoſed to by Mr. Wilks.)

The maker's name is Howard, and the number is 2600; I knew the name and number before.

(The other things depoſed to by Mrs. Wilks.)

PRISONER's DEFENCE.

I went for a quarter of an ounce of worſted, theſe things were laying on a poſt, and three or four folks were coming along, and a woman ſaid, ſhe had a ſad pain in her ſide, and ſhe aſked me to help her home with the bundle to Shoreditch, for ſixpence, it was juſt beyond the Black-dog, in Cock-lane; ſhe put the things in my lap, we went to the Black-dog, in Shoreditch, ſays ſhe, will you have any thing to drink, I ſaid no; ſhe went in to ſee for her huſband, I went about three doors, and ſhe came to me, and ſaid, my huſband is there, put this watch in your pocket; ſays I, I have a hole in my pocket; then ſays ſhe, put it in your boſom, for he is in liquor; coming along this Gentleman aſked me what I had, I ſaid, ſome dirty clothes to be waſhed; that is all I know about them.

Jury. Where is the woman?—When the Gentleman met me, I went to look for the woman, but I could not ſee her; there is ſomebody at the door for my character.

Jury. We wiſh to aſk the proſecutor's wife, whether ſhe tried the door?—It was tied back with a piece of ſtring, I left it on the latch, becauſe we had lodgers in the houſe, and could not faſten the door.

Court to Proſecutor's wife. Was it after daylight when you went out?——It was quite dark.

GUILTY.

Of ſtealing to the value of 39s. but not of the burglary.

To be privately whipped, and confined to hard labour twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

941. HENRY MOORE and RICHARD DODD were indicted for feloniouſly aſſaulting John Cotton, Eſq; on the King's highway, on the 25th of September laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one ſilk purſe, value 1s. two gold ſliders, value 4s. two guineas, value 2l. 2s. and one half crown, value 2s. 6d. the property of the ſaid John.

The witneſſes examined apart at the requeſt of the priſoners.

JOHN COTTON Eſq; *ſworn.*

We were ſtopped in a lane called Salmon's Lane, between Stepney and Limehouſe, between ſeven and eight in the evening, there were myſelf, Mr. Akerman, Mr. Bigby, and a Mr. Martin; I believe at the firſt of the coach being ſtopped I might be aſleep, but I ſaw a man at the window with a drawn cutlaſs, ſwearing many oaths, demanding our purſes and our watches; the man who had the cutlaſs in his hand had a crape on his face, I gave him my purſe directly, it contained two guineas and a half crown; he had taken the purſe of Mr. Bigby, who was in the coach with me; Mr. Bigby aſked him to return his purſe again: juſt about that time there was a noiſe and a call of ſtop thief! and they made off over the fields; the door of Mr. Akerman's ſide was open, and he jumped out immediately after them, Mr. Martin jumped out at the ſame time; the men were taken about five or ten minutes after.

Did you ſee any thing more of your purſe?—I ſaw the purſe by the thief-takers who took it from him.

Did you ſee the perſons who were taken?—I ſaw them the next morning, I did not follow them, I came home directly, it was a hackney coach; Mr. Akerman and Mr. Martin purſued to a ditch, about ten yards, and came back to the coach; Mr. Bigby ſtaid in the coach with me.

Priſoner Moore. Can you poſitively ſwear

I was the perſon that took the money from you?——No, I cannot ſwear to the man, becauſe he was craped.

——— BIGBY *ſworn.*

Theſe are the people I ſaw before the Juſtice at Shadwell; we came up from Blackwall a little after dinner, and were ſtopped about half after ſeven in the evening, on the 25th of laſt month, a little on this ſide the bun-houſe in Salmon's Lane, three men ſtopped us, two of which we only ſaw at that time, with cutlaſſes and threats: Captain Cotton and I both gave our purſes; we heard a cry in the adjacent fields, and they ran away. Mr. Akerman loſt his ſeals, and I loſt my purſe, in which was a guinea and a King Charles's farthing; they were taken from fifteen to ſeventeen minutes after the robbery; I did not ſee them that night, I ſat in the coach; Mr. Akerman and a young gentleman got out of the coach and purſued them, there was a ditch, and I ſaw one of them jump into the ditch, and the water went almoſt over his head: I ſaw them the day after.

RICHARD AKERMAN *ſworn.*

My Lord, on Saturday the 25th of laſt month, I had been to dine with ſome friends at Blackwall, and coming home in the evening in a hackney coach, with ſome of the gentlemen that had hired the coach in the day time, they took me to bring me home with them, I think it was between ſeven and eight, ſomewhere on this ſide of Limehouſe Church, near the place that they call the bun-houſe; there came two people and opened one each coach door; there was a cutlaſs put in and held to my ſtomach, the point very cloſe, and demanded my money and my watch; I told him I had no watch, no money; they ſwore that I had a watch, and that they would have it; my ſeals as I ſat upon the ſeat were ſeen on my breeches, they ſaid, damn you, you have a watch, and I will have it, and one of the priſoners came to my breeches, I thought to pick my pocket, I ſaid, damn you, I have *no* watch, or ſomething like that, and I put my hands to my watch and found my watch was ſafe; then immediately there was a ſnatch, and a cry of ſtop thief, and the men ran away; I got up to jump out, and was going to take out my watch to leave behind the ſeat, and I found my ſeals were gone, and part of the chain; I thought to run after them, but there was a wide ditch for me to get over, ſo wide that I thought it was very likely I ſhould be in the middle inſtead of jumping over it; they got over, and I afterwards was ſent for, and the next morning a perſon called for me, and ſhewed me my ſeals and a part of the chain of my watch.

Court. Who was the perſon that came to you the next morning?——One of the people that apprehended them, I really forget his name, there were two or three of them came together, he has the chain and ſeals, and has kept them in his poſſeſſion ever ſince; on Tueſday I was obliged to attend the Magiſtrate, Mr. Staples, at his office; the two priſoners at the bar were brought there, they aſked me if I knew either of them; I told them no, I did not, neither do I; I have not the leaſt recollection, they had ſomething over their faces, what it was I cannot tell, I do not know that I particularly minded.

Jury. Were they maſked?——I did not obſerve the maſk, the other gentlemen ſaid, the man on my ſide had a crape, and they ſaid the man on my ſide had a crape, but I was intent on my watch, I did not look much at the man.

JAMES BAYLEY *ſworn.*

What is your buſineſs?—A ſawyer.

Did you ſee any thing of this affair?—Yes, I and another young man were going acroſs Limehouſe-fields to Stepney, the other young man's name is Joſeph Rawlins, he is a Quaker, that is the reaſon that his name is not down here, we ſaw the coach going down, we ſaw three men running towards the coach, and the coach ſtop; we hallooed to the coach, we heard ſomebody halloo, and we ran up, and the young man that was with me had an umbrella, he flung down the umbrella, and one of the gentlemen jumped out; they jumped over the ditch, and I jumped over as hard as I could after the men, and one of them was taken in London-ſtreet, he was taken by an exciſeman.

Did you come up when he was taken? ——Within a little while afterwards, only one of them was ſtopped in London-ſtreet, we were bringing him along to the Juſtice's, and when we came acroſs, the other was ſtopped by one Mendham, a labourer; ſome of the people were for ſtopping, and others were for letting him go: when we came up, we told the people what he had done, ſo they both went to the Juſtice's with us: Moore was ſearched before we came to the Juſtice's, at the public houſe, and there was one purſe found upon him, and two guineas, and two gold ſliders in it, and in another purſe there was a half crown, a King Charles's farthing, and a guinea.

Do you know what became of the two purſes?—One of the runners, one Orange had them. I was not preſent when the other was ſearched.

Had Moore any arms?——Not that I know of; Moore was ſtopped in London-ſtreet, the other priſoner was brought to the Juſtice's.

How do you know the other man that you found in the cuſtody of ſomebody elſe was one of the perſons that they had been purſuing?——Becauſe the people ſaid he ran faſt.

Priſoner Moore. Can you ſwear that either of us were the men that ſtopped the coach?—No.

Court. Do you ſwear that Moore was the perſon you had been following?—No, I loſt ſight of them in one of thoſe fields, I never got ſight of him till he was taken at Ratcliff-croſs.

You leaped one of two ditches in purſuing theſe men?——Yes, I went over one ditch and one bank, I ſaw them all three jump over the firſt ditch.

Did you ſee one of them jump ſhort, and ſo fall into the water?——No.

Were any of the men that you overtook wet?—No, not that I know of.

JAMES TITTERTON *ſworn.*

I am an Exciſe-officer, on the 25th of September laſt, about twenty minutes or half paſt ſeven, I was upon my buſineſs, going up London-ſtreet, I heard the cry of ſtop thief, and I ſtopped the priſoner Dodd; a number of people were running, he begged of me to let him go, I believe I ſwore I would not, he ſaid, I have done nothing, he clapped his left hand to his left hand pocket, he had a great coat on, I was apprehenſive he was going to draw a piſtol upon me, I could plainly perceive he threw ſomething away, a light was brought, and on ſearching on the ſpot, there was a part of a chain with three ſeals, and a crape, they were picked up and brought to me; and I delivered them to one of the runners at the Rotation-office, a man ſaid, here, I have picked up this; upon examining it, there was a guinea, and a ring with a ſeal to it, a cypher with R. A. I think to the beſt of my recollection; the ſervant of the houſe found this cutlaſs the next morning, ſtanding up in the corner; the priſoner Dodd was the man I ſtopped, the other priſoner paſſed me in the ſtreet, while I had hold of this man by the collar, he had got as I thought a ſtick, but it proved afterwards to be a cutlaſs; I ſaw him make ſeveral blows at the people, as he paſſed along.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middleſex*;
HELD AT
JUSTICE HALL *in the* OLD BAILEY,
On Wedneſday the 20th of OCTOBER, 1784, and the following Days;
Being the EIGHTH SESSION in the Mayoralty of
The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY
E. HODGSON,
PROFESSOR OF SHORT-HAND;
And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Richard Dodd and Henry Moore.

Priſoner Dodd. Will you ſwear that I threw theſe things out of my pocket?——I have not a doubt, but I will not ſwear poſitively.

Court. I do not underſtand the diſtinction?——By the motion of the man it appeared to me to come from him.

What is the difference between ſwearing poſitively, and ſaying you have not a doubt, do you or do you not believe that he did?—To the beſt of my knowledge he did, I do not pretend to ſay poſitively, he had a great coat on, he ſeemed very much agitated, and it was in motion, and on a light being brought the things were picked up.

WILLIAM GLASS *ſworn.*

I am a ſhoe-maker, in Queen-ſtreet, Ratcliff, I was ſitting at work, and heard the cry of ſtop thief, I run out immediately, and one of the priſoners run up London-ſtreet, which is a ſmall diſtance, and was ſtopped juſt as I came up to him, and ſomebody ſaid, he had thrown away ſomething, and called for a light, and before the light came I picked up two ſeals, and a ring with a ſeal in it and a cypher, they were to a ſteel chain, which I delivered to Mr. Cole, one of the officers of the office, he has them here to produce.

Who was the perſon that was ſtopped?—That was the priſoner Dodd.

Priſoner Dodd. Can you ſwear whether I dropped them or not?—No, I cannot do that.

JOSEPH HARRIOT *ſworn.*

I was ſtanding in the paſſage of my own houſe, when I heard the cry of ſtop thief; I live at the Ship-tavern, Radcliff-croſs, I went out immediately and ſaw the priſoner, and followed him to Mr. Saunderſon's walk, I helped to take him, he had a hanger in his hand, and lifted it as if he intended flinging it in the river, but it fell upon a craft; when I found he was ſafe, I went to Mr. Green's and told him, they ſent a runner, and he was brought up to the office.

Did you ſee it taken up?—I ſaw it after he was taken up, I ſaw it in his hand, I did not ſee him ſearched.

Priſoner Moore. Do you ſwear that I was the perſon that threw it away?—Yes.

Do you ſwear that was the ſame hanger that I threw away?—There was a hanger taken up very much like the hanger you flung away.

But do you ſwear it was the ſame ?——That is impoſſible.

EDWARD MENDHAM *ſworn.*

I am a labourer, I live in London-ſtreet, I heard the cry of ſtop thief, I looked up the ſtreet, and ſaw the priſoner Moore run down with a naked cutlaſs in his hand; and I ſtepped acroſs to ſtop him, and he made a cut at me, then he flung away the cutlaſs, and I collared him; he offered me a guinea to let him go, and I would not take it; he attempted to fling the cutlaſs into the Thames, but it fell into one of the crafts.

Did you ſee it picked up ?——No.

Was you by when he was ſearched ?——Yes, I was.

What was found upon him ?——There are two guineas, a half crown piece in one purſe, and a farthing, I believe it was a King Charles's fathing, and a ring or ſomething like that in the other.

Who has the purſe ?——One of the officers.

Priſoner Moore. Did I offer you a guinea ?——Yes.

Did any body elſe hear or ſee me ?—No.

Why there were a matter of a hundred people round ?——There was a waterman alongſide heard you offer it, but I do not know who the man was.

So they only go by your bare word.

ANDREW BURGESON *ſworn.*

What are you ?—I am evidence againſt Mr. Moore, I took him at Ratcliff-croſs.

What is your buſineſs ?—A waterman, I was ſtanding at Ratcliff-croſs cauſeway, between ſeven and eight, on the 27th of September, in the evening; I heard the cry of ſtop thief! and I ſaw More run down the ſtreet with this cutlaſs in his hand, and I ſaw him throw this over into the craft, I immediately ſeized the priſoner, and there were twenty people round us, I left him with them, and I went and picked up the cutlaſs.

Was he ſearched ?——Not at that time, he was ſearched at the Juſtice's.

Priſoner Moore. Do you ſwear that you ſaw me heave that cutlaſs away ?—I have ſworn it.

Priſoner. How can you ſwear that is the ſame cutlaſs ?——I am ſure there was no other in the craft, I ſaw him throw it over a waggon under handed, I run after the cutlaſs, and a boy in the craft picked it up, and delivered it to me, but the top of it was broke.

THOMAS COLE *ſworn.*

I am an officer, I belong to the Rotation-office, Mr. Green's, at Shadwell; I was going to execute a warrant, and ſaw a great mob in the ſtreet, at about twenty doors from the Juſtice's office, the people ſaid, they wanted an officer, and I took charge of Dodd, and took him by the collar into the office; I ſearched him and found nothing upon him but two ſhillings, there was one Mr. Gaſs, who ſaid, he found theſe ſeals, and they were given to me; alſo a crape, the crape was given to me by Mr. Titterton, an Exciſeman.

Have you had it ever ſince ?——Yes.

(The chain and ſeals ſhewn to Gaſs, and the crape to Titterton.)

Cole. This crape was picked up and produced to me by a young man, ſervant to Mr. Anſell, a baker.

(The chain and ſeals depoſed to by Mr. Akerman.)

Mr. Akerman. Here is a ring ſeal, with my cypher, and two other ſeals, which I have had many years, the chain is here, and here is my watch, my Lord, with the other part of the chain that anſwers to it.

JOHN FORRESTER *ſworn.*

I am headborough of St. Paul, Shadwell, I was preſent when Moore was taken, Dodd was brought to the office, the people ſaid, the companion was at Radcliff-croſs in cuſtody, I took him to the public houſe, oppoſite the office, and ſearched him; I ſaid to Moore, Harry ſtand up, knowing him, and under his

ham,

hams, Orange found two purſes, I took him before the Juſtice, there were no proceedings that night, the Juſtice aſked him how he came by thoſe purſes; and he ſaid, how do you think I came by them, why I ſtole them; the next morning I got up, and heard who it was that was robbed.

Priſoner Moore. It is of no uſe to aſk a queſtion of that man, for he thinks no more of taking a falſe oath, than a hungry man would of eating his breakfaſt.

JOHN ORANGE *ſworn.*

I am an officer of the Rotation-office, I was preſent when he was examined, I found two purſes under the knees of his breeches, under his left ham; I unbuttoned the knees of his breeches, and took the two purſes out.

(The purſes depoſed to by Mr. Cotton and Mr. Bigby.)

PRISONER MOORE's DEFENCE.

I had been down to Black-wall, on this Saturday; coming up in the evening, paſt Limehouſe church, I ſaw ſome people running over the fields, and two or three of them jumped over a ditch, that was cloſe to me; one of the people that had brown clothes on, hove two purſes and I picked them up, and run with the mob to London-ſtreet; when I was taken, I was afraid of taking out the purſes to give them, for fear they ſhould think I was the perſon that ſtole them; I have witneſſes to my character.

The priſoner Moore called two witneſſes who gave him a very good character.

PRISONER DODD's DEFENCE.

I have nothing to ſay, they did not find any property, or any thing about me, they only ſtopped me, as they would another perſon.

The Priſoner Dodd called five witneſſes who gave him a very good character.

RICHARD DODD, }
HENRY MOORE, } GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

942. ROBERT ARTZ and THOMAS GORE were indicted for feloniouſly ſtealing, on the 20th of September laſt, one roſe diamond ring, ſet in gold, value 40s. two emerald rings, ſet in gold, value 20s. one ſilver watch, value 30s. and two cornelian ſeals ſet in gold, value 30s. the property of Hyam Hart, privily in his ſhop.

The witneſſes examined apart at the requeſt of the priſoner's Council.

HYAM HART *ſworn.*

I live in Hemming's-row, I keep a ſhop of curioſities of all kinds, pictures, ſhells, foſſils; when this robbery was committed, I was not at home; I came home half an hour afterwards.

Who lives with you?—My ſpouſe was at that time in the ſhop.

DEBORAH HART *ſworn.*

You are wife to the laſt witneſs?—Yes.

Give the Jury an account of what happened in your ſhop concerning theſe two men?——About the 20th of September laſt, theſe two gentlemen came into our ſhop, and they aſked me, if the gentleman was within, I ſaid no, and the tall one ſaid I am ſorry for it; I ſaid is it any thing very particular; he ſaid no, he wanted ſome glaſs; I told him, if agreeable, I could ſerve him; he ſaid very well, they told me they wanted ſome faſhionable punch glaſſes, I ſhewed them ſome low ones, and they ſaid they wiſhed to have the others; then they told me to reach ſome decanters, we agreed for the price of both, then they aſked me for ſome large goblets, I reached them ſome and they agreed for them; then the young one ſaid, that is not the buſineſs we came for, he aſked me if I had any plated tea-ſpoons; I ſaid yes, they ſaid their ſervants were neglectful when they carried ſix-penny-worth of brandy and water, or rum and water into the coffee-room, they ſeldom got their ſpoons back again; I looked them out ſome, and they meaſured them, for they ſaid it is ſo offenſive to a gentleman when a ſpoon ſlips in; the young one ſaid, there is a pencil caſe you ſaid you wanted; with that I went behind the compter, for they made me reach down the higheſt things I had in my ſhop, and I drew out out a glaſs containing various goods; he aſked me the price, I told him ſeven ſhillings and ſixpence; he ſaid he would give ſeven ſhillings provided the ſcrew was good, he aſked me if I had a pencil, I told him no, he deſired me to ſend for one, he ſaid he had no ſixpence, I ſent for one, and it was put into one of the glaſſes amongſt the reſt of the goods, then he pulled out a ſilk handkerchief and wiped his face: I had a great ſuſpicion of them from their firſt coming in, when he took up the handkerchief I ſaw a bit of a vacancy in the caſe, but not knowing how my ſpouſe had placed the things I could not be certain, Mr. Artz looked me very hard in the face, and he ſaid, Madam, here is a little box that was taken from that place; I ſaid, Sir, I aſk your pardon, I was not looking at that; he then deſired me to reach down a pair of mandarin figures, I would not reach both becauſe I thought I ſaw a hand near my glaſs, I ſaid to my little boy, in Hebrew, my dear, take care, for I am frightened to death: I can tell no other particulars, no further than I could not poſitively tell what had been in the ſhew-glaſſes, had I laid it out myſelf I could; I aſked them for their direction, they gave it me, they told me it was Vintineer's-hotel, Carliſle-ſtreet; I told the child to run to the door and ſee which way they went, and he run, and they were out of ſight; immediately I took out the drawers and looked them over, I could not tell what was loſt: the tall gentleman ſays to me, come this way I want to look at ſome baſons, I went from behind my compter to the further end of my ſhop, I got upon the ſtool and I reached ſome baſons, and while I reached them, the ſaſh on this ſide I heard move, I turned ſhortly, and that gentleman ſtood cloſe to the ſaſh, there hung four watches, I immediately miſſed a watch, I drew the ſaſh cloſe again, I ſaid to my little boy I certainly do miſs a watch, when my huſband came in, I ſaid to him look over the drawer, and at the ſaſh, I am afraid I have been robbed, he immediately miſſed a watch, a diamond ring, two gold ſeals, and a great many more things that were not brought up to the Juſtices; it was a watch with a ſilver face, and two picture rings I think: I ſet every thing down of the clothes they had on, even the different watches they had in their pockets, one had a plain watch, and the other had a gadrooned watch, I ſaw their watches, they took them out, and ſaid one to the other, come Sir, it is time to go home to dreſs: after I gave the deſcription they were immediately taken.

Were they then brought back in your preſence?——No Sir, they were not, I ſaw them at the Juſtices.

Were they ſearched at the Juſtice's?—I ſaw them at the public-houſe oppoſite.

Were they ſearched there?———Yes.

Was any thing found upon them belonging to you?——I was not preſent.

Court. What day was this?——About the 20th of September.

They began by aſking for your huſband, did they not, Madam?——Yes, my Lord.

What was the firſt thing they aſked to buy?——The firſt thing was ſome punch glaſſes.

Did they buy any thing?—They bought ſome, but I was not paid for any one thing.

Did they take them away with them?—No, I was to ſend them home at four o'clock.

How many punch glaſſes did they buy?—Six.

Which of them bought the ſix?—Mr. Artz.

Which of the two is that?——The tall one.

Then one ſaid to the other, that is not what he wanted?——Not immediately.

What did they do next?—They bought more things.

What things?—Decanters and goblets.

Which of them bought the decanters?——Mr. Artz, they bought two pair of goblets, then they aſked for ſome plated ſpoons.

Was it Artz that aſked for all theſe things?——Yes.

What did the other do all this time, did he do any thing himſelf, or only appear in company with Artz?——He ſeemed in company with Artz; he ſaid, he had bought half a dozen knives and forks, and they did not prove to his ſatisfaction.

Then you underſtood by the things that they bought, that Artz kept a coffee-houſe?——At firſt I did, but when they aſked for ſo many things, and hauled the things over, I was affraid.

What was the next thing aſked for, after the ſpoons?——A ſilver pencil caſe.

Was any of them bought?——Yes, one at ſeven ſhillings, they then aſked to look at a pair of China mandarins.

They then ſent you to pull out another drawer?—Yes, the drawer where the pencil caſes were.

Was that drawer near you?——Yes.

When was it that you heard the glaſs move?——At laſt of all.

Did Artz buy any thing?——Yes, the two mandarins, at twenty five ſhillings.

What was you doing when you fancied the ſaſh opened?——I was reaching down ſome blue and white pint baſons.

What was it ſtruck you then?——The other Gentleman then advanced towards the ſaſh, and I having a pile of baſons in my hand, I could not turn to look, but I heard the ſaſh move.

By the other Gentleman, you mean Gore?——Yes.

You ſhut the ſaſh?——I ſhut the ſaſh afterwards.

Are you ſure it was opened by one of them?——I heard it open, it goes upon caſtors.

Was it ſhut before Gore went towards it or open?——It was ſhut before.

What was it you thought at that time about the watches?—I could not tell what; it was a front ſaſh with various goods, I could not tell till Mr. Hart came home.

Where were the rings?——In the drawer I drew out of the ſhew glaſs, where the pencil caſes were; the ſpoons I fetched from the drawer.

You deſcribed one of the men rubbing his face with a handkerchief, repeat that again?——Mr. Artz took out his handkerchief and put it upon the glaſs, and then took it off again, and I ſaw a vacancy; Mr. Artz then looked very hard in my face, and ſaid, Madam, here is a box that came out of that place, I ſaid, I aſk your pardon, Sir, I was not looking at that; I was very much confuſed.

They took nothing away nor paid for any thing?——No, Sir, only left me this direction.

What is the direction?——Vintineer's Hotel, Carliſle-ſtreet, I ſaid, you have not put the number of your houſe, he ſaid there is no occaſion for any number, it is the only hotel in the ſtreet.

Were the things to be ſent to them?——Yes.

Hand up the direction, how do you read it?——I never read it at all, I gave it to my huſband, I think he called it Vintineer's hotel.

Mr. Sheppard, Council for the priſoner Artz.

What age is your little boy?——Between eight and nine.

A clever boy?——He is kept to ſchool.

When Mr. Hart is at home, he ſerves, I take it for granted?——Yes.

Had he been out the whole of the day?——He went out about eleven.

What time might this be?—About one.

Upon your moving a chain, I think, in one of the drawers, Artz ſaid to you, that ſomething had been removed from there, a box?——Yes.

You told him you were not looking at that?——Yes.

They continued in the ſhop a long time after that?——Yes.

When you went to the ſaſh and reſtored it to its place, you miſſed a watch?——I thought ſo at that time, I could not tell rightly.

You told the child ſo?——I did.

How long after they were gone did Mr. Hart return?——I believe, to the beſt of my knowledge, about half an hour.

You did not ſay anything to the priſoners?——By no means, not if I had miſſed all the goods.

If you had laid out all the goods in the drawers yourſelf you would not have been able to have ſtated what you had miſſed?—Not in that confuſion.

Conſequently as you had not laid it out you are leſs able to ſay what was miſſing?—Therefore I left it to Mr. Hart.

Therefore you know only from the information of Mr. Hart?——Undoubtedly.

Had you at that time any ſervant?——None at all.

Mr. Garrow, Priſoner Gore's Council, You have had the misfortune to be robbed before?——Yes, indeed I have, more to my ſorrow.

Very lately too?————Yes.

Of ſome things of value which you could exactly aſcertain?——I cannot particularly ſtate them all.

Then as far as your knowledge goes, whether thoſe things that you have ſince found, were taken at the time that the priſoners were there, or not, you cannot ſay?——I am well convinced, the diamond ring I had in my hand on the Sunday morning, this was on the Monday morning; there was but one diamond ring.

As you miſſed the watch immediately upon going to the place, you did not apply to a conſtable, or any of your neighbours?——No Sir, I did not, becauſe I was not poſitive.

They hung in the ſaſh by a hook?—I believe they are hung upon the pevot.

Will you venture to ſwear that they were not hung upon a wire? be a little cautious where mens lives are concerned?—I do not come to the court to take away mens lives, ſometimes they are hung by the pendant or the wire, ſometimes by the pevot, and ſometimes by a ſtring.

What is the practice of your ſhop?——There are hooks ſtuck in.

As your's is a cabinet of curioſities, it is neceſſary for Mr. Hart to be very often at ſales to pick up thoſe things?——Yes.

You have the conducting of his buſineſs?——Yes.

When he came home you did not tell him you had miſſed a watch, but that you ſuſpected you had been robbed generally?—Yes, I deſired him to look into the ſaſh and the drawer, and he miſſed them immediately.

You told Mr. Hart you believed you had been robbed?——Yes.

How does that ſquare with your miſſing a watch the moment you went to the ſaſh?——I am ſure of it, I ſaw the vacancy; I would not wiſh to ſay more than I know, I would ſooner ſhew lenity.

Court to Hyam Hart. When you came back, your wife ſays ſhe deſired you to look?——Yes, upon which I drew out a drawer of the ſhew-glaſs that goes out into the ſtreet, I opened that drawer and miſſed a diamond ring, next I miſſed two gold enamelled rings, and ſeveral other things that I could not deſcribe, and I omitted them in the indictment; next there was a watch that I miſſed, my watches hang on little hooks.

Upon what ſhe told you, you went to the Magiſtrate?—No, I firſt went up to ſeek for the hotel, as they left the direction; I found there was no ſuch hotel in Carliſle-ſtreet.

Did you find them by that direction?—No, I afterwards gave the deſcription to Mr. Jealous, and I told him the particulars of the things that I had loſt, upon which he and ſeveral more went and fetched theſe men in the courſe of half an hour, with my property upon them, and likewiſe my ſhop-mark in the pocket of one of them: Jealous came down to me and ſaid, ſhould you know your ring; I ſaid, it is a yellow roſe diamond ring, with three roſes at the top, it was marked two pounds twelve ſhillings and ſixpence; ſays he, I have got your ſhop-mark likewiſe in my pocket.

Mr. Sheppard. This drawer you ſay goes out into the ſtreet?—It opens on the counter, and reſts upon the counter.

Do you yourſelf take every thing out of that drawer of a night and replace it in a morning?——If it is anything of value we do, but not every individual article.

Can you take upon yourſelf to ſay you remember every article?—That would be a very great hardſhip for me to undertake, but if there were five hundred different articles, I could tell that that article was in the drawer very particularly.

Are there not other articles of equal value?——Yes.

Then how can you particularly tell that?——A man muſt know within himſelf, I cannot deſcribe the nature how I ſhould know, but I know I put it in that very morning.

But how comes it that you can particularly pick out that article?——All the articles I take out over night, I replace in the next morning.

And there were many articles you did not take out over night?——Small articles we particularly take out.

You have told us that you did not take out all the articles over night?——If it is a large article, perhaps I may not, but ſmall articles in general I take out.

There were a great many other watches in this glaſs, I ſuppoſe, of courſe, beſides the one that you miſſed?——There were.

Do you take out the watches?——No, I do not.

Of courſe you do not take an account of your ſtock every morning?—I look to ſee whether the things hang right.

Do you count your watches every morning?——I can tell by the hooks, there are four hooks to every pane of glaſs, and if one is miſſing, it ſoon makes a hole.

Is it not poſſible, that in duſting your ſhop window, one article might be miſſing without being ſeen?——No, Sir, it is impoſſible, one watch being miſſing may make a great vacancy, and every watch has got this mark to it, a large piece of paper, which makes a man more particular.

Mr. Garrow. Is there any mark on the ring itſelf?——It is a yellow roſe ring, and a remarkable fine yellow roſe it is, I do not think I ever ſaw one to fellow it.

Do you think there is no fellow to it?—I cannot ſay, ſuch a thing may be poſſible, I cannot deny that; but it is impoſſible for my ſhop-mark to be fellowed.

There is one hotel in Carliſle-ſtreet?—No, Sir, not that I could learn, there is one Mr. Angelo's, it is a kind of ſubſcription-room.

Do you mean to ſay that there is no houſe in Carliſle-ſtreet that is called an hotel?—Do you mean a houſe of ill fame.

There are a good many of them, are not there?——How can I anſwer that, am I obliged to know every houſe? I enquired, and received for anſwer of ſeveral houſe-keepers, that there is no hotel in the ſtreet.

Are there no houſes of public reception, called Taverns, in that ſtreet?——I never was in one, that is all I can ſay.

Are there not more houſes than one that they call taverns in Carliſle-ſtreet?—There are ſeveral public houſes.

You remember taking this ring out the night before, when you ſhut up ſhop?—I remember it particularly well, I ſaw it on Monday morning, I had it on my finger on Saturday and Sunday, that very ring, but I aſſure you, Sir, it will be as much ſatisfaction to me, if the honourable Court ſhould find the priſoners not guilty, and more, than if they find them guilty; I have children of my own: all that I do in coming here, is to ſatisfy the laws of my country.

Do you remember the making an appointment with anybody about the ſettling of this buſineſs?—I do not recollect my making any appointment, but I recollect people coming to me.

You have been robbed very frequently lately, have not you?—Yes.

Have you loſt any diamond rings before this robbery?—No, Sir.

You cannot tell what things you loſt of

thoſe former robberies?——Yes, I can, I keep a book.

Pray what ſort of diamond ring is this that is the value of two guineas and a half?——It is the value of it, I gave forty ſhillings for it.

A very fine roſe diamond ring?—I ſay a yellow diamond ring, I never ſaw one of the colour, it is a fine bright yellow roſe, it is as elegant as the firſt water white by being a fine yellow: Jealous has had it in his poſſeſſion ever ſince.

CHARLES JEALOUS *ſworn.*

About three o'clock in the afternoon the proſecutor came to me, and ſaid his ſhop had been robbed by two young men in drab coloured coats; I think to the beſt of my knowledge that he mentioned whips in their hands, I ſuſpected who they were; I went with an officer into Crown-court, Bow-ſtreet, I cannot ſay the number of the houſe, I went up one pair of ſtairs, and ſaw the priſoner Artz in the room, he had no great coat on, his great coat was hanging up on a door that led to a back room, I then ſearched him, and I found a ring upon his finger, and in his pocket a little bit of paper, which has wrote upon it, "a diamond ring, 2l. 12s. 6d." I then looked round the room, and under the grate in the fore room, I found this diamond ring, I found a pair of knee buckles; I found nothing elſe.

Did you go any farther?—The other officer ſearched the other priſoner, he was up two pair of ſtairs in the ſame houſe, the other officer went up to him, his name is Dixon.

Did you acquaint the proſecutor what you had found?——I did.

Did you aſk him what the mark of his ring was?——No, I did not, he ſaid he had loſt a diamond ring and two other rings.

Did you enquire what the mark was?—No, I did not.

(The ring depoſed to.)

Proſecutor. They are my property.

Look at that piece of paper?——That is my hand writing, that is my ſhop mark, the ring was ſtuck down in it.

Court. The deſcription is a very general one; what led you to this houſe in Crown-court?—It was a ſuſpicion that aroſe between me and my fellow ſervant who they might be.

That deſcription was enough to lead you to the houſe in Crown-court, where you believed they were?——Yes.

Mr. Garrow. Crown-court, I believe, is a place inhabited very much by women of a certain deſcription?—It is.

ALEXANDER DIXON *ſworn.*

I went with Jealous on this ſearch, he went in the one pair of ſtairs, I went in the two pair, where I found the priſoner Gore, I ſearched him, and found nothing upon him that is mentioned in this indictment; I found none of Hart's things; he was looking into the church-yard.

Was the watch ever found?——Never, we ſearched the church-yard, we thought it was thrown there.

Court. Robert Artz, what have you to ſay in your defence.

PRISONER ARTZ's DEFENCE.

I am by buſineſs a pawnbroker and dealer in goods, I am well known by every man in the buſineſs to purchaſe things at ſales; I am known by very many: I am apprehenſive that theſe things had been purchaſed by me the day before; I had upwards of thirty-five watches and other things, the property of a gentleman at Portſmouth, I live at Wandſworth, and if they had been produced he would have ſworn to them, I make no doubt; I have ſubpœened him: I have had five or ſix different Jews, who came to me and offered to make it up, firſt propoſing a hundred pounds, and then forty; I am informed the things are the property of one Judah Levy, who keeps ſeveral of theſe ſhops. He has ſeveral times offered to make up the affair; I know myſelf innocent of the matter, I do not know theſe things are Mr. Hart's property:

perty; I ſubmit myſelf to the mercy of the Gentlemen of the Jury; I am conſcious of my own innocence.

The priſoner Artz called four witneſſes who gave him a good character.

Priſoner Gore. I leave my caſe entirely to my Council.

The priſoner Gore called five witneſſes who gave him a very good character.

ROBERT ARTZ, } GUILTY, Death.
THOMAS GORE, }

Proſecutor. It is a very great hardſhip to ſee two ſuch young men as theſe come to an untimely end, may I be permitted to recommend them to mercy.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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943. WILLIAM EDWARDS, otherwiſe GEORGE, was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Henry Clarke, on the 29th of September laſt, about the hour of three in the night, and feloniouſly ſtealing therein, one iron tobacco-box, value 2d. one ſtone ſhoe buckle, value 6d. one knee buckle, value 4d. a ſhirt buckle, value 2d. a hat buckle, value 1d. one ſhilling, one ſilver two-pence, and one ſilver penny, the property of the ſaid Henry.

HENRY CLARKE *ſworn.*

I am a labouring man, a houſekeeper; I live at Kenſington Gravel-pits: I awaked in the morning of the 29th of September about three o'clock, and I ſaw the ſaſh up; my wife and two children were out, I had two children in bed with me; I ſaw the priſoner in the houſe, by the end of the dreſſer next the window, looking at ſomething by the light of the window, and he put ſomething into his pocket; I ſeized him, and he threw himſelf out and me after him, I got up, and called out, and John Street came to my aſſiſtance, who lives under one roof with me, but in another houſe; we ſecured the priſoner, and ſent for a conſtable: the priſoner delivered me my tobacco box, in which were three ſilver buckles, and a buckle that was not ſilver, and a ſhilling, a ſilver penny, and two-pence; I know the things, they belong to me.

How had the priſoner got into your houſe?——He lifted up the ſaſh; when I awaked, the ſaſh was up, and he in the houſe.

Was the ſaſh down at night?—Yes.

Was there any faſtening?—No faſtening, but the ſaſh was down in its place, and a curtain before it in the inſide, the curtain was drawn almoſt back.

Are you ſure the ſaſh was down the night before?—I am ſure it was, for I had only two children at home with me, and they were in bed, I was the laſt up.

Priſoner. Whether the ſaſh was up when I went to the place, or whether it was down?——I am ſure the ſaſh was down and the curtain before it, for I did it myſelf.

Court. Was you ſober when you went to bed?—Yes, I came home from my labour from threſhing, and I generally go to bed about eight.

JOHN STREET *ſworn.*

I live under one roof with the laſt witneſs; I was aſleep in bed, there is a parting between the two tenements, and a little boy hallooed out, for God's ſake, Mr. Street, get up, my daddy will be killed; I went into the yard, and ſaw the proſecutor and this good man ſtruggling, I went to his aſſiſtance, and caught hold of the man, and never let him go till the conſtable came; the proſecutor ſaid, I ſaw you take ſomething and look at it by the light of the window, what was it; he ſaid, damn you, what was it; Clarke ſaid, I do not know; he ſaid damn your blood, what was it, nothing but a tobacco-box, and he reſigned it to him himſelf.

Did you obſerve the window of Clarke's houſe?——When I went into the yard it was up.

RICHARD DENNIS *ſworn.*

I am a conſtable, I produce theſe things; I was called up out of bed a little after three, to take charge of the priſoner, and I took from the proſecutor this box.

Court. What time was you called in?—About a quarter paſt three.

What ſort of morning was it?—It was about light, I believe it did not rain.

How was the moon at that time?—I cannot tell, it was very little, I think there was a moon, I am not poſitive.

PRISONER's DEFENCE.

I am ſometimes afflicted with lunacy, I have been ſo for a ſeries of years, and when I get a drop of liquor, I have no recollection of any thing that I do; it was at that unfortunate time that I committed this raſh act, I thought the houſe was uninhabited, it had the appearance of one; when I took this box up, I thought it was a box containing of tobacco, and I never opened it till after it was delivered to that man; I have been in Bethlem, and at St. Luke's, and in private mad-houſes, and all will not do; it comes at intervals upon me, like the flux and reflux of the tide; I ſubpœned Mr. Goſner, the apothecary of Bethlem Hoſpital, and one Johnſon of the Bolt and Ton, in Fleet-ſtreet, and Mr. Coleman, the ſurgeon, that lives below Exeter-change, and Mr. Thwaites.

—— GOSNER *ſworn.*

I am an apothecary at Bethlem-hoſpital, I know the priſoner well, about ſix or ſeven years ago he was ſent to Bethlem by the Commiſſioners of ſick and hurt ſeamen, as inſane, and was in a ſtate of inſanity for ſome time, but got well; he was there to the beſt of my recollection ſeven or eight months.

Have you known any thing of him ſince that time?——About two months ſince he called upon me, and appeared in great diſtreſs, in a ſailor's jacket.

What did you judge of his condition of mind about that time?——I had about ten minutes converſation with him, he appeared in his perfect ſenſes then; he appeared in great diſtreſs, and wanted me to recommend him to any apothecary.

Do you know enough of his caſe to know whether it was of a kind to be ſubject to a relapſe?—Moſt of thoſe caſes are ſubject to relapſes, we frequently have them over and over again.

A little drink would bring on the diſorder?——Very ſuddenly, I believe the firſt occaſion of the diſorder was from that.

THOMAS COLEMAN *ſworn.*

I am a navy ſurgeon, I have known the priſoner about ſeven years; about five months after I firſt became acquainted with him, he was ſeized with inſanity on board the Saliſbury, it continued three months; then I ſent him to Yorkſhire: I knew him at Gibralter again, he was then a ſoldier, I got him diſcharged, and he was appointed my ſecond mate.

When did you come home?——In May 1783.

Did he come home with you?—Yes.

What has been the ſtate of his mind ſince?——He went into the country ſoon after; I ſaw him once ſince he came to London this time.

What have you underſtood of his condition of mind ſince he came home?——I always underſtood, that whenever he got any liquor, he was inſane for twenty-four hours at leaſt.

Independent of his madneſs, what was his character?—His character was always honeſt.

By his being mate under you, I ſuppoſe you had ſome opinion of him?——I had, otherwiſe I ſhould not have received him.

He has no ſkill, I ſuppoſe?——Yes, Sir, as a dreſſer I can truſt him very well, not anything further.

Court to Priſoner. Have you anything further to ſay in your own behalf?

Priſoner. Only that I am ſeized at intervals with lunacy, and I cannot account for it; I have had relapſes theſe twelve years.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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944. JOHN YOUNG was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Barker, about the hour of one in the night, on the 6th of Auguſt laſt, and feloniouſly ſtealing therein, one cotton gown, value 4s. one callimanco ſkirt, value 3s. one handkerchief, value 1s. one apron, value 6d. the property of Honnor Abel.

HONNOR ABEL *ſworn.*

I loſt my clothes on the 7th of Auguſt, at half after twelve, my miſtreſs and I were up ſtairs in the kitchen, my maſter was gone to bed, and ſhe hearing the noiſe, ſaid, here is the thief come again, becauſe it is not the firſt time we have been robbed.

What ſort of a noiſe was it you heard?—A great noiſe with the window up ſtairs in my chamber, which was over the kitchen, the noiſe was like forcing the window open; when my miſtreſs ſpoke, I took the candle and went up ſtairs, but nobody was in the room, and the window was wide open, it was a caſement; I went up about eight to ſhut it, and it was ſhut, and the glaſs was whole, but they had taken a pane of glaſs out to open the caſement; I ſaw ſome ribbons hanging out of my box, and the things were gone that are mentioned in the indictment; I looked out of the window to ſee if I could ſee anybody, but I could not; I went down and told my miſtreſs, and my maſter got up, and we went down ſtairs and could ſee nothing; the lead of the window was laid quite back with a knife, to get the pane out of the window; we miſtruſted the priſoner, he lived in the ſame alley, and on Saturday, his door was open, and I went up ſtairs, and his room door was locked, and I puſhed it open, and I ſaw very handſome china bowls, and candleſticks, and pictures, but none of my own things; I went down and told my miſtreſs, becauſe we have been robbed four times.

Where did you find your own things?——He went by about evening, and my maſter took him before a Juſtice, there he owned he had pawned my gown.

Was any promiſe made him of forgiveneſs before he owned that?——I was not preſent.

Where did you find the things at laſt?—I ſaw my gown, and petticoat, and apron, before the Juſtice.

JOHN ARMSTRONG *ſworn.*

I was informed by the proſecutor that his houſe had been robbed, I went and took one Avis Wilkinſon, who is an evidence in this matter, I took her, becauſe I found her in the room that the proſecutor told me of; after I had been to the Juſtice ſome time, ſhe went with me to the priſoner's mother, and there the firſt thing I clapped my hands upon, was this apron, which was in a baſket; the priſoner came to ſee Wilkinſon, and he was taken into cuſtody; when the priſoner was ſecured, Mrs. Wilkinſon was deſirous of telling the whole matter, and ſhe took me to one Mr. Menzie's, in Brick-lane, a pawnbroker, and there I found a gown and black callimanco petticoat; I had took the priſoner to the Juſtice's, he ſaid if I would go with him, he would give me the duplicates; I went with him to an empty houſe in Hackney-road, and he was obliged to get in at the window, and there in a cloſet he gave me the duplicates, the things were pawned in her name.

Did ſhe tell you in his preſence?—Yes.

What did ſhe ſay?—She ſaid he brought them to her between twelve and one the night before, and he had the money; the man that lets the empty room lives in Gravel-lane: the things have been in my poſſeſſion ever ſince.

DUNCAN MENZIES *ſworn.*

(Produced a gown and petticoat, brought by Mrs. Wilkinſon for ſix ſhillings.)

Look at thoſe duplicates?——Theſe are mine.

AVIS WILKINSON *ſworn.*

Where did you get theſe things you pawned at Menzies'?—I had them from John Young on Friday night, between twelve and one.

Where did you live?—I live two doors off from Mr. Barker's, he lived there.

Do you know how he came by them?—I aſked him where he brought them from, he ſaid it was no matter.

Priſoner. I never ſaw her that night.

JAMES SHAKESHAFT *ſworn.*

I went with Armſtrong to the pawnbroker's, and I ſaw him give Armſtrong the duplicates.

Priſoner. The night ſhe ſays I brought the things I ſaw nothing at all of her, we were both in bed till the morning, I went to work in the morning, and ſomebody came and left a bundle there, but I do not know who it was.

(The things depoſed to.)

The Priſoner called one witneſs to his character.

GUILTY.

Of ſtealing the goods, but not guilty of the burglary.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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945. **JOHN WHEELER** was indicted for feloniouſly aſſaulting Elizabeth, the wife of John Smith, on the King's highway, on the 23d of September laſt, and putting her in fear, and feloniouſly taking from her perſon and againſt her will, 1s. in money, the monies of the ſaid John Smith.

Mrs. Smith not being able to ſwear to the priſoner, he was

ACQUITTED.

The priſoner was detained, in order that another bill might be preferred againſt him.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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946. The ſaid **JOHN WHEELER** was indicted, (on the fourth day of the ſame Seſſions) for that he, on the 23d of September laſt, in the King's highway, with a certain offenſive weapon called a cutlaſs, which he had and held in his right hand, upon one John Jones, in the peace of God and our Lord the King then being, unlawfully, wilfully, and feloniouſly did make an aſſault, with intent his monies from his perſon and againſt his will feloniouſly to ſteal.

The witneſſes examined apart at the requeſt of the priſoner.

JOHN JONES *ſworn.*

On the 23d of September, about eight, John Smith, William Smith, and Joſeph Levet called upon me, and ſaid, there was a robbery, I rather diſputed going with them, I thought we ſhould get into ſome hobble or ſomething; but with a little perſuaſion I went along with them, we agreed to go two and two, we went up as far as Stepney Church yard, and about half way down Salmon's-lane, where Mr. Ackerman was robbed, there we were ſtopped by five men, but I ſaw no more; one of my partners was going to fire, the priſoner ſaid, damn them, we'll do them now. I fired at him, he run off, I caught him, I ſaid to him, damn your eyes, I have you now: I found this knife, and an old man who was ſpreading dung, found this cutlaſs the next morning; I did not ſee the cutlaſs.

Court. Which way did he aſſault you?—Stopping the coach and peeping in at the window, I did not hear what he ſaid then; I fired at him directly, and miſſed him. Mr. Smith's wife had been robbed, and we went in purſuit of them.

Court to Jury. Upon this indictment you muſt acquit the priſoner; the charge againſt him is, that he with a cutlaſs aſſaulted John Jones, with intent to rob him; the caſe is, that John Jones did not wait for being aſſaulted, the cutlaſs was not uſed at the time of taking this man; therefore I think this indictment cannot be ſupported.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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947. **WILLIAM PARISH**, otherwiſe **POTTER**, was indicted for feloniouſly aſſaulting William Stent on the King's highway, on the 27th of September laſt, with a certain offenſive weapon, called a piſtol, with intent to ſteal the monies of the ſaid William Stent.

WILLIAM STENT *ſworn.*

On the 27th of September, I was going up the Five Fields, Chelſea, I met the priſoner about the midway, on the road; it is a bye road: he had a piſtol, as I think, on each ſide his waiſtcoat; I think he took it from within his waiſtcoat, he ſaid your life or your money, you buggerer, or I will blow your bloody brains out; he put the piſtol to my throat, I immediately put my hands into my pocket, with intent to take my money out, but inſtead of giving him the money, I hit him a large blow on his head, I cut at his piſtol, then he ſnapped it at me; I hit him in the belly, and then I laid hold of the piſtol, a ſcuffle enſued, he ſaid he was very much hurt, and he would reſign to me; I immediately let him get upon his legs, and he ran away directly, I jumped over the bank after him, and I never loſt ſight of him till I got hold of him again; he ſaid for God's ſake, give me a good licking, and let me go; I got aſſiſtance, and took him to Bow-ſtreet. The piſtol is loaded with ſix ſlugs, and here is the charge in this paper.

EDWARD GOODERE *ſworn.*

A young man and me were coming from Chelſea to London, we heard the proſecutor cry out murder! we made ove the fence and ran away to the fields, and found the proſecutor and the priſoner ſtruggling together. We ſecured the priſoner.

ISRAEL JOHNSON *ſworn.*

Depoſed to the very ſame effect.

PRISONER's DEFENCE.

I was coming from Chelſea, I had juſt done ſelling my things, and I kicked a piſtol before me, and the proſecutor aſked me what I had there, and I did not chuſe to ſhew him; I pulled it out to ſhew him, and then he ſwore I was going to rob him. If you will pleaſe to put my trial off till to-morrow morning, I can have gentlemen to my character.

Court to Johnſon. What did the proſecutor tell you was the matter at the time?—He ſaid he demanded his money or his life.

Jury. What is the proſecutor?—I am a ſhoemaker, I live at Pimlico.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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948. **JOHN HIMASEY** and **OWEN SULLIVAN** were indicted for ſtealing on the 30th of September, one ſhip's copper containing in weight ninety pounds, value 2l. 10s. and one iron bit grapple, value 3s. the property of our Sovereign Lord the King.

The Indictment was opened by Mr. James: and the Caſe by Mr. Silveſter.

JOHN ROGERS *ſworn.*

I am boatſwain of the Whitby, I know the priſoners, they were ſeamen on board that ſhip; the ſhip's copper was reported unfit for the navy ſervice, and the next day the copper was unfixed, and put on the main deck, and carried on ſhore, and the morning after it was miſſing; there was a maſter of the ſhip's crew the next morning and the two priſoners were miſſing; I miſſed an iron grapple as well as the copper, it was on board the ſame night we came out of dock, I ſaw the property the next morning about nine or ten, with the priſoners, at the cage; it was the King's property, they were bought with the ſhip when ſhe was firſt taken into the ſervice; I do not know whether it was marked with the broad arrow or not.

(The things depoſed to.)

JOHN HOWLETT *ſworn.*

I am a waterman at Deptford, on the 30th of September laſt two men plied me to go on board the Whitby, I cannot rightly ſay whether it was theſe two men, I took them on board, and they aſked me what they ſhould give me to carry them to London, there was a copper and a grapple lowered into the boat by two men, or there might be three men, they came into the boat with me, we went to Ratcliffe-croſs, and there we were all three taken by the watchman.

Was that copper the ſame that was lowered out of the ſhip?——Yes.

WILLIAM SEARCHFIELD *ſworn.*

I am a waterman, on the evening of the 30th of September laſt, I was at the Croſs, the two priſoners were in the boat with this copper and grappling iron, I told the watchman, and he went and took them.

Priſoners to Howlett. Who lowered the property into the boat?——I cannot tell.

CLEMENT HARRIS *ſworn.*

I took the two priſoners with the property, and took them to the watch-houſe.

—— DAVIDSON *ſworn.*

I am braſier of the King's yard at Deptford, I know this copper; I ſurveyed it on board the Whitby, this is the ſame copper; I am ſure of that; I cannot tell the day.

PRISONER HIMASEY's DEFENCE.

I did not know whoſe property this was, it was in the boat.

Priſoner Sullivan. I wiſh to aſk the boatſwain my character?——He always behaved like a ſeaman; I never ſaw any thing amiſs of either of them.

JOHN HIMASEY, }
OWEN SULLIVAN, } GUILTY.

Each to be Whipped.

Tried by the London Jury before Mr. RECORDER.

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949. **THOMAS HARMAN** was indicted for ſtealing, on the 24th of September laſt, two bars of wrought iron, weight fifty-ſix pounds, value 8s. the property of Edward Powell.

EDWARD POWELL *ſworn.*

I loſt two iron bars, which were uſed at the time of making a ſcaffold to pitch hay upon; they were left in the barn, I had ſeen them two or three days before; the priſoner was ſtopped with the bars, and I went and found them and him at the houſe of Mr. Fellowes, a Magiſtrate at Uxbridge.

Is there any mark upon them?——One of them is twiſted more in the middle than the other, and I have made ſuch obſervation on them to ſwear they are my bars.

JOHN PEARCE *ſworn.*

I know theſe are Mr. Powell's bars, I know nothing of the priſoner, I have obſerved the ſame mark that Mr. Powell mentions; I have frequently ſet up his ricks.

JOHN MARSHALL *ſworn.*

I know the bars to be Mr. Powell's.

JOHN BUNCE *ſworn.*

I am a blackſmith at Hillingdon, the priſoner brought the bars, and offered to ſell them to me the 24th of September, I live about a mile and a half from the proſecutor. The priſoner told me he found them at Red-hill: I did not chuſe to have anything to do with him, I thought they were not honeſtly come by; I took him in cuſtody, and took him to the Juſtice.

Court to Pearce. When do you recollect ſeeing theſe bars?——I have not ſeen them ſince I uſed them, they ſtood in the barn.

Marſhall. I ſaw them about a fortnight before.

Court. Does anybody know the priſoner?

Proſecutor. I think I have ſeen his face with a waggon, but I am not ſure: my barn was locked but there was a board broke behind.

PRISONER's DEFENCE.

I picked up the bars in the turnpike road, as I was coming for London with a waggon, I offered them for ſale as I got them honeſtly.

Was anybody with you when you picked them up?—Not a ſoul.

What waggon was you driving?——I was coming up to London with one Mr. Weſt, with the Worceſter waggon, the waggoner was aſleep.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before *Mr.* RECORDER.

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951. GEORGE SMITH otherwiſe JOHN RENSHAW was indicted for feloniouſly ſtealing, on the 8th of September laſt, one ſilver watch, value 3l. a ſteel chain, value 3d. one cornelian ſeal, ſet in ſilver, value 1s. a ſteel key, value 1d. the property of John Lock, in the dwelling houſe of Conſtance Vincent.

JOHN LOCK *ſworn.*

I am a perfumer, I live in Old Bond-ſtreet, I am ſervant to Mrs. Vincent, ſhe keeps the houſe, I hung my watch to a hook by the chimney in my bed chamber on the day, and the next day I miſſed it; I had it advertiſed a few days after, and a pawnbroker came and informed me he had it, he lives the corner of Bedford-ſtreet in the Strand.

When did you laſt ſee your watch on that hook?——I am very ſure I wound it up the night before.

Does the priſoner belong to the houſe?——No.

JOHN BOYD *ſworn.*

Friday the 8th of September, I took in a watch from the priſoner at the bar; I am ſervant to Mr. Cates a pawnbroker, it was in the morning between nine and ten, the priſoner ſaid it was his watch, and he kept a houſe in St. Martin's-lane, No. 35; he went by the name of John Smith, he did not ſay what trade he was; I lent him a guinea and a half upon it, I ſaw it advertiſed, and my maſter informed the proſecutor; on Saturday laſt in the afternoon, the priſoner at the bar brought the duplicate of the watch, and wanted five ſhillings more upon it, then we took him up, and ſtopped the duplicate; *(the duplicate read.)* "The 8th of October, 1784. a ſilver watch, 1l. 11s. 6d. John Smith."

Did you enquire at No. 35?——Yes.

Was any ſuch perſon there?—No.

(The watch depoſed to.)

PRISONER's DEFENCE.

On the 8th of this month about nine in the morning I was coming along the Strand, and I met a ſhipmate, he aſked me to drink, he took me to the White Swan, and he called for a pot of purl; I drank with him, he ſaid, he was going to the Golden-croſs, Charing-croſs, to go to Portſmouth, to go to ſea; and I have a warrant to go on board his Majeſty's ſhip the Druid, Captain Byron Commander, here is the warrant, he aſked me to pawn his watch for him, I took his watch, he bid me bring a guinea and half, I ſaid very well, I will pawn your watch, and bring a duplicate in your own name: I carried the man a guinea and half, and gave him the duplicate; I parted from him, and ſhook hands with him, and he ſaid, I am going to ſea, and this duplicate will be of no ſervice to me, you may take it, and he gave me the duplicate, and in about five days afterwards I went to the pawnbroker's, and aſked him to lend me a crown more on the ſame duplicate, he ſaid yes, he would ſend out and get change, but he ſent for a conſtable, and ſaid, the watch was ſtolen, I told him the man was gone to Portſmouth, that it belonged to; I was carried before the Magiſtrates at *Bow-office, the Regiſter-office*, and he committed me to Newgate, *this happy place* which I am in now, and pleaſe you my Lord, and that is the whole truth, ſo help me God; I have witneſſes to my character, I have been in the Weſt-Indies with my Lord Rodney, I never was before a Magiſtrate in my life before, I am totally innocent of this affair I aſſure you.

ANN SMITH *ſworn.*

I keep a clothes ſhop in Seven Dials, I have known the priſoner theſe fixteen or ſeventeen years, his character was a very honeſt, induſtrious, hardworking man; he is a ſmith by trade, he has been at ſea.

Has he not been always at ſea?——He has been home about two years, he was an officer on board.

Where does he live?—No. 7, George's-court, Princes-ſtreet.

The priſoner called three other witneſſes who gave him a very good character.

Not Guilty.

Tried by the ſecond Middleſex Jury before Lord Loughborough.

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950. **CATHERINE SPENCER** otherwiſe **CAMP** and **SARAH BAKER** were indicted for feloniouſly ſtealing, on the 11th of October, one pair of ſilk ſtockings, value 10s. the property of Charles Thomas, privily in his ſhop.

RICHARD CARTER *ſworn.*

I am ſhopman to the proſecutor, the priſoners came in company with another woman, on the 11th of October, and aſked for ſome flannel, about eleven or twelve, Sarah Baker bought two yards and an half of flannel, which ſhe paid for, and the inſtant they went out, I miſſed a pair of ſilk ſtockings; they all came in and went out together, they ſtaid about five minutes in the ſhop, I did not ſee them take the ſtockings; I ſaw them in the hands of Spencer, while ſhe was in the ſhop; I thought ſhe was putting them out of the way that they might not fall down, or ſomething of that kind, but I ſaw them on the counter after that; I ſaid, directly after they were gone, that they had ſtole a pair of ſtockings, and I bid the boy run after them; he went and brought Baker back, ſhe ſaid, ſhe had ſtole nothing, I aſked him why he did not bring the other back, he then went again, and brought back Catherine Spencer, with the ſtockings in her hand; ſhe ſaid, ſhe did not mean to ſteal them, ſhe thought the other woman had bought them; they had a particular mark on them, which I myſelf put on them with the price.

I ſee theſe ſtockings are in form of a printed T, therefore you cannot ſwear to this being your hand writing?——I know it is my mark, I know the ſtockings, I know they lay on the counter, they were brought back from a Gentleman who did not like the colour of them.

Priſoner Spencer. Did not I ſtop at the door a few minutes after I left the ſhop, with the ſtockings in my hand?——I did not ſee you.

Court. Whereabouts did the priſoner Baker ſtand in the ſhop?—All together.

THOMAS WILLIAMS *ſworn.*

I went after the priſoners, I ſaw Spencer take up the ſtockings, and lay them down again, Mr. Carter deſired her, I called them all three back, Baker was the neareſt to our houſe, they were about twenty yards off; Spencer was in the middle, and the other women a little before; Baker came back, and I went after the other two, and I ſaw the ſtockings in the hand of Spencer openly.

Court. Did not ſhe attempt to conceal them?——No.

Had ſhe not a cloak on?——No, I aſked her to deliver the ſtockings, I told her they were ours, and ſhe ſaid, ſhe would not, but ſhe would come back with me; I did not hear what ſhe ſaid when ſhe came back.

What reaſon did ſhe give for chuſing to come back rather than deliver the ſtockings?—I do not know.

PRISONER SPENCER's DEFENCE.

This good woman came to me in the morning, and aſked me to go with her to buy with a few articles, we went to ſeveral ſhops, and ſhe bought ſeveral things; we went into this ſhop, and ſhe bought ſome flannel, it was put down, and every thing ſhe bought in the courſe of the day, I put into my apron, and I was to have the making of them; I never obſerved the ſtockings till the boy came after me, when I came back the Gentleman aſked me what buſineſs I had with his ſtockings, I begged his pardon, and told him I took them through a miſtake; they took us to the office, and they ſent to the hoſiers and to another place, and thoſe people ſaid, they had loſt nothing, and found every thing very right.

PRISONER BAKER's DEFENCE.

I went into this ſhop, and aſked for a bit of flannel, I bought two yards and a half at fifteen pence a yard; the boy came after me, and ſaid you have ſtole a pair of ſtockings; I went back and ſaid, you are welcome to ſearch me; they ſent for a conſtable and ſearched me, and the conſtable took fifteen guineas out of my pocket.

Court. What are you?—My huſband is a traveller and pedlar in the country, he ſettled me in London till he returned again from Cornwall.

Court to Williams. Were the ſtockings in a paper?——The ſtockings were laid on the compter on a bit of paper, ſhe had the paper about them in her hand, the third woman had the flannel, ſhe did not come back.

Spencer. The ſtockings were in the flannel, I had it then, but after I was taken into cuſtody the third woman had it.

The priſoner Spencer called three witneſſes to her character.

The priſoner Baker called one witneſs to her character.

CATHRINE SPENCER otherwiſe CAMP, } GUILTY, 10d.

To be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

SARAH BAKER, NOT GULITY.

The Court ordered Baker's money to be returned by the officer that had it.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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949. CHARLOTTE WALKER was indicted for feloniouſly ſtealing on the 1ſt of October, four guineas, value four pounds four ſhillings, the monies of Nelſon Stratton, privately from his perſon.

(The witneſſes examined apart at the requeſt of Mr. Peatt the Priſoner's Council.)

NELSON STRATTON *ſworn.*

I am a Hackney man, I was going up Holborn on Friday the firſt of October, near twelve in the evening, and I met the priſoner with another woman, they aſked me to treat them with a glaſs of wine, for it was cold; I told them I had no objection, we went into the French-horn, and the priſoner called for half a crown's worth of punch, I told her it was a very noble call; the landlord brought the punch, I drank a glaſs and told her I could not ſtay, ſhe deſired I would, and I found her hand in my breeches pocket, I deſired her not to attempt any thing of that kind again, for I came on purpoſe to give her a glaſs and go away, ſhe aſked me to ſleep there all night, I drank another and another, and they ſaid the punch was not good, and they wanted me to have ſome brandy, and I found her hand at my pocket again, and I put my hand into my pocket and I miſſed four guineas, ſhe denied it, I called the landlord and told him, he ſaid he had nothing to do with it, I muſt get a watchman, I deſired him to get a watchman, which he refuſed; I told her if ſhe would give me three guineas ſhe ſhould have one, ſhe ſtill denied, I then ſaid I would ſtay till the houſe was ſhut up, and we would go to the watch-houſe together, they informed me that the houſe was not ſhut up at all, and I went out to get a watchman, and the woman run out backwards, I followed them up the yard, I caught the priſoner and brought her into Holborn and gave charge of her to the watchman, and he took her to the watch-houſe.

So you would have made it up with her if ſhe would have given you three guineas? Yes, I ſhould have been very glad.

Mr. Peatt. Was ſhe out of your ſight at any time?——Not out of my hearing, I got ſight of her in a minute.

You had drank the beſt part of the bowl? I drank only two glaſſes.

You was not very ſober when you went in I ſuppoſe?——I was quite ſober.

You was not ſurpriſed I ſuppoſe when you found her hand at your breeches?— Yes, I was.

Then you only went in for the purpoſe of drinking with the ladies?——Nothing more.

What did you offer to take as a compromiſe of this matter?——Nothing but what I have told you.

Did not you offer to take a ſum of money?———No.

Did not you offer to take eight guineas, four for yourſelf and four for the watchman?——No.

You are ſure of that?———Yes.

How came you to be travelling at this time of night with four guineas in your pocket?——I had received ſome money, I had eleven.

Did you tell your money when you was out, or before?——I told my money twice.

Did you tell it as you went into the houſe?——No.

How long had you examined your money before?—I believe about a quarter of an hour.

You had perhaps been in ſome other tavern before with ſome other ladies?—No.

Did you ſee the woman take any thing;— No, Sir, I found her hand in my pocket.

You ſaid juſt now *upon* your pocket.

JOSEPH MOSSLEY *ſworn.*

I am a houſekeeper in St. Giles's.

What do you know about this buſineſs?— I was beadle of the night, that night the watchman brought the woman in between one and two, there is a paſſage before you come to the watch-houſe about five or ſix yards, and in coming into the paſſage we heard money drop, I took a light and opened the door, and we found three guineas upon the floor, and one of the watchmen took one guinea out of her hand.

Court. What did you do with the money? I have one, one of the watchmen has two, and another watchman has one.

Mr. Peatt. Was anybody preſent?—— There were two or three watchmen.

PHILIP WELCH *ſworn.*

I am a watchman, I heard watch called between one and two in the morning, near the French-horn, in Holborn, I went up and the proſecutor had hold of the priſoner, and he ſaid this woman has robbed me of four guineas, there was another woman by, I aſked him, does that woman belong to her, he ſaid no, this woman was never near me; I took her to the watch-houſe, and when we got nigh the watch-houſe, ſhe wanted to get away, I told her I would not let her go till ſhe got to the watch-houſe, ſhe had her fiſt ſhut, I aſked her what ſhe had got there, ſhe ſaid what is that to me; I caught hold of her hand and took one guinea, and three ſhe dropped.

Mr. Peatt. You uſed a good deal of force when you laid hold of her hand?——No great force.

You wrenched her arm very much, did you uſe force enough to make any thing drop out of her hand?——No.

WILLIAM OLNSWORTH *ſworn.*

I am a watchman, and was crying half paſt one, I heard watch called, and I ſaw Philip Welch with the Priſoner in cuſtody, the proſecutor had given charge with robbing him of four guineas, I heard the money chink going into the watch-houſe door, and the money dropped from her, I picked up two of the guineas, the beadle picked up one, and the other watchman the other; we ſearched her, there was only one ſixpence found upon her, ſhe ſaid that was her ſixpence and none of the man's.

Mr. Peatt. Did you ſee the other watchman uſe a good deal of force?—He ſeized her by the wriſt as ſhe was opening the door, he ſaid you have got ſomething here.

Do you think he uſed force enough to make her drop the money?—I cannot ſay.

Priſoner. I have nothing to ſay.

SARAH HOLDRICH *ſworn.*

Do you know the priſoner?—Very well.

Was you preſent at any part of this buſineſs that ſhe was charged with?—She lent me a trifle of money, and on the Thurſday I paid her ſix guineas, and half a crown, here is the receipt; on the Saturday ſhe ſent to me, and ſhe declared ſhe had not a half-penny in the world, and I lent her ſome money, I am a houſekeeper, ſhe had that money on the Thurſday: the proſecutor ſaid to me, if ſo be, the watchman was to have theſe four guineas, if ſo be I would make up four guineas more, he would acquit the priſoner: he made this offer at the Court beſides Clerkenwell-Church.

Court. Was it the proſecutor himſelf that applied to you?——The proſecutor employed Mr. Iſaacs and Mr. Dinmore, they came to me.

You did not ſee the proſecutor then?—He was in the houſe at the ſame time, I was in the fore parlour.

Did what theſe perſons ſaid paſs in the hearing of the proſecutor?——It was at the door, and the proſecutor was in the tap-room.

Mr. Peatt. How long have you known the priſoner?—About three or four years, ſhe has lived next door but one to me.

How far do you ſuppoſe the proſecutor was off?——About as far as yourſelf.

Court to Proſecutor. Was you at the Court at Clerkenwell-green?——I went there to meet the people to find the bill.

Was this woman there?——I ſaw her come into the houſe.

What did you agree to make it up for?—Nothing at all.

What did you aſk?——I did not aſk any thing.

Did you propoſe this, about four guineas?—No, Sir, upon my oath I did not.

What did you propoſe nothing of the kind?——There was a perſon aſked me if I was agreeable to make it up and not hurt the woman; I ſaid I did not want to uſe her ill, but as I had been uſed ill I will follow it up.

What did you propoſe they ſhould do to you to make it up?——Nothing at all.

Not Guilty.

Court. The woman muſt have the money back again.

Tried by the ſecond Middleſex Jury before Lord Loughborough.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 20th of OCTOBER, 1784, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENEC.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

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953. GEORGE OWEN and FRANCIS CHANT were indicted, for that on the 7th of September laſt, William Yardley did ſend to, and deliver to the wardens and commonalty of the myſtery of Goldſmiths, in the city of London, certain goods made of ſilver, viz. twenty-ſeven pair of ſhoe-buckle rims, to be aſſayed, tried and marked, according to the ſtatute; and, that they well knowing the premiſes, afterwards, on the 7th of September, feloniouſly did falſly make, forge and counterfeit, and cauſe, and procure to be falſly made, forged and counterfeited, and did willingly act, and aſſiſt in the falſe making, forging and counterfeiting, a certain warrant and order for delivery of the ſaid goods, with the name W. Yardley thereto ſubſcribed, which ſaid order was as follows, to wit. "Pleaſe to let the bearer have the work (meaning thereby the ſaid goods) W. Yardley, Tueſday 8." with intention to defraud the ſaid William Yardley.

A ſecond Count for uttering the ſaid forged order, knowing the ſame to be forged, with the like intention.

A third Count for uttering the ſame, with intention to defraud the wardens and commonalty of the myſtery of Goldſmiths againſt the ſtatute.

Mr. Garrow opened the Proſecution.

Mr. Chetwood, Mr. Morgan and Mr. Sheppard, Council for the Priſoners.

THOMAS KING *ſworn.*

I am one of the weighers of the Goldſmiths company, on Tueſday the 7th of September were ſent to be aſſayed for Mr. Yardley, twenty-ſeven pair of ſilver buckles to Goldſmiths-hall, to the aſſay-office, I mean only the rims, we in general call them buckles; when they were aſſayed a note came purporting to be the note of Mr. Yardley, for the delivery of them, that was on the evening of the ſame day, the courſe of buſineſs is to deliver them by five o'clock; in conſequence of this order I delivered the buckles.

Do you recollect to whom you delivered the buckles?——The priſoner, Owen, I firmly believe to be the perſon.

Was the priſoner alone?——There might be five, ten, or twenty boys about the office coming for things about the ſame time.

How ſoon after did you ſee the priſoner Owen?——I did not ſee him till I ſaw him at the public office, which was in the courſe of one or two days.

Did you then recollect him?—Perfectly.

And you have now no doubt of his perſon?——I have not.

Have you had that note in your poſſeſſion ever ſince?——Ever ſince.

Deliver it in.

Court. Do you mean to ſpeak to belief only?—To belief only, I do not poſitively ſwear to him, but I firmly believe him to be the perſon.

(*The Note read.*)

" Pleaſe to let the bearer have the work,
" W. Yardley, Tueſday 8."

Court. What day of the month was it?—The ſeventh.

This purports to be the eighth?—Yes.

Count. Hand up the indictment, the indictment is a very exact copy of the figure, for it may be read either eight, or three.

Mr. Morgan. Your Lordſhip will permit me to aſk a queſtion or two. I will beg the favour of you to ſtate the cuſtom of your office more particularly?—In what point do you mean?

The rule of your office, I believe, is to ſend in your goods at nine in the morning for the purpoſe of being aſſayed?——All goods to be aſſayed that day are to be ſent by nine.

When are they to be fetched away?——By five o'clock.

That is not an anſwer ſufficiently particular, they have not the whole courſe of the day to fetch them away in?——No, there is a time during the proceſs of the marking, and aſſaying, which is ſometimes three, half after three, four, or five, according to the buſineſs of the day.

If I underſtand you rightly the ſilverſmith has, at the utmoſt, but one hour in the afternoon to ſend for his goods?—We have them ſometimes one, two, three, four, or five days at the office and not fetched away.

Do you permit the tradeſmen to ſend for their goods any time of the day; when they ſend them in the morning do you chuſe to give them longer than an hour to fetch them away?——Our orders are to ſhut up the office at five.

Suppoſe the ſilverſmith ſends this morning by nine, goods to aſſay, is it cuſtomary for the ſilverſmith who wants his goods the ſame day, to ſend for them by four, ſuppoſe they were to ſend at three?——If any of the trade want the indulgence to have their buſineſs by three, our aſſay-maſter endeavours to indulge them, the uſual courſe is to deliver between four and five.

Have you not many tradeſmen ſending every day goods to be aſſayed, and ſending for thoſe goods?——Yes, many.

You ſaid there might be five, ten, or twenty boys and ſervants that very day coming for goods?——I believe there were, at the time I delivered the work to the priſoner there might be ten, twelve, or fourteen boys or men at the window.

Your evidence was five, ten, or twenty?—I believe I am within the number now.

You will do me the favour to recollect, that you have told my Lord in the moſt expreſs terms, or otherwiſe I ſhould not have examined ſo very particularly, that as to the priſoner, you would only ſpeak to your belief, therefore I recommend to you not to ſpeak of the delivery of the goods *to the priſoner* at the bar?——There might be twenty, I do not think there was ſo many, there might.

You are a weigher?——Yes.

Does the aſſay-maſter attend?——Not in our office, the goods are delivered from our office.

You have a great many goods in that office of courſe?——Yes.

You ſpeak to ſmall articles?——Some ſmall, ſome large.

Small articles, many that might be pilfered?—They cannot be taken away from the office.

But they are open to public inſpection, to all the ſervants that come in, you have a vaſt quantity of ſmall goods that are liable to be pilfered.——Our work is all weighed, and a ſmall ticket of each workman's name upon each bag or box, and placed in different parts for our going to them, when the workman comes for his work ready to be delivered, the window of the office is thrown open, and the boys, or men, or women that come for the work, call out Jones's work, Yardley's work, King's work, or whatever they may come for.

When they come for their work, ſuppoſe it to be Mr. Yardley's; I come for Mr. Yardley's work, they deliver a note purporting to be from Mr. Yardley, looking as that did, and believing it to be from the workman?——We deliver the goods.

Suppoſe a little girl of eight years old was to bring you one of theſe notes, and call out for the work, you would deliver it her, would not you?——If I thought it was a note from her maſter I certainly ſhould, for we deliver it to many, both old and young.

Then your attention is paid to the note that is brought, you look at the note, and your attention is directed to the note?——To the note intirely, without the perſon, we pay no reſpect to the perſon.

It is already in evidence that this was on the 7th of September?——Yes, Sir, Tueſday.

Is the room where the ſervants come a light room, a dark room, or middling?——If anything rather dark.

Court. If I underſtand your mode of delivery right, the perſons who come for them do not come into the room where they are?——No, Sir, they are handed out; ſometimes they do, if the gentleman comes himſelf for his work, we do not let him ſtand among the boys.——

Court. They are not placed in the reach of the perſon who comes for them——No.

EDWARD FELINE *ſworn.*

Examined by Mr. Silveſter. I underſtand you are one of the weighers of the Goldſmith's company?——Yes.

Look upon theſe young men, do you know either of them?——Yes, perfectly well.

Which of them?——I know them both by ſeeing them before, but the priſoner Owen was the perſon, I believe, that the work was delivered to.

Have you known his perſon before?——No, I do not know as I ever ſaw him before, I was preſent at the time of delivery, it was delivered in the uſual way, he aſked for Mr. Yardley's work, and it was delivered to him.

Mr. Sheppard. I take it for granted that the buſineſs is done rather in a hurry, is not it?——Why, Sir, my part of the buſineſs was done, I was at leiſure, and looked very attentively at the perſon who came for the work.

Tell us how you came to look attentively at this particular perſon, there were many boys?——I ſtood at the window, at the time the window was open, Mr. King was not immediately ready to deliver it, and hearing the priſoner aſk for Mr. Yardley's work, I looked at him.

Court. Do you mean to ſpeak poſitively to the priſoner Owen, or only to ſtrong belief?——I wiſh to be underſtood not ſpeaking poſitively, but only to ſtrong belief.

NOAH YARDLEY *ſworn.*

Examined by Mr. Garrow. How old are you?——I am fourteen the fifth of next February.

Do you know the nature of an oath?——Yes.

You know it is your duty to tell the whole truth, now you are here?——Yes.

What will happen to you if you do not tell the truth?——I ſhall go to hell. I am errand boy to Mr. Yardley, I remember going to the aſſay-office on the 7th of September, I carried twenty-ſeven pair of buckle-rims, ſilver, to Goldſmith's-hall, and I delivered them to Mr. King.

Had you been uſed to carry work before?——Yes.

Did you deliver it in the uſual way?—Yes.

Do you remember either of theſe two young men?——Yes.

Which of them have you ſeen?—Chant, the young man in brown.

Where did you ſee him before?—I have ſeen him at my uncle's before.

Do you remember ſeeing him on that day that you went to the Aſſay-office?——Yes.

Where did you ſee him?——Juſt by the hall, on the morning that I carried the buckles, he ſaid to me, what are you going to the hall, I told him yes, he ſaid nothing more then; then I went and delivered the work, and coming back he ſays, what do they write when they ſend to Goldſmiths-hall for the work; do not they write pleaſe to deliver the work to the bearer.

Court. Are you ſure that was what he ſaid?——Yes, I told him I believed ſo.

Jury. You have been at the office before?——Yes.

Can you read writing?——Yes.

Then you recollected the words, did not you?——No, I did not recollect particularly.

Had you any more converſation with him at that time?——No, Sir, not about that affair, then we parted, and he went through Smithfield, it was the laſt day of Bartholomew fair; I went to Goldſmiths-hall in the afternoon for the work, I did not get the work, in conſequence of ſome information from me the priſoner was apprehended.

Are you ſure the priſoner was the perſon that talked to you?—I am very ſure of the priſoner Chant.

Mr. Chetwood. You know Chant very well?—Yes.

Why he is a relation of your's?—I believe he is.

He uſed frequently to talk with you when he met you?—Yes, Sir, before.

That day he happened to ſee you, and aſked you if you were going to the hall?—Yes.

Why he never met you without ſpeaking to you about ſomething or other?—Very ſeldom.

What did he aſk you?——Says he, do not they write, pleaſe to deliver the work to the bearer, I told him I believed ſo.

Mr. Sheppard. Was you with Mr. Yardley when the priſoners were apprehended?——No, Sir.

WILLIAM YARDLEY *ſworn.*

Look at that order.

Court. What do you call Mr. Yardley to prove?—To look at that order, and ſee whether it is his order.

Mr. Garrow. We have a releaſe.

A releaſe of what, who has he a claim on?—On the Company, for his goods.

Is that your hand writing?—No.

You was preſent I believe, and apprehended theſe two young men?——Yes.

Were they together?—They were going along, I was not poſitive that they were together; they were walking over Clerkenwell-green, I ſtopped Chant and the other walked on, I was of opinion that the other was belonging to him, and I aſked Mr. Ruſhforth, who was in company with me to ſtop him.

Court. How near was the other priſoner to him?—He might be a yard or two behind him.

Did you ſee them walking abſolutely together?——I think they were together, one was a little way before the other, I had a little ſuſpicion, the other looked like a thief by his dreſs; I deſired Mr. Ruſhforth to ſtop the other young man, he brought him up, I then aſked Chant if he knew any thing of my buckles, we went to Bow-ſtreet, and Mr. Ruſhforth told me he believed the buckles were in Owen's pocket, Chant ſaid, he knew nothing of them, he did not know what I meant.

Mr. Silveſter. How came you to ſtop Chant?—The boy came back and told me, that the work was delivered by a falſe receipt, I went down with him to the hall, and found the deſcription of the boy, and I ſtopped Chant.

Was Chant examined?—Yes.

Was any thing found upon him ?—No.

Was Owen examined ?—Yes, twenty-four pair of ſilver rims were found upon him, they were my property, the ſame I ſent to the office in the morning.

Did you examine to ſee whether they had paſſed or not paſſed at the office ?——Yes, they were marked.

You ſent them for that purpoſe in the morning ?—Yes.

When you found them, they had the mark upon them ?——Yes.

Are you ſure theſe buckles are your property ?——Yes.

Mr. Morgan. Do you know Owen ?—I never ſaw him before I took him.

Have you had an opportunity ſince of being informed what buſineſs he is of ?—I believe he is a hatter and hoſier.

Chant is a relation of your's ?——My brother married his ſiſter.

What buſineſs is he ?—A buckle maker,

Was he bred to the buſineſs ?—Yes.

Is he out of his time ?——I believe he never was apprentice, they worked in the country by the week.

Did he work for you before this affair ?—He did not work for me.

Who did he work for in town ?——For Mr. Turner the buckle maker, he had lived at my brother's who lives in Cold-bath-fields; Turner lives in Charles-ſtreet, Hatton-garden; Chant has been in London, about twelve months.

Was he intimate in your family ?—Not very intimate with me, he has been at my houſe of an errand or ſo.

I find he knew your boy Yardley ?——Yes, they uſed to be together when the boy went down to his uncle's.

Had he been uſed to come to the Goldſmiths office do you know, for your brother or for Mr. Turner ?—I cannot ſay.

The cauſe of your ſuſpicion, was that he had been aſking the boy the form of the order to get the buckles ?—Yes.

Suppoſing Owen had had this order, by virtue of which the goods were delivered, do you, of your own knowledge, know who gave Owen that order ?——No, I do not, I know the patterns of the buckles, and the marks.

It is not morally impoſſible that another workman may have the ſame pattern ?—It is impoſſible.

Do you make the pattern yourſelf ?——Yes.

Was it of your own invention ?—Some of them, it is impoſſible that any man ſhould have them ſo exact.

Was it impoſſible that another workman ſhould have the ſame pattern ?——They may have the ſame pattern made from that.

Do you ſend your work to the hall compleatly finiſhed ?—In the rough.

Is there not a poſſibility, or is it not too common, for one manufacturer to take the mark of another ?——I think it poſſible.

I aſk if it is not done ?——Not that I know off.

Then I aſk you of your own knowledge, whether it is not done by the cutlers and ſilverſmiths ?—I do not know of my own knowledge, it is poſſible to be done, that you know as well as I.

The man that made that punch could make another ?—Yes.

Exactly ?——Yes.

Mr. Silveſter. Have you a doubt in your mind that theſe are the buckles ?——I have no doubt at all.

Court. Who did you ſend for them that evening ?——This boy.

Court to Boy. What time did you go for the goods ?——About twenty-five minutes paſt four when I went out, I was there a little before five, I was told the goods were delivered.

Did you carry any note for them ?——Yes, and brought it back.

Yardley. I ſent him with a note, and he brought it back.

Mr. Morgan. Have you that note here ?——I have not, I was ſo careful of it, I locked it up, it is at home.

—— RUSHFORTH *ſworn.*

I am Aſſay maſter to the Goldſmiths Company, I was in company with Mr.

Yardley, when the priſoners were apprehended.

Did any thing paſs between you and Chant about Owen ?——We put him into a coach, and immediately took him to Bow-ſtreet; previous to his going into the coach, I obſerved his pockets, I put my hand and found ſomething very hard, as we were going along, Mr. Yardley ſaid, the buckles are here, I ſaid, I did imagine ſo, there were twenty-four pair of buckles found in his pocket, they were in a rough ſtate, the office mark appeared to be recently made.

Mr. Chetwood. Nothing was found upon Chant ?—Nothing at all.

The priſoners were not together ?——I was behind Mr. Yardley, at the time that Mr. Yardley ſtopped Chant, I ſtopped Owen.

MOSES MORANT *ſworn.*

I ſearched Owen, I found in his coat pocket theſe twenty-four pair of buckles.

(Produced and depoſed to.)

Mr. Sheppard to Proſecutor. Will you ſwear that you never ſaw any buckles exactly of this pattern, made by the manufacturers in any of the ſhops in London, take any of them ?——Some of them.

I believe a good many of them ?—I can ſwear to theſe, for I never ſaw them any where, I do not believe they were ſeem

Jury to Proſecutor. Have all theſe buckles your mark upon them ?——Yes, I believe they have W. Y.

Jury. I ſhould be glad to look at all the buckles ?—They are marked ſome on the bottoms and ſome on the bridges.

Mr. Silveſter. Have you weighed them ?——I have not weighed them, but I am ſure they will anſwer to the weight; there are three pair that another witneſs has in Court, theſe three pair make up the whole.

WILLIAM WILLIAMS *ſworn.*

I have three pair of buckle rims, I had them from a woman that keeps the Red Cow, in Foſter-lane.

Is ſhe here ?——I do not know.

Do you know her name ?—No.

Court. That evidence may be laid quite out of the caſe.

Mr. Morgan to Yardley. Now hand me the pattern that you ſtate particularly to be your pattern ?——This is made for a particular perſon.

Now you will ſwear that no other ſilver-ſmith in London had a buckle of either of thoſe patterns, on the day you ſent thoſe to the office ?——Yes, I had ſold ſome before.

Then you had before thoſe were ſent to the office, ſold ſome of the identical pattern ?—Yes.

Then could not that pattern be taken off by another ſilver-ſmith, and the buckles taken from them ?——No, Sir, when they are quite different.

Attend to your evidence a little; when you have ſold me a pair of buckles compleatly finiſhed, cannot I go to another ſilver-ſmith's, and get a pair made for me ?—You cannot get them in the rough like them.

Sir, anſwer me ?—He may make them nearly like them, but not ſo, but I can tell the difference.

What after they are compleatly finiſhed, can you tell the difference ?—Yes.

Let a ſilver-ſmith take a pair of rims, that are ſold without any pattern, and cut me a pair exactly like thoſe in my ſhoes now ?—Not ſo but that the maker of thoſe could tell the difference.

Then they would not be exactly alike ?—No, they could not make them exactly like them, it is impoſſible for one man, to make two buckles alike.

Then you never ſold a pair of buckles in your life; you ſent twenty-ſeven pair of buckles to the office ?—Yes.

You got twenty-four pair back, you never weighed them ?—I know they were weight.

Jury. In ſome of the buckles the marks are very plain, in others the punch is double, do you know them ?—When I entered the punch at the office, it was rather a blind mark, it was not made perfect.

Can you ſwear to the impreſſion ?——I can ſwear to the punch, I have not the punch here; there is nothing very particular in it.

Can you ſwear to them that are not clear ?—I can ſwear to them all, the buckles, and the punch, and the patterns, and every thing, they were all ſtruck with one punch.

Court to Ruſhforth. The immpreſſion appears more or leſs according as it is ſtruck off ?——Yes, ſometimes they ſtrike the mark upon a part which we call barred, and that with a ruff file, the ſmoother the ſurface upon which the mark is ſtruck the more diſtinct.

The priſoner Chant called three witneſſes who gave him a very good character.

The priſoner Owen called eight witneſſes who gave him a very good character.

At the requeſt of the Jury, Phillis Saunders was examined, relative to the three pair of buckles Williams had from her; and ſhe ſaid, ſhe had them from a perſon that Mr. Forreſter ſent them by to her houſe.

Jury to Yardley. Can the priſoner Chant write ?—He cannot.

Can the priſoner Owen ?—He can.

Court to Noah Yardley. When Chant aſked you the form of the order, did he aſk you what goods you were going to take to the hall ?—No, Sir, he did not.

The Jury withdrew for ſome time, and returned and aſked the following queſtion of Owen.

How do you account for having the buckles about you.

Court. He had an opportunity of making his defence, but I will aſk him, though it ſeems to be calling upon him to invent a ſtory.

Jury. It is only one of the Jury that has any doubt at all.

Court to Owen. Have you any wiſh to ſay any thing as to theſe buckles being found upon you.

Owen. Now, Sir, reſpecting theſe buckles, I received them from one Forreſter, in Charter-houſe-lane, he ſaid, Owen, if you have a mind to carry theſe buckles to the Angel, at Clerkenwell, and wait till I come, I ſhall be there preſently; I was going to another place, he only deſired me to leave them at this place, I did not know the conſequence, nor how they were obtained, this perſon I underſtand has abſconded.

Mr. Garrow. I am afraid it is my duty to aſk what account was given when he was firſt apprehended.

Court. I will puſh the enquiry no further, I will leave it to the good ſenſe of the Gentlemen of the Jury, whether they think any credit is due to this ſtory.

GEORGE OWEN, GUILTY, **Death.**

On the ſecond and third Counts.

FRANCIS CHANT, NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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954. DANIEL WHITE was indicted for feloniouſly ſtealing, on the 26th of September, one ſilver watch, value 30s. the property of John Morgan.

JOHN MORGAN *ſworn.*

On the 26th of September, I loſt my watch between ſeven and nine, I had been up all night, and I was rather ſleepy, it was taken from me at the Ship and Woolpack; I fell aſleep in one of the boxes in the tap-room; I was awaked about nine, or thereabouts, I did not miſs my watch directly, I was in liquor.

Are you ſure it was in your pocket when you went into the houſe ?—Yes, for I had looked at it two or three times.

MARGARET GALLISON *ſworn.*

I live in Broad St. Giles's.

Do you know the priſoner ?——Yes.

Did you ever buy anything of him ?—No.

She being an Iriſhwoman, could not be underſtood, and an interpreter,

THOMAS

THOMAS WALLIS, *was ſworn.*

Did you ever buy any watch?——No.

Do you know the priſoner, or did he leave anything with you?—He never left anything with me but this watch for twelve ſhillings, he was to releaſe it the next Saturday night following.

What day of the month did he leave it?—I do not know, it was three weeks laſt Sunday in the afternoon.

What buſineſs are you?——I keep a little lodging houſe.

What did he ſay?——He ſaid he would give me thirteen ſhillings on Saturday night, when he would come to releaſe it, and deſired I would keep it till then.

How long have you made a practice of lending money this way?—I never did before, and would not that time, only I was perſuaded by the publican.

What publican?——One Mr. Gray.

Did you know the priſoner before?—I never ſaw him before, only one day in the publick houſe.

Court to Morgan. Was the watch found in this woman's houſe?——I do not know.

Who found the watch in your houſe?—Mr. M‘Daniel.

MARY DALY *ſworn.*

I live at the Ship and Woolpack in Petticoat-lane.

Do you remember John Morgan coming to your houſe one morning in liquor?——Yes, Sir, it was three weeks ago laſt Sunday, I was in bed when he came in, I came down about a quarter before ſeven, they had ſome beef-ſteaks and onions, and one of the gentlemen went out and came in, then they eat the beef-ſteaks and onions together, then they were drinking, I came into the tap-room to poke the fire up, and Mr. Morgan was aſleep, and I ſaw the other man's hand in Mr. Morgan's breeches pocket, taking his watch out; I did not ſee the man take his watch, I ſaw his hand in his pocket; he ſaw me look very hard at him, and he ſaid he had ſome money and a watch in his pocket, and he was going to take it out for fear he ſhould be robbed; I ſaw the man after pull the watch out of his pocket, for our dial did not go, he ſaid my watch goes right, and pulled out the watch and looked at it, he went out, and was out a good bit; my maſter was going to church, Mr. Morgan was aſleep, and the other man went out and left him aſleep.

Priſoner. Did not you ſee me take out the watch and lay it upon the table?—No, you was ſtanding up, and you took the watch up, and held it ſo, ſays you, it is ſo much o'clock by my watch.

Jury. Was Morgan aſleep at the time he took the watch?—Yes, laying his head on the tap-room table.

DENNIS M‘DONALD *ſworn.*

I took the priſoner on the 27th of September, on a Monday, on the information of that woman, he ſtruck us ſeveral times, he told the Juſtice he bought the watch at Chatham; ſhe brought me the watch, I have had it ever ſince.

Court to Galliſon and the Interpreter. Was the watch you gave to M‘Donald the ſame you had of the priſoner?—Yes.

JOHN SEARE *ſworn.*

I went with M‘Donald to the Hammer and Trowel, in Church-lane, St. Giles's, the priſoner ſtood at the door, I laid hold of him, he aſked what we wanted with him, I told him on ſuſpicion of ſtealing a watch, he immediately ſtruck me, and with a great deal of trouble we got him to the office, then he told me it was his watch, and he bought it at Chatham.

(*The watch depoſed to.*)

Proſecutor. I know it by both the caſes.

Court. Hand the watch up to me. Now tell me what you know it by?——I would pick it out from all the watches in London; I believe the maker's name is Kenyon, likewiſe there is a paper in it at the bottom, Joſeph Newman, Ayliff ſtreet, Goodman's-fields; likewiſe his name is upon the main ſpring.

Did you know theſe marks before you loſt the watch, or have you obſerved them ſince it was found?—No, I obſerved them before, becauſe I paid for it, the watchmaker told me his name is upon the mainſpring, not to ſay that I have examined it.

That can be no rule for you to know it by, if you never ſaw it?——He told me he always put his name and the date of the year on every ſpring he made.

But that you never ſaw?—No.

Did you know the maker's name was Kenyon before or ſince it was found?——I have never had it in my hands.

Did you tell the Juſtice about the paper in it?—I told him every thing he aſked me.

Did you tell him that?——I told him all he aſked me.

Upon your oath, did you know that that paper was there till you looked at it now?——I know it was there when I loſt it; I do not know whether it is there now.

Do you know the priſoner?—I have no acquaintance with him, I happened to come in company with ſome Iriſhmen on the 26th of laſt month, he had been out with me that night, we went to this publick houſe, and my company all left me behind with him; I am very clear that is my watch.

PRISONER's DEFENCE.

Laſt Saturday night was three weeks, near to ſeven I came into the Thatched-houſe, and called for a pint of beer, and ſeveral people made me ſit down and drink, there we ſtaid till between twelve and one, they were quarrelling, and I made peace as well as I could, ſome would come into town and have a girl of the town apiece; at laſt it was agreed all to come into town and have a girl apiece, I told them I had no money, I had pawned my waiſtcoat in London for eighteen-pence, this man and his comrades made anſwer, never mind that my lad, you ſhall have money enough, we will have our frolick out in London; we were all in liquor, I believe I was the ſobereſt; well Sir, we came a little further and we found a public houſe, and we had four or five pots of beer, we went into another public houſe, he ſaid his ſhoes hurt him, ſo he wanted to ſhift his ſhoes, we had five or ſix pots of beer and ſome gin; we left his ſhoes at the bar in the care of this publican, at the Yorkſhire-grey, Mile-end; we dropped one of our companions, and the other came to town with us, and we loſt him; ſays he, I am going where we will have a girl in comfort, we went into Pettycoat-lane, we had ſome ſteaks, we eat till we were pretty well ſtalled, then after breakfaſt we had ſome beer and gin again, I ſaid I have only ſeven-pence left, ſays he I believe I have eighteenpence, ſays I that will not pay what we have had here, ſays he I have my watch, ſays I this is Sunday, and no pawn-broker will take it, we called for another pot of beer, the people left it, and I thought nobody was taking notice of us; he goes to ſleep, I raiſed him up again, ſays he let me have a nap, and you get ſomething on the watch, we muſt have our ſcene out; he puts the watch in his pocket again, he had it in his hand and put it in his pocket; he took it out again, he ſaid it was between eight and nine; I raiſed him up again, he hauls out one ſhilling, a ſix-pence, and ſome coppers, ſo I put my hand in my pocket and hauls out my ſeven-pence, ſays he take my watch and get a dozen ſhillings upon it; he fell to ſleep again, I could not wake him, and I took the watch out of his pocket, and I went to a pawn-broker's, the pawn-broker would not take it, I went to ſeveral, then I goes up to St. Giles's, and goes to this public-houſe, where I knew the publican and he knew me, I aſked him to advance me a dozen ſhillings, there were ſeveral ſailors there offered me thirty ſhillings for it, I ſaid I only wanted to pawn it for a few days; the publican ſaid he had no money; who ſhould come in but this good woman, and ſhe lent me a dozen ſhillings upon it; this I ſuppoſe was about two when I got there, I was very much in liquor; if I was to be hung for it this moment, I could not find out the houſe; I came back and ſlept at St. Giles's that night, and on Monday morning I went to a young fellow and told him the caſe, and he went with me to releaſe it. I have been in the land and ſea ſervice many years, I have nobody here, but ſeveral gentlemen know me, I belonged to Captain Inglefield's ſhip, I belonged to the Scipio, and came home in the London.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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955. WILLIAM ELLARD was indicted for feloniouſly ſtealing on the 18th of October, fifty-ſix pounds weight of pork, value 20s. the property of William Rapier.

WILLIAM RAPIER *ſworn.*

On Monday morning I bought ſome pork of Mr. King, ſaleſman in Newgate-market, and my boy came afterwards with a cart to carry it home; I brought three ſides of large pork, and he brought a little pig and put it into the cart, I told him to go back with me and fetch another, I do not know how much I brought the ſecond time, and afterwards I left the cart with the pork in it, and when I returned I miſſed one of the ſides I brought the firſt time, I was told the man was in Stationers-court, I went down by Black-frier's-bridge, came up Thames-ſtreet to Newgate-market again, and told the ſaleſman, and he ſaid, if he was in my place, he would go to Black-friers Toll-gate; I went up the Old-change, and down Lambeth-hill, into Thames-ſtreet, I was juſt going to turn to Black-friar's-bridge and I was informed a man was reſting near London-bridge; I run on, and overtook the priſoner with a baſket on his head with a ſide of pork in it, and a cloth upon it; I aſked him to let me look at that ſide of pork, he ſet down the baſket upon a poſt, I ſaw it was mine, and I told him ſo; he ſaid it was not, for he bought it of Sam Beſt, in Newgate-market, he ſaid he would go, and he came very willingly into Newgate-market, and juſt oppoſite the ſtall where I bought the pork he ſtopped, I called out mother King! he ſlipped away, I cryed ſtop thief! and he was taken to the Compter: I know the pork, I matched it with the other ſide, it was a very remarkable pig, the ribs were crooked, it was the moſt remarkable ſide you can ſee.

ROBERT JONES *ſworn.*

On Monday morning laſt the proſecutor bought two pigs of my maſter Mr. King, I weighed them, I am ſcaleſman, they weighed twenty-nine ſtone four pounds, when he came for the ſecond load, he ſaid he had loſt a ſide, he run after the priſoner and brought him back, they took him to the Compter; as to the ſide of pork I will ſwear to the fellow of it, I took particular marks of every bone throughout the chine and the ribs.

PRISONER's DEFENCE.

I bought the ſide of pork the ſide of the Fleet-market, I knew the man, but I dont know where to find him.

The priſoner called two witneſſes to his character, who ſaid he was a butcher by trade.

Jury to Priſoner. Is it cuſtomary for you to buy goods in the ſtreet?

Priſoner. I have bought many a piece of an old man with a great head, but I ſhall take care for the time to come.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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956. THOMAS ARCHER was indicted for ſtealing, on the 16th of October, two quartern loaves, value 15d. the property of Andrew Marr.

ANDREW MARR *ſworn.*

I am a journeyman-baker, I ſerve Mr. Forbes in Shoe-lane.

You are employed by him to carry out bread?——Yes, I am anſwerable for what quantity of bread I carry out.

So that when you carry out a certain quantity, you are obliged to return that or the money?—Yes, or give a proper account of it: laſt Saturday morning I pitched my baſket at the top of Black-horſe-alley, I went to Bride-lane, and delivered four loaves, as I came out of the door, I ſaw the priſoner take two loaves out of my baſket; I immediately run acroſs the ſtreet and caught him, I brought him back, he dropped the bread, and ſome ſtranger took up the bread, and put it in my baſket; I took him into cuſtody, the bread was mine; he was never out of my ſight.

PRISONER's DEFENCE.

I have a wife and three children, and I could get no work, I was drove to great diſtreſs, I had no bread for three or four days; I come from Norfolk to ſeek for work; I am a baker by trade, I have applied at a number of places, but none of them wanted a journeyman.

GUILTY.

To be publickly whipped, and paſſed to his pariſh.

Tried by the London Jury before Mr. RECORDER.

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957. ELIZABETH KELLY was indicted for ſtealing, on the 18th of October, one ſilk handkerchief, value 2s. the property of Michael Gill.

MICHAEL GILL *ſworn.*

I was going home at night, and there were three women in Long-lane, and my handkerchief was tied looſe round my neck, the priſoner laid her hand on my ſhoulders, ſhe wanted me to go with her, I told her I did not want anything to do with her, I was a poor man and had a wife at home; ſhe took my handkerchief, three women and a man came up to me, and ſhe conveyed the handkerchief to another woman, I never got it again; I held the priſoner faſt with both my hands, I never loſt her, and a man came up and ſaid he would knock me down, another man came up and called a watchman; the man and the woman ran off, I held the priſoner, and ſhe was taken to the watch-houſe.

STEPHEN LARD *ſworn.*

I heard a noiſe in the ſtreet, the man was going to ill uſe the proſecutor; I ſaid you are one of the bullies; while the watchman came up they made off, the watchman ſaid he had nothing to do with it, it was oppoſite Red-lion-yard, oppoſite Long-lane, he ſaid it was out of his liberty.

Can you fix exactly his ſtand?—No.

Court. It is very proper the Alderman of the ward ſhould know of that.

PRISONER's DEFENCE.

I met the proſecutor in Long-lane, he wanted me to go with him, and becauſe I would not, he charged the watch with me; he examined me, I had no handkerchief.

GUILTY.

To be privately whipped, and impriſoned ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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958. ANN BURTON was indicted for feloniouſly ſtealing on the 26th of September laſt, one ſilk gown, value 3l. one Marſeilles petticoat, value 15s. two linen gowns, value 15s. one black bombazeen petticoat, value 5s. two linen ſhifts, value 8s. a cloak, value 5s. three aprons, value 6s. four half handkerchiefs, value 4s. four pair of muſlin robins, value 2s. one ſilk handkerchief, value 2s. two caps, value 2s. two linen handkerchiefs, value 2s. the property of Elizabeth Parry.

ELIZABETH

ELIZABETH PARRY *ſworn.*

I was robbed of my wearing apparel, my door was broke open on Sunday was three weeks, I lodge in New Round-court, in the Strand, I locked my room door when I went out, and when I returned, I found my door open, the bolt was bent; I miſſed the things mentioned in the indictment; I found one of my gowns on the priſoner, I did not know her before, I followed her in the Strand, as I was walking along on the Tueſday, about ten days after, and I knew my gown directly, I had the cuffs for ſhe left them; I took hold of her, and aſked her where ſhe bought that gown, ſhe ſaid in Monmouth-ſtreet; I aſked her to go home to my houſe, I told her it was mine, and I had the cuffs, it was without cuffs when ſhe had it on: ſhe went home with me readily, I told her if ſhe did not I would call for aſſiſtance; I got a conſtable and left her at my lodgings, I called a perſon down to ſtay with her; I took her before the Juſtice, and ſhe told the ſame ſtory; the next day we went to Monmouth-ſtreet, and ſhe could not find out the place, ſhe was then committed.

Did ſhe ever acknowledge anything about it?——Never, ſhe always perſiſted in the ſame ſtory, I never found any of the things, I never ſaw the priſoner before.

PRISONER's DEFENCE.

When ſhe ſaw me I was coming paſt the door; I gave half a guinea for the gown, I took the conſtable to the ſhop where I bought it, and he did not chooſe to take the woman up, and ſhe denied ſelling the gown, becauſe they had been there before, and told her it was a ſtolen gown.

Court. Who made the gown?

Proſecutrix. The gown was made in the country many years ago, I have had it fifteen years, I am ſure it was mine.

Court to Priſoner. How came you to buy a gown without cuffs?——There were no cuffs.

Court to Proſecutor. Did ſhe take the conſtable to the houſe in Monmouth-ſtreet?——I did not go with them, the conſtable ſaid ſhe could not find the place; I do not know the conſtable's name.

Priſoner. My witneſſes were here to day.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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959. WILLIAM ELLIOTT was indicted for feloniouſly ſtealing, on the 27th day of September, two cloth coats, value 40s. one ſilk waiſtcoat, value 10s. three cotton waiſtcoats, value 12s. two pair of ſatin breeches, value 10s. ten pair of cotton ſtockings, value 10s. one pair of ſilk ſtockings, value 10s. three pair of ſhoes, value 5s. one pair of boots, value 12s. a glaſs in a mahogany frame, value 10s. one hair trunk, value 5s. the property of William Nairn.

JOHN ROBINSON *ſworn.*

The proſecutor is a particular friend of mine, he frequently ſlept at my houſe after he was diſcharged from his ſhip, he lodged at the other end of the town then, he went to ſee his friends, I procured a paſſage for him, the trunks were ſent to me on the 15th; and on the 17th, according to his directions, I gave the priſoner the trunk to ſhip; I did not know at the time I gave him the trunk what it contained, I only know now that I have received letters from Mr. Nairn about the account of the things, here is the officer that took the trunk, and the man's own confeſſion before the Juſtice, I can ſpeak to one coat.

JOSEPH BLUNT *ſworn.*

I ſailed with Mr. Nairn in the General Elliott, I am familiar with all his clothes during the voyage, and what he had made after he came home; there are a great many things in the trunk I have ſeen him wear; I went down at the time the man was taken to the Rotation-office in Whitechapel, I ſaw Mr. Nairn's coat,

coat, it was on his back; the priſoner acknowledged the coat he had on was Mr. Nairn's, and that he took it out of the trunk; no promiſes were made that I heard of; he confeſſed that he ſold the clothes to a woman, one Mrs. Cook, in Wingfield-ſtreet, I got a warrant and went to the houſe, we ſearched, and nothing was found, a part of the clothes are now in the trunk.

WILLIAM PARKER *ſworn.*

I was upon duty, I was at the Angel and Crown tavern, the beadle came to me and informed me of it, and I went with the watchman to the priſoner's lodgings; when he opened the door, which he did after ſome little heſitation, there ſtood the trunk: he ſaid they were ſome ſmuggled goods, which he dealt in; we took him to the watch-houſe, and found a great many more things in the trunk; this coat was taken off the priſoner's back.

(That and ſome other things depoſed to.)

Priſoner. I leave it to yourſelves, I always was an honeſt lad before; Mr. Robinſon knows it.

GUILTY.

To be publickly whipped, and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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960. JOHN SMITH was indicted for feloniouſly ſtealing, on the 22d day of September laſt, two linen ſhirts, value 8s. one dimity waiſtcoat, value 4s. one woollen waiſtcoat, value 1s. two handkerchiefs, value 9d. one pair of cotton ſtockings, value 3s. one apron, value 9d. the property of John Maſon; one linen ſhirt, value 3s. one pair of cotton ſtockings, value 3s. a handkerchief, value 1s. the property of Allen James; one linen ſhirt, value 2s. one linen waiſtcoat, value 2s. the property of James Davis.

ESTHER MASON *ſworn.*

About half after two I was waſhing, and I was informed a lad had taken a bundle of linen up Harris's-lane; I ran after him and he was brought back; I ſaw nothing upon him, he told me to look over the hedge, and the things were found there; the priſoner ſaid, there were more people about, cannot you look over the hedge: he did not acknowledge taking anything.

MARY RIDGLEY *ſworn.*

I was looking out of window, and I ſaw the priſoner go out of this houſe with a bundle of linen, he looked back as he went with the linen, he looked up and ſaw me at the window, and he ran; I ſaw him brought back, I am ſure he is the man.

Court to Mrs. Maſon. Had you ſeen the bundle before the conſtable gave it you?—Yes, I gave it the conſtable the day the priſoner was committed to Newgate.

(The things depoſed to.)

PRISONER's DEFENCE.

I was coming up the lane, and this gentlewoman called to me: I ſtopped directly, ſhe ſaid her houſe had been robbed, and a gardiner came up, and ſaid he ſaw a man heave a bundle over.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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961. JOHN HAND was indicted for feloniouſly ſtealing, on the 6th day of October, one man's cotton waiſtcoat, value 6s. one linen ſhirt, value 2s. one ſtock, value 6d. one pair of buckles, value 1s. one baſe metal diſh croſs plated with ſilver, value 5s. one dimity petticoat, value 1s. one cotton gown, value 10s. one linen apron, value 1s. one linen handkerchief, value 6d. the property of Solomon Marriott.

SOLOMON MARRIOTT *ſworn.*

On the 6th of this month, I found the priſoner on the ſtair-caſe, about two ſtairs up, leading to my chamber, which is up one pair of ſtairs, he ſeemed to be buckling his ſhoe, I watched him; I keep the houſe, I have no lodgers; he then picked up a bundle that lay upon the ſtairs, I did not not know it was my property, I was almoſt cloſe by the bar, he paſſed the paſſage, and croſſed the yard that leads into another paſſage, to go out to the Great Armoury: when he got upon the ſteps I thought I ſaw my wife's petticoat; I ran after him, a ſoldier that was quartered with me was there, he had the bundle, we brought him back, he ſaid, blaſt your eyes, or ſomething to that purpoſe; I ſent for a conſtable, and he was ſent to Bridewell.

JOHN MIDDLETON *ſworn.*

I ſaw the priſoner taken with the bundle upon him, which was given to the conſtable.

William Carter produced the things, which were depoſed to.

PRISONER's DEFENCE.

I went into this houſe, and they made me almoſt drunk, I was going backwards, and a man in a black coat ſtood on the ſtairs, and aſked me to carry this bundle over the way, he ſaid he lodged there; this man came and took me, I told the proſecutor where I was going.

GUITTY.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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962. ANN MITCHELL was indicted for feloniouſly ſtealing, on the 11th of October, one ſilver table ſpoon, value 7s. the property of Mary Seale.

MARY SEALE *ſworn.*

The priſoner came into my place to tie her apron, and I loſt my ſpoon, it was found at a ſilverſmith's ſhop the next day, at Mr. Smith's, in Biſhopſgate-ſtreet; I live in Shoreditch: I took the priſoner up, and heard her ſay ſhe picked it up in Moorfields.

WALTER ROBERTS *ſworn.*

I am ſhopman to Mr. Smith, the table ſpoon I bought of the priſoner about three o'clock on the 11th of this month, ſhe was wiping the dirt off it; ſays ſhe I found it in Moorfields, it made me tremble when I found it; ſays I, are you ſure it is your own property, I am ſure of it, ſays ſhe; I weighed it, it weighed one ounce ſixteen penny weights, and I gave her nine ſhillings for it, at the rate of five ſhillings per ounce.

Was Mr. Smith at home?——No, Sir, he is at Bath; he has had a paralitic ſtroke; I manage the buſineſs in his abſence.

Court. You ſhould be more cautious in future in buying things of ſtrangers.

(The ſpoon depoſed to.)

Proſecutor. I have had the ſpoon one and twenty years.

Priſoner. I found the ſpoon.

Court to Proſecutor. You ſaw the ſpoon that day?——Yes.

GUILTY.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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963. MOSES PRICE was indicted for feloniouſly ſtealing, on the 5th day of October, four woollen horſe cloths, value 5s. four leather check braces, value 4s. ſix braſs turrets, value 2s. two leather hand reins, value 2s. the property of Chriſtopher Ibbetſon;

ſon; one pair of ſpatterdaſhes, value 1s. 6d. the property of John Harris.

CHRISTOPHER IBBETSON *ſworn.*

I keep the George and Blue Boar inn, in Holborn; the priſoner was taken in my yard.

JOHN HARRIS *ſworn.*

The ſpatterdaſhes are my property, I am coachman to Mr. Ibbetſon; I know all the things.

——— WELCH *ſworn.*

I am watchman; at four in the morning I ſaw a man running acroſs the yard, the gates were open, and the moon ſhone; I aſked him if he belonged to the yard, he ſaid he did; how long, ſays I, I turned about, he made me no anſwer, and I ſaw a bulk in his pocket, and I aſked him what it was, and he pulled out a pair of ſpatterdaſhes; and I ſaw another bulk, and out of the other pocket he pulled out ſix ſtirrups, and two check braces; I took him to the watch-houſe, he ſaid a man gave them to him under the gateway.

WILLIAM ONSWORTH *ſworn.*

I took the priſoner with the laſt witneſs; I ſaw him take out the things: he ſaid, what ſervice will it be to you to trouble me.

JOHN EVANS *ſworn.*

I found the bundle in the yard, it was my maſter's property.

(The things depoſed to.)

PRISONER's DEFENCE.

I was coming by there, the gate was wide open, and a man was ſtanding there, and he aſked me to lend him a hand, ſo I did, I thought he was a ſervant belonging to the yard, I am juſt come to London, I have not a friend in London, I have been abroad theſe ſeven years, I have three ſmall children.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

964. **JACOB DANIELS** was indicted for feloniouſly ſtealing, on the 7th of October, one woman's black ſilk cloak, value 5s. the property of Magnus Bruſh.

JUDITH HORSLEY *ſworn.*

On the 7th of this month, at eleven, I was at my two pair of ſtairs window, facing the proſecutor's, I ſaw the priſoner go into the proſecutor's hall, he was not in above a minute, and he came out with a cloak, putting it withinſide of his coat; I told Mrs. Bruſh, and ſhe ſent her ſervant with me, and we went up the Minories, and ſaw the priſoner at the public houſe door, putting the cloak in his pocket; ſeeing us he began to walk away, and then to run; he was taken, and then I ſaw him take the cloak out of his pocket, and throw it in the kennel; it was given to the watchman.

EDMUND MOY *ſworn.*

I heard the cry of ſtop thief! and I caught the priſoner, I looked in his pocket, and ſaw a bulk, I ſaw him take the cloak out of his pocket, and throw it over my head; it was picked up and given to me.

(The cloak depoſed to.)

PRISONER's DEFENCE.

I am innocent of the affair, I was coming along the Minories, I ſtopped to make water in an alley, and I picked up the cloak; I heard the cry of ſtop thief! and the woman ſaid I ſtole it.

GUILTY, 10d.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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965. **ELIZABETH PALMER** was indicted for ſtealing, on the 27th of September laſt, one pair of ſilver ſhoe buckles, value 35s. one pair of leather ſhoes, value 1s. one pair of ſilk ſtockings, value 5s. one

cloth coat, value 30s. one ſilk handkerchief, value 5s. the property of John Scott.

JOHN SCOTT *ſworn.*

About the 27th of September, between twelve and one at night, I came to my lodging in Ratcliff-highway, no perſon anſwered, and Mrs. Palmer came up to me, and aſked me to go to her houſe; I told her I would not, I went into the watchman's box, then ſhe came again, and the watchman ſaid I had better go with her than walk the ſtreets all night, ſo I went with her, and while I was undreſſing myſelf, two young fellows came and aſked me for ſome liquor, I ſaid there was no liquor to be got, and they went away, the priſoner was in the parlour then, and ſhe called the two young fellows in, there was a bed in the parlour, and I went to the kitchen door to make water, the two young men were in the parlour then, and when I came back I found nobody there, and my things were gone which I left in the care of Mrs. Palmer; I found the priſoner afterwards at my own door, and I gave the watchman charge of her, but he would not take it, the next morning I had her taken up.

Mr. Garrow, Priſoner's Council. Upon you oath, did not you go back and ſleep in this woman's room that you ſuppoſed had robbed you?——Yes.

You knew her perfectly before?—Yes, ſhe called theſe young fellows in by name.

By what names?——Tom and Jack.

You told the watchman ſhe ſhould pay for them?——I did not.

You ſlept in the parlour afterwards?—Yes, I ſlept with her in the bed.

When you returned from the kitchen, was Mrs. Palmer in the room?——She was ſtanding at the door.

You ſaid juſt now, when you returned there was nobody there?—Nobody in the parlour.

Was not ſhe looking after theſe men that had robbed the place, and calling the watchman?—No, ſhe was ſtanding at the door.

Was you drunk or ſober?—I was ſober.

HUGH READ *ſworn.*

I will tell you every word true; at half after eleven this gentleman came home, and his landlord was gone to bed, he began making a ſham cry at the door, ſays I, you fooliſh blockhead, you had better go down to the watch-houſe; then Mrs. Palmer came paſt to get her a pot of beer for her ſupper, and he ſaid he was poor and had no money; ſays ſhe, you poor rogue, I will treat you with a bed for one night, ſo he went to her houſe, and I went the hour of twelve, and the door was a jar; I did not ſee the two men in the houſe; I came to my box and ſmoked a pipe, and Mrs. Palmer came to me, and ſaid, come up to my houſe, for two men have taken the ſailor's things; when I came up at one o'clock there were a couple of *jockeys* going over the rope-field, I had no buſineſs to go after them; when I came back there was only him and her, he ſaid his clothes were taken away: he could not ſwear that Mrs. Palmer took them; ſhe lent him a pair of ſhoes and ſtockings the next morning to go home in, and lent him ſixpence, he had no money; he has lain in her houſe before, when he had a great deal of property; he was in liquor. I have been watchman two years and a half, my beat is in Ratcliff-highway, I have known the priſoner ever ſince ſhe kept the houſe, I had never any complaints againſt her for robberies.

Court. Have you learned ſo little of your duty as a watchman, to ſuffer women to come and pick up men at your watch-box?

Court to Jury. Do any of you Gentlemen live at that part of the town?——Yes.

Court. Make a memorandum of this man's name.

Priſoner. I have nothing to ſay.

Court to Jury. On the ſtory of this idle drunken fellow, you will hardly think proper to convict the woman of felony, whatever opinion you may have of her.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

966. **JOSEPH JACKSON** was indicted for feloniouſly ſtealing, on the 17th of September laſt, three braſs locks, value 5s. the property of Joſephh Bottomly.

An act of parliament having been made the Seſſion before laſt, that makes it felony to ſteal any copper, and this indictment not being under that ſtatute, the Court were of opinion the priſoner ought to be acquitted of this indictment, and detained to be indicted under that act of parliament.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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967. The ſaid **JOSEPH JACKSON** was again indicted (the next day) for feloniouſly ſtealing, on the 17th of September laſt, three braſs door locks, value 5s. the property of Joſeph Bottomly, fixed to a certain dwelling houſe, and uſed therewith and thereunto belonging, the ſaid Joſeph Jackſon having no title or claim of title to the ſame.

JOSEPH BOTTOMLY *ſworn.*

On the 17th of September, about eight at night, I was informed there was a robbery in an empty houſe of my father's, the priſoner was at the watch-houſe, three locks were miſſing from the doors of the houſe, and the next day I tried thoſe locks which I ſaw with the priſoner at the Juſtice's, they fitted the place exactly.

EDWARD BULLOCK *ſworn.*

I live at No. 9, Gravel-ſtreet, on the 17th of September, I came home between ſeven and eight, and I ſaw a ſuſpicious man walking, and I went to ſee if the door of the empty houſe was faſt, and I found it was open a little, and the priſoner ſtood in the paſſage, with theſe locks under his arm, I ſaw them tried, and they ſeemed to fit for ſize.

PRISONER's DEFENCE.

I heard the cry of ſtop thief! and I ran and was taken.

GUILTY.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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965. **EDWARD JOHNSTONE** was indicted for feloniouſly ſtealing, on the 19th of October, one leather trunk, value 23s. and one oil-ſkin trunk cover, value 8s. the property of James Seaſons.

EDWARD BLONT *ſworn.*

I ſaw the priſoner taking one trunk off of another at Mr. Seaſons's ſhop, I followed him, and he was committed.

PRISONER's DEFENCE.

About ten minutes before, I met a gentleman very well dreſſed, he ſaid what is the matter with you; ſays I, I have not had any thing to eat for two days, he ſaid to me, take me this trunk, and I will give you a breakfaſt and ſixpence, I went openly and took it, every body looked at me, I had no ſuſpicion in the world. Sir Peter Parker and Lady Winchelſea will give me a character.

Court. What are you?——I have been always a gentleman's ſervant, I lived with Mr. Dermer and Lady Winchelſea; I have been ill theſe ten months; I have no one to ſend, nor could I command a halfpenny-worth of paper to ſend by the penny poſt to anybody.

GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

969. **JOHN WALKER** was indicted for feloniouſly ſtealing, on the 9th day of October, a blue cloth coat, value 50s. a kerſymere waiſtcoat, value 20s. a pair of kerſymere breeches, value 20s. a ſilk handkerchief, value 2s. the property of John Harriſon.

THOMAS RHODES *ſworn.*

As I was going into Mr. Pope's door, in the Fleet-market, ſomebody ſnatched a bundle from me, and ran away, I ran after him, and never loſt ſight of him, he was taken: I never found the clothes; it was Saturday night, after ten o'clock, there was a great crowd when he was taken.

JOHN DEACON *ſworn.*

I ſaw the proſecutor running after the priſoner, I took him, he had no bundle upon him; he ſaid he had done no harm.

JOSEPH CLIFFORD *ſworn.*

I took the priſoner to the Compter; as we were going along, I asked him who he gave the clothes to, he ſaid he did not give them to anybody, he had thrown them away.

PRISONER's DEFENCE.

I had been to a relation's birth-day, and was making haſte home, and they took me; I know nothing of the matter.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Lord LOUGHBOROUGH.

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970. **MARY ELLIOTT** was indicted for ſtealing, on the 15th day of October, a ſtuff bedgown, value 6s. a ſilk handkerchief, value 6d. the property of Weſt Adams.

The Proſecutor ſaw the priſoner take the things, and immediately purſued the priſoner, and ſaw her drop them.

GUILTY.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the London Jury before Lord LOUGHBOROUGH.

968. **THOMAS GROVES** was charged on the Coroner's inquiſition, for that he on the 20th day of Auguſt laſt, upon one Thomas Roberts, in the peace of God and our Lord the King then being, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault, and a certain piſtol charged with gunpowder and two leaden bullets, which he in his right hand then and there had and held, to, at and againſt the ſaid Thomas Roberts, did ſhoot off and diſcharge, and did then and there, feloniouſly, wilfully, and of his malice aforethought, ſtrike, penetrate, and wound the ſaid Thomas Roberts, and give him two mortal wounds, in and through the left ſide of the lower part of the body of the ſaid Thomas Roberts, of which ſaid wounds, from the ſaid 20th of Auguſt, to the 21ſt he did languiſh, and languiſhing did live, and on which 21ſt day of Auguſt, the ſaid Thomas Roberts did die; and ſo the Jurors ſay, that he the ſaid Thomas Groves, him the ſaid Thomas Roberts, feloniouſly, willfully, and of his malice aforethought, did kill and murder.

MARY SMITH *ſworn.*

I live next door to the deceaſed's mother; the young fellow Roberts that is the deceaſed, came into the room for a ſpoon, and there was a ſpelling book lay on the table, and he took it up to read in it; and the priſoner came in and ſaid, come are you coming, and he ſaid in a few minutes; and the deceaſed ſaid there was ſome pretty reading in that ſpelling book, there was ſome particular reading in it; my brother is guard to two waggons, and there were piſtols laying in my room, I got his ſupper ready for him, and he laid down one piſtol and a blunderbuſs, he told me to put it away, but I did not do it juſt then, or elſe in general they are taken away; the priſoner at the bar took up the piſtol and was looking at the wood work, and he ſaid, if your brother does not get this piſtol mended [illegible] will ſoon have his hand ſhot off with it, and by ſome accident the piſtol went off, in about two minutes after the priſoner had been looking at the wood work; I was going

ing out of the room, and the young fellow that is dead, called to the priſoner to lay hold of his hands; Roberts the deceaſed was againſt the wainſcot, he did not fall for a little time, I ſaw he was wounded.

What did he ſay to Groves?—He ſaid lay hold of my hands, and young Groves ſaid, O dear! O dear! how came this here, and he ſaid, I am a dying; and young Groves went and fetched Mr. Yates's man, he would have been here, but he is ill, I do not know how the piſtol went off, no further than when my head was turned, I ſaw him moving the wood work; two ſurgeons were ſent for, and Roberts was carried to the hoſpital.

Did you ſee him in the hoſpital?—Somebody gave orders that I ſhould not ſee him, I went five times in one day, ſome people were let in, I was not let in.

Did you ſay any thing to the priſoner when he had the piſtol in his hand?——I deſired him to lay it down, I told him it was loaded, but I am ſure he did not intend to do what he did.

Priſoner. Was there any priming in it?——I believe there was not, it was blown out in the afternoon.

JANE POUTER *ſworn.*

I was in my own room, I heard Mary Smith ſay, Tom lay it down you know it is loaded, and ſoon after it went off; I do not know any thing more, I did not ſee the deceaſed in the hoſpital.

HANCE PELHAM *ſworn.*

The deceaſed was my journeyman, I ſaw him after he received this wound, I aſked him how the affair firſt began, he told me he called in at Mrs. Groves's, they aſked him to eat ſome ſoup, he refuſed at firſt, they aſked him again and perſuaded him, they ſent him for a ſpoon to this Mrs. Smith's, he ſtaid there ſome time, the priſoner came after him, and ſaid to him, damn you Tom, what are you ſtaying here all this while for, with that he laid hold of a piſtol that lay on the table, and ſaid, damn me I will ſhoot one of you, the woman ſaid, lay it down, it is charged, he ſaid no, it is not charged, there is no priming in it, and ſays he, damn me I will have a ſmack at ſome of you; the perſon that is the deceaſed ſaid, he forgave him, and he hoped God Almighty would; I was going to aſk ſome more queſtions, but the ſurgeons came in.

Priſoner. Pleaſe to aſk him why the witneſs gave orders that nobody ſhould ſee the deceaſed but himſelf?—I gave no ſuch orders, the ſurgeons gave ſuch orders, and the ſiſter told me, that nobody was allowed to ſee him, but me and my man.

Did the deceaſed at the time you ſaw him, think himſelf a dying man?——The firſt time I ſaw him, he ſaid, O my dear maſter!——I am dying.

——— WOOD *ſworn.*

I was fellow ſervant with the deceaſed, I ſaw him at the hoſpital, he was ſtript, he was ſitting upright in his bed, the moment he ſaw me, he cried out O Wood! Wood! I am a dying man, I aſked him how it came, and the ſurgeons would not let me ſtay, I went again, and the ſurgeons interrupted me, and about twenty minutes before he died, I aſked him how he was, he ſaid, he was juſt a dying, I aſked him whether the priſoner at the bar did it wilfully or no, he ſaid, he did not think he did, he forgave him, and hoped God would; he could utter no more, and I took my farewell of him, and he was dead in a minute.

Court to Jury. I need not call the ſurgeon, Gentlemen, it is a very unfortunate accident.

NOT GUILTY.

Tried by the London Jury before
Lord LOUGHBOROUGH.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery, for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 20th of OCTOBER, 1784, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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MDCCLXXXIV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON, &c.

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571. WILLIAM MORRON otherwiſe MURRAY was indicted for feloniouſly ſtealing on the 3d day of April laſt, one canvas bag, value 2d. and nine hundred and fifty-two guineas, value 999l. 12s. and eight ſhillings in monies numbered, the property of Robert Drummond, Eſq; Henry Drummond, Eſq; George Drummond, Eſq; and Andrew Barclay, Eſq; in their dwelling houſe.

A Second Count for ſtealing the ſame, in the dwelling houſe of the ſaid George Drummond.

The indictment was opened by Mr. Silveſter, and Mr. Pigott alſo of Council for the proſecution, opened the caſe as follows:

May it pleaſe your Lordſhip, and you, Gentlemen of the Jury: It falls to my ſhare, in the courſe of a profeſſion, which has ſome duties attached to it, that though highly neceſſary, are certainly painful in their nature, to ſtate to you the circumſtances and hiſtory of the caſe of the unhappy young man, now at the bar; and Gentlemen, whatever view you may have of that caſe, I am perſuaded you will agree with me in thinking, that if ever a caſe did call in a commercial city, ſuch as this is, for the careful and attentive conſideration of a Jury, for the fulleſt expoſition, and for the moſt ſolemn, and intereſting inveſtigation, it is this which you are now about to hear. Gentlemen, you will eaſily believe, if you have ever heard of the names of the proſecutors, Meſſrs. Drummonds, in this tranſaction, that they are as free as their repreſentative in this place muſt be, from any thing like zeal in a buſineſs which involves the life of a fellow creature; I ſhall think my duty thereſore fully diſcharged in ſtating to you the hiſtory and circumſtances of this caſe, and the ſteps which lead to it, and in laying before you all the evidence that I have to produce againſt the priſoner, leaving him and his fate to the laws of his country: but, Gentlemen, I am not without my anxieties on the ſubject, though they are of another kind; I wiſh, I confeſs, that the motives of this proſecution may be felt and underſtood, that the abſolute neceſſity, the indiſpenſible obligation, which ſubſiſts upon thoſe who are the proſecutors, not to ſmother or ſuppreſs a tranſaction of this nature, happening ſo near the place in which we are now aſſembled; I wiſh, I ſay, that in this town the neceſſity for this inveſtigation may be fully known: I am not without ſome reaſon to believe, that in this city there prevails a popular, but a very erroneous miſtake, concerning the ſtate of the law, as it relates to perſons in the ſituation

tion in which the priſoner at the bar lately was; a miſtake, which perhaps has heretofore been fatal to others, as it may to him: it is believed, that a clerk or ſervant to a banker or merchant, who imbezzles his maſter's property, is guilty of no criminal offence, that all that he commits is a breach of truſt againſt the maſter who employs him; but that in a criminal view the opportunity which acceſs to his maſter's property gives him, and which therefore, in all ſenſe and reaſon, is an aggravation of his offence, ſo far from having that operation, changes his offence, and makes it breach of truſt; and this opinion I am affraid has obtained, without any regard to the ſituation of that clerk or ſervant, and without any regard to the nature of the truſt that has been placed in him; it has been believed to be general, and to extend to every ſort of relation between a maſter and that ſort of ſervant that I am mentioning: this is a fatal opinion, and of moſt miſchievous tendency in the place where we now are; and it is for the purpoſe of having the law in this matter ſettled, if there be perſons that think it unſettled, for the purpoſe of having the law in this caſe fully underſtood, that this proſecution was brought before you; this motive however, though a powerful one, is not the only one: after it had been noiſed abroad, and the ſubject of public converſation, and of paragraphs in the newſpapers, that a theft had been committed in the ſhop of a banker, do but conſider for a moment the ſituation, in which all thoſe perſons who are employed in that banker's ſhop muſt be, but for this inveſtigation, which if it does not tend to the conviction of the priſoner, tends at leaſt to remove ſuch a degree of ſuſpicion as to clear all his fellow ſervants: Gentlemen, to thoſe perſons you will recollect, that, character is not to them, as it is to other perſons, that which ſweetens all the enjoyments, and all the ſatisfaction of life, it is to them exiſtence; they can have no exiſtence without the poſſeſſion of a character perfectly irreproachable; and if a robbery has been committed in a banker's ſhop, in which a great number of theſe young perſons are employed, many of whom are of reſpectable families and connections; and a general ſuſpicion is ſuffered to becloud that ſhop, and the particulars are ſmothered and ſuppreſſed, only conſider the dreadful conſequences; the conſequence to the public you will readily perceive, Gentlemen, is greater ſtill; a banker is a perſon in whom the moſt extenſive and unlimited confidence is placed, and they would have but little pretenſions to the future confidence of their employers, if they ſuffered ſuch a tranſaction as this to ſleep in obſcurity: Gentlemen, thoſe who know the Meſſrs. Drummonds, the proſecutors, will readily believe, that if there ſhould in the courſe of the inveſtigation of this buſineſs, appear any circumſtances which ought to have weight in another place, ſo far as they can, with propriety and conſiſtency, give that weight their aid, they will do it; but the occaſion, the time, and the place, are not yet arrived; the priſoner muſt firſt take his trial, and all the effect which belongs to the evidence, that evidence muſt receive from this Court, and from a Jury of his country, before they think themſelves at liberty to lend an ear to any conſiderations whatever, with which mercy to the priſoner may be mixed. A banker is bound in my opinion, and I have had no ſcruple to expreſs it, to conduct himſelf in a caſe like this, preciſely like the Bank or any other monied corporation; to ſuffer the law to take its courſe, and not to intercept the law in any ſhape in its progreſs. Gentlemen, Meſſrs. Drummonds are bankers, I believe I need not ſay to you, as conſiderable as any in either of theſe two united cities of London and Weſtminſter; they employ a great number of perſons, and, amongſt others, they had in their employment the priſoner, he has been in that employment for eight years; during the two laſt years, and ſince 1782, he has received the ſalary of eighty pounds a year; but by all the emoluments, all the little advantages which aroſe from his ſituation added to that eighty pounds, he has not been in the laſt two years, in the re-

[illegible] of about one hundred a year; but [illegible] originally you may eaſily believe, a much leſs ſum; it will be neceſſary for you to attend to his particular ſituation and employment in that houſe; for the laſt eighteen months, it has been his employment and buſineſs to keep the caſh-book; he was not employed in the receipt of payments of money, ſtill leſs has he been employed in having committed to him the poſſeſſion of all the money in that houſe; he has not even had the charge, the care, and over-ſight of that money, but it has been his buſineſs to keep the caſh-book; and that for about eighteen months paſt; it is poſſible that it might in the courſe of that time, have occurred to him, to have been ſent down to the places in which the money of this ſhop, except that which is kept in the drawers, by perſons who pay bills in the ſhop; it may be his fate, I ſay, to have been ſent down to this place, perhaps once or twice at the moſt, with plate or a box of writings, depoſited in the ſhop by ſome cuſtomer; further than that he has not had acceſs either to this room or this ſhop; if I am miſtaken in this, and he ſhould by accident, when a bag of money has been wanted, if he ſhould have been ſent with the key to bring that bag of money, I hazard nothing, I am ſure when I tell you, that it will not change his ſituation in making him guilty of felony, if he had imbezzled that money; I preſume to ſtate to you, without fear of contradiction, that he is as clearly guilty of felony, as if he had never ſeen that ſtrong room in his life. It is the practice of this banking houſe, every Saturday night, to take an account of the quantity of money in this ſtrong room; a perſon whoſe buſineſs it was to take an account of that money, took that account on Saturday the 3d of April, and having taken the account, he brings the account of the quantity of money he has taken to another clerk, who is a check clerk, and who knows conſequently what money ought to be in the ſhop, that clerk compares his account of the caſh taken, with the other clerk, who is the check clerk, and conſequently they are enabled to ſee, whether all the money that ought to be in the ſhop is there; on the 3d of April, the Gentleman who took this account, in comparing the account, found there was a deficiency of one thouſand pounds; you will underſtand Gentlemen, that in theſe cheſts the money is kept, in bags of one thouſand pounds; however, in a place in which ſuch a defalcation as this never happened before, where nobody looked for or expected any ſuch thing, where all the figures anſwered but one, the firſt thing that would occur to theſe perſons, would be, that they had made ſome miſtake; a re-examination was had, with all the care which it became them to uſe, to ſee if they had committed any miſtake; no miſtake was committed, and the deficiency of one thouſand pounds was found to be actual: you will readily believe this occaſioned a great deal of enquiry amongſt the clerks in all the houſe, and excited a great deal of alarm and uneaſineſs; no perſon confeſſed the offence, no means were diſcovered to fix it on one clerk more than another, and with ſuch unpleaſant circumſtances, did this tranſaction reſt, from the 3d of April to the 24th of September following, upwards I believe of ſix months; upon that day it was found that the book called an entry book was miſſing, and three days afterwards, on the 27th of September, it was found that ſome leaves had been torn out of a balance book; the alarm and the uneaſineſs were not likely to be the leſs for this; it was the ſubject of a great deal of curioſity, impatient and painful curioſity, to almoſt all the perſons in the houſe, and a Gentleman who is very much in the confidence of the Meſſrs. Drummonds, and who from long and faithful ſervice deſerves to be ſo, from great ſagacity of obſervation, diſcovered that the priſoner ſeemed to be leſs curious and anxious than the reſt of the clerks were, about one book being miſſing, and leaves being torn out of another; that Gentleman's name is Wheatley, this firſt drew his attention to the priſoner, and application, private as it muſt be in its nature, was made to the perſon with whom the priſoner lodged, to know of him, whether he had obſerved in the priſoner's conduct, manners or mode of life, any thing that could lead to further ſuſpicion; that perſon anſwered, that his expences were certainly beyond the natural expence of a perſon in his ſituation, he anſwered ſo without heſitation, he had been told that he had money in the Bank; enquiry was accordingly made at the Bank, and this further clew being obtained, in ſearching the books of the Bank it was diſcovered, that there was there four hundred and twenty pounds in the three per cent. annuities, in the name of the priſoner at the bar: Meſſrs. Drummonds did not want to be told that he had no fortune, and it was not very likely that he ſhould have acquired that ſum of money; beſides upon looking into the dates, it was diſcovered that this four hundred and twenty pounds, together with a ſum of three hundred and twenty pounds, and all but one hundred pounds, had been purchaſed ſubſequent to the loſs of this bag of money: as no man is at any loſs to account for money that he comes honeſtly by, you will eaſily believe, it was natural to expect he ſhould account for this money: it occurred to the Meſſrs. Drummonds, upon underſtanding that he was intimate, and had much intercourſe with a perſon, who I believe is a relation of his, that is named Wright, it was ſuſpected that he might have money in the Bank in his name or ſome other perſon; application was made to him, and he, on the inſtant he was applied to, confeſſed that the priſoner at the bar had given him money, to purchaſe in the name of him Mr. Wright, but for the uſe of the priſoner, in which he had purchaſed four ſums of money, amounting in the whole to the ſum of one thouſand and fifty pounds in the four per cent. annuities: when this further diſcovery was made, very little doubt remained in the minds of the Meſſrs. Drummonds, who was the perſon that had been guilty of this depredation in their houſe, and of courſe they thought this a ſufficient foundation to apply for a warrant to apprehend the priſoner; when the priſoner applied to this Mr. Wright to lay out the money for him, he felt the neceſſity of accounting to him in ſome meaſure for it, and accordingly he ſaid, a friend of his, a Mr. Stanton in the country, had two hundred pounds of the money, and two hundred pounds belonged to him, and had been ſent to him for the purpoſe of laying out; and as to the reſt, it was made up of the three per cents. which he ſaid, he had ſold out, and of the ſavings of his ſituation: when he was taken up two of the partners of this houſe attended Mr. Juſtice Addington's, and whilſt he was there, and when very little or no examination had taken place, Mr. Adington having accidentally left the room, and one of the Mr. Drummonds and Mr. Wheatly having gone out for the purpoſe of conferring on what was neceſſary, one of the partners, Mr. George Drummond being left, the priſoner deſired to ſpeak to him; Mr. Drummond had ſome little reluctance at going on one ſide with him, becauſe the priſoner had ſaid that if he was accuſed by thoſe gentlemen he ſhould certainly put them to death, he ſhould piſtol them; and he having made ſome ſuch declaration, Mr. Drummond, who knew that when he was taken into cuſtody there were found upon him a pair of piſtols charged, and a bottle of laudanum, had therefore ſome little reluctance in truſting himſelf alone with this man, not knowing what an unhappy and deſperate man might do; however the priſoner having declared he meant him no harm, Mr. Drummond was prevailed upon to walk on one ſide with him; he immediately told him, without promiſe, or application, or any thing of the kind, the priſoner told Mr. George Drummond that he had taken the bag of money, that he had taken the thouſand pounds. Gentlemen, this was ſuppoſed to end the buſineſs, all that then remained to be done, at leaſt, as he underwent little examination, I believe at that time, Mr.

Addington, the Juſtice, thought it was neceſſary he ſhould undergo ſome formal examination, the next morning he was brought up: nothing having paſſed from Mr. Drummond, no application from him, no queſtion, I believe, even put to him whether he was the guilty man or not, but from himſelf ſpontaneouſly he deſired Mr. Drummond to walk on one ſide, and he then made a full, plain, and unequivocal confeſſion of his guilt to Mr. Drummond; he was remanded by Mr. Addington for the purpoſe of being brought up the next morning, and I believe, in the evening of that day, while he was in that ſituation, one of the clerks of Meſſrs. Drummond, without the privity and knowledge of any perſon in the houſe made him a viſit in priſon, feeling a great anxiety about the other clerks in the houſe, not doubting but the candour of the world would free them from ſuſpicion, but from an exceſs of caution and great anxiety, Mr. Crabbs, a gentleman in the houſe, called upon him, and the priſoner ſaid he did not take thoſe other ſums of money (which Mr. Crabbs mentioned to him) but that he had made thoſe alterations in the books. The next morning he was brought up before Mr. Addington again, when he made another confeſſion, including the ſubſtance of the confeſſion he had made the day before, an acknowledgment that he had taken the thouſand pounds, together with the other ſums of money, and that he had made thoſe alterations in the books: Mr. Addington then reduced that confeſſion into writing, and I believe, that he ſigned it in the preſence of Mr. Addington and Mr. Wheatley: the receipts for the transfers which had been made to Mr. Wright were found in the poſſeſſion of the priſoner; upon the back of thoſe receipts there appeared an obliteration of ſomething that had been written on them: Wright I underſtand, who will be called to day, will tell you in evidence, that the priſoner required him to write on the back of theſe transfers an acknowledgment that the money belonged to him, and that he did write ſuch acknowledgement as required by the priſoner; in his cuſtody they were found, but the declaration at the back of them obliterated: and this Gentlemen, I believe, will be almoſt the whole of the evidence; you will underſtand that it is the practice in this, and I believe every other banking-houſe, to take a ſecurity from all thoſe perſons who are taken into the employ of the banker, to account faithfully for any ſums of money, bonds, bills, &c. that may be intruſted to them; you know, perhaps as well as I do, that where a particular ſum of money, or a particular ſecurity for money is given ſpecifically, and individually to one clerk, for the purpoſe of paying it away, and receiving it in a bill, and that clerk diverts the property, he does not commit a felony (except in the caſe of the bank, in which caſe a particular act of parliament has paſſed) becauſe that circumſtance, which is eſſential, that is a felonious taking, is wanting; and that property which comes to a man lawfully, namely, by delivering to him, he cannot commit a felony upon, at leaſt not unleſs there be ſpecial circumſtances: it is for this purpoſe that the Gentlemen who are bankers always take a bond, which only goes to the extent of one thouſand pounds, it not being uſual to commit any ſum of money, or ſecurity for money, at one time, except to a very truſty clerk, above that ſum; and if a breach of truſt does happen, they have a ſecurity, the bond is, that he ſhall well and faithfully account for all ſum and ſums of money, &c. with which he ſhall or may be intruſted. Gentlemen, you know perfectly well whatever may be the inconvenience of this, upon general principles of law, the wiſdom of which is very apparent, it is, and always has been uniformly held, that if the poſſeſſion of property is delivered to a man, and he miſapplies that property, or embezzles it, or makes away with it, he does not commit a felony on it, becauſe the owner knows to whom he has given it, and as to the reſtoration of it there is no uncertainty who has it, no clandeſtine taking, there does not conſiſt that clandeſtine ſecret taking, and a denial when charged, ſo that becauſe clerks are neceſſarily and occaſionally truſted with ſpecific ſums of money, and therefore if they imbezzle theſe, are not guilty of felony; to that I attribute the confuſion which has ariſen upon that, by unlettered perſons, and that an opinion has prevailed that a clerk cannot commit a felony on the property of his maſter, for which opinion there is no foundation; for if a clerk has the care of money, if he has acceſs to it for particular and ſpecial purpoſes, and is ſent to the bag or drawer for money for the purpoſe of paying a bill, if he is ſent for the purpoſe of bringing money out of that cheſt, or drawer, to pay a bill, and at the time he brings that money, he clandeſtinely and ſecretly takes out money for his own uſe, he is as much guilty of a felony as if he had no acceſs to that drawer; if I ſend my ſervant to my library for one book, and he takes another; if I ſend him for my hat and ſword, and he ſteals my cane, he is guilty of felony; in all theſe caſes there can be no queſtion upon it, and moſt unhappy I am ſure will be the predicament of that young man whoſe caſe reſts upon it; in all theſe caſes he is undoubtedly guilty of felony. Gentlemen, it of ſome little importance that all this ſhould be fully underſtood, and it is the only ſatisfaction that I derive in this buſineſs, that I contribute my mite in having it fully underſtood in this commercial city, where there is but too much reaſon to believe that this opinion has led young men, who have not been upon their guard, in this licentious age, into practices which they might be prevailed upon to avoid, if this matter was fully underſtood, even if their ſenſe of the obligations of morality and religion took no hold of them. Gentlemen, I am perſuaded that thoſe reverend perſons who aſſiſt you in the adminiſtration of the laws, will warrant what I have ſaid, and give it that ſanction it can have alone from them, by telling you that I have not gone further in ſtating the law to you than the duty of a candid advocate at leaſt: I ſhall proceed to call my witneſſes, and they will ſtate the facts, and with that my duty will be finiſhed.

WILLIAM HEALD *ſworn.*

Examined by Mr. Silveſter. You are clerk in Meſſrs. Drummond's houſe at Charing-croſs?——Yes.

At what time was it you miſſed any ſum of money?——On the third of April.

When did you take the account before?—On the Saturday before.

On the third of April, when you took the account, how did you find the account ſtand then?——The deficiency of one bag of gold.

The ſhop and the ſtrong room are all one building, and Mr. George Drummond lives in the houſe?——Yes.

Mr. Fielding, one of Priſoner's Counſel. You ſpeak as to the deficiency in one book?—I do.

You collect that there was a deficiency by looking into a variety of books?——In one book.

Have you that book here?——I believe it is here.

How many people have acceſs to this book?——Everybody in the ſhop.

Whoſe buſineſs particularly is it to write in the book?——His name is Cockhill.

Then he is the clerk that makes the particular entries?——Yes.

On looking over that book, taking it for granted that thoſe entries are right, you only ſpeak from thence?—No further.

Then from that you ſuppoſe there is the deficiency of the bag?——Yes, they did not agree.

JOHN COCKHILL *ſworn.*

Examined by Mr. Pigott.

What is your particular department?——I pay bank notes, and keep a balance book on account of the balance of caſh in that houſe: on Saturday the 3d of April, Mr. Heald, the perſon who has the care of the money, aſked me how many money bags there were in my books; I told him; he ſaid, then there was a bag deficient, that means there was one thouſand pounds leſs in the iron cheſt than in the books; then we examined the books, to ſee if we could find any miſtakes; we found no miſtake, we could not find out that deficiency.

Where is this money kept?—It is kept down in a ſtrong room, locked up in an iron cheſt.

Who had the immediate charge and cuſtody of that money?——Mr. Heald.

What was the ſituation of the priſoner in the ſhop?——He kept the caſh book at that time.

Did he pay money?—I do not recollect that ever he did.

Did he receive money?——Not that I know of or remember.

Do you know of his having been ſent to this cheſt at any time to bring up money?——I do not know that he was, not in my knowledge; he had nothing at all to do with the ſtrong room, it was totally out of his department.

Mr. Garrow, another of the Priſoner's Council. I obſerved you made uſe of this expreſſion, that you could not find out *that* deficiency; did you mean by that, that you did find out other errors?—No, Sir, we did not find out any others.

The key of this ſtrong cheſt and this ſtrong room, I believe, are both depoſited in the ſhop?——They are.

All the clerks and all the perſons concerned in the houſe have acceſs to theſe keys?——They may go to them, the ſtrong room is locked up all day long.

This balance book is made up from the other clerks books?——Yes.

You cannot get at the data but from taking the ſums they give you, the ſums paid in or out?——No.

If one of theſe clerks was to put down one thouſand pounds, more or leſs, that would account for the difference between the balance book and the ſtate of the caſh?——I examined the tellers books every day.

It all depends on the truth and accuracy of their books?——In ſome reſpects it does, we examined the books of the ſhop for many nights together.

Is not it the practice of the houſe, when a clerk is received in any department, that he receives his inſtructions as to his duty?——I cannot ſay.

Mr. Pigott. You have that balance book?——Yes.

(The balance book produced.)

Mr. Pigot to Heald. Where is this money kept?——In a ſtrong room below.

Is that room kept locked or open?——Locked.

Where is the key kept?——In the day in an open drawer, near where I do buſineſs; my department is to pay away bank notes.

Has every clerk in the houſe, at his pleaſure, acceſs to thoſe keys in that drawer?—He might in the courſe of the buſineſs.

They might have acceſs to that drawer, and come and take away any key they think proper?——Yes.

I want to know whether, in the courſe of the buſineſs of the houſe, it is the buſineſs of any clerk in the houſe to come and take the key of that ſtrong room?—Not of any particular clerk.

Whoſe buſineſs is it?——It is not any one's immediate buſineſs; any clerk may take the key and go and fetch up a bag of money.

Is it the buſineſs of every clerk to pay bills?——No.

Is it the buſineſs of a clerk who does not pay bills; was it the buſineſs of the priſoner?——I do not look upon it to be his buſineſs, but he might do it.

In the courſe of the buſineſs, whoſe buſineſs it is to go to that drawer, and take the key, and go down to the ſtrong room for a bag of money?——There is no particular perſon appointed for that purpoſe.

——— WHEATLEY *ſworn.*

Examined by Mr. Silveſter.

You manage, I believe, the buſineſs of Meſſrs. Drummonds?——Yes.

What was the ſtation and employment of that young man at the bar ?—His employment was to write the book we call the caſh book ; he aſſiſted in checking from one clerk to another.

Was he the pay clerk at all ?——Not at all.

Was it any part of his duty to go down to the ſtrong room for the caſh ?—Not his duty or his buſineſs.

Who has that key ?—That key is kept by Mr. Heald, in a drawer near him.

If Heald is applied to for a bag, and is buſy, he ſends down another clerk ?——If another teller comes, and he ſays I want a bag of gold, I am very buſy, he ſends down another teller for the bag.

Every night you balance your accounts, but on the Saturday you balance your accounts of the ſtrong room ?—Yes, we tell over the bags in the ſtrong room, and ſee if they agree with our balance book ; if there is a deficiency in the number of bags, it muſt be taken out of the ſtrong room, or it may be taken out of the ſhop in the courſe of the day, where three or four are behind the counter, there is a poſſibility of that ; the bags are one thouſand pounds each ; on Monday the 5th of April I heard that this bag was miſſing.

What did you do in conſequence of that ? ——We made every enquiry and examination that we poſſibly could ; we examined the balance books for many months prior to that, but we could find no miſtake.

What did you do then ?—We continued our examination for a long while, without any ſort of ſucceſs ; during our examination we found leaves that had been torn out of a book that we call a waſte book, which ſtill made the matter more complicated and more diſtreſſing.

Court. When was that ?—I do not recollect the dates of the leaves, it was in the courſe of a week after the diſcovery of the loſs.

Mr. Silveſter. The ſuſpicions fell upon the priſoner, in conſequence of an entry book being tore ?—His behaviour was ſo different from the other clerks ; in conſequence of that, we enquired of Mr. Harvey, the perſon where he lodged, and in conſequence of ſome converſation with him, we ſent to the Bank, and there we found four hundred and twenty pounds, 3 per cents. ſtanding in the priſoner's name ; I did not go to the Bank myſelf.

What was the ſalary of this young man at your houſe ?—His laſt ſalary was eighty pounds a year.

Were there any emoluments ?—Yes, altogether nearly ninety pounds a year.

How long was he in that ſtation, with reſpect to ſalary and emoluments ?—Twelve months at Chriſtmas laſt, from Chriſtmas 1782 it commenced.

What was his ſalary before that ?——Sixty pounds.

Mr. Fielding, another of the Priſoner's Council. You found the difficulties of aſcertaining the matter encreaſed by leaves being torn out of the books ?—That did not prevent us from aſcertaining the matter.

The only mode by which any aſcertainment could be got at, was by viewing the books ?——By comparing the books with the bags that we had.

You think a bag might have been taken out of the ſhop in the manner you have mentioned ?——Yes, but we ſhould have found it out when we came to make up our balance.

Mr. Silveſter. If I underſtand you right, the balance book was not torn at all ?—It was compleat.

Then have you the leaſt doubt in your mind, that a thouſand pounds was taken from theſe gentlemen ?——No.

Can the deficiency be aſcertained in any other way ?—Not that I know of, I do not think it poſſible.

JAMES STEER *ſworn.*

Examined by Mr. Pigott.

Do you know the priſoner ?——Yes.

Was you ever employed by him to purchaſe ſome ſtock for him ?——Yes.

When ?—The firſt purchaſe I made was the 23d of Auguſt 1783, of fifty pounds; another purchaſe of fifty pounds, October 3, 1783, it was 3 per cent. conſols, the 27th of April 1784, I bought two hundred and fifty pounds; July 23, 1784, ſeventy pounds.

Did you purchaſe them in his own name? ——Yes, he paid me the money.

HENRY WRIGHT *ſworn.*

Examined by Mr. Silveſter.

I am clerk to Captain Armſtrong, he is a navy agent.

Did you purchaſe any 4 per cent. ſtock at any time for the priſoner ?—Yes.

What were the dates ?——I do not recollect.

Look at theſe receipts.—I am a relation of the priſoner's; he applied to me to purchaſe ſtock; the firſt time was the 8th of June 1784, I then purchaſed five hundred and twenty-five pounds, 4 per cent. the next was the 1ſt of July laſt, then two hundred and ſixty-two pounds ten ſhillings, 4 per cent. the third was the 7th of September laſt, two hundred and ſixty-two pounds ten ſhillings.

In whoſe name did you purchaſe ?—In my own name.

How came you to do that ?—He deſired me to do it, to ſave him the expence and trouble of a broker.

How would that ſave the brokerage ?—I could not ſave him the brokerage, but I ſaved him the trouble of receiving the dividends, and paid it over to him without giving him any trouble.

Did you write any acknowledgments upon the back of the receipts ?—I wrote an acknowledgment upon each and ſigned it.

What did you do with the receipts ?—I kept them.

Did you always keep them ?—Yes, he returned them to me again as ſoon as I had wrote the acknowledgment upon the back.

Where were thoſe receipts found ?——In my cuſtody.

Who ſcratched this out ?——He did it himſelf.

When was it done ?—It was done after I purchaſed the laſt, I do not remember the day.

Court. What did the whole ſum make together ?—One thouſand and fifty pounds.

Did he give you any reaſon why he ſtruck it out ?——He deſired me to burn the receipts, as they were of no uſe, I having accepted the ſtock in the Bank.

Can you explain why this was to be obliterated ?—I cannot; I aſked him his reaſons, and he ſaid the whole receipts might be burnt, as I had accepted the ſtocks in the Bank.

Court. How long was it after the laſt purchaſe that theſe were obliterated ?—Not many days.

How many ?—I do not recollect: he returned me the transfer receipts before he obliterated the acknowledgment; he called on me one afternoon, and told me that I might have burnt the receipts, for they were of no uſe; he then took and obliterated the acknowledgments on the back of each: I did not chuſe to burn them, I kept them by me.

How long after the laſt purchaſe was this ?——I dare ſay it was within a fortnight.

Court. When had you the transfer papers firſt in your poſſeſſion, before the acknowledgement was obliterated ?——I do not recollect.

Did he deliver them back according as each transfer was made ?—Yes.

Not altogether ?——No, he afterwards had them, and delivered them altogether.

You knew his ſituation, he was clerk to Mr. Drummond ?——Yes.

Had you any converſation with him ?—Yes.

What did he ſay ?——He brought four hundred pounds to me firſt, he ſaid two hundred pounds he had received from a relation out of the country, and the other he had ſaved out of his ſalary, that was the firſt four hundred pounds; he deſired me to go to the Bank and purchaſe in my name, to ſave him the trouble of going for the dividends, as he could not leave his buſineſs; I did ſo: he brought me afterwards two hundred pounds more, and told me that part of it belonged to a Lady in Lancaſter, and the other part was part of the money that he had in the 3 per cents. which he had ſold out, and wiſhed that likewiſe to be purchaſed in the 4 per cent. which I did: the laſt time, he told me he had compleated the money that he had in the 3 per cents. and likewiſe the money that belonged to the lady at Lancaſter, or Mancheſter.

What do you mean by compleating the money?——He had ſold out all his money in the 3 per cents.

What ſum did he give you then?—Two hundred pounds; and the money that was in the 3 per cents. he told me had ſaved out of his ſalary and perquiſites.

GEORGE DRUMMOND, Eſq; *ſworn.*

Examined by Mr. Pigott.

Are you one of the partners in this banking houſe?——Yes.

Who are the partners?——Mr. Robert Drummond, Henry Drummond, George Drummond, and Andrew Barclay.

Do you live in the dwelling houſe that adjoins to the ſhop?——I do.

The part in which the ſhop is carried on, and all the buſineſs that is neceſſary to the ſhop, I underſtand belongs to the partners?——Yes, it does.

Do you pay the partnerſhip rent for that part of the houſe you live in?——Yes, I do.

Mr. Drummond, were you in company with the priſoner at any time at Mr. Addington's?—No, Sir, I was at Mr. Henry Drummond's, in St. James's-ſquare, it was Saturday the 2d of October, I went there about ten, between ten and eleven in the morning, the priſoner was not there, he came afterwards in cuſtody.

Did anything paſs between him and you while you was in that room?—Yes, there did.

Where was Mr. Addington, the Juſtice, at that time?——He was out of the room.

Where was Mr. Henry Drummond?—He was out of the room.

Where was Mr. Wheatley?——He was out of the room.

What led them out?——I do not know.

Did you ſpeak to the priſoner?——No, I did not; he expreſſed a deſire to ſpeak to me, I went firſt out of the room and told Mr. Addington ſo, and he adviſed me to ſpeak to the priſoner, and hear what he had to ſay.

Did you teſtify any reluctance to ſpeak to him alone?——I did.

Probably that was before you went to Mr. Addington's?—It was both before and after.

What did the priſoner ſay?—I went on one ſide with him, and he ſaid, *I took the thouſand pounds.*

Did you make him any promiſe or threat previous to his telling you that?——No, I did not.

Did you give him any intimation of any kind?——No, I did not.

What did you ſay to him?—I then ſaid, to the beſt of my recollection, did you take any thing elſe? and he ſaid, no, nothing.

From thence I believe he was ſent to priſon?——He was.

The one thouſand pounds deficient in the ſtock, was the joint property, I preſume, of the banking houſe?——It was.

Mr. Fielding. I underſtand you live in a part of this houſe?—I do.

The ſhop is the joint property of the partnerſhip?—The whole houſe is the joint property.

In the part you live in, you pay a conſideration?—I pay ſo much a year for that part I call my dwelling houſe.

That part is diſtinct from the ſhop?—It is ſo far diſtinct that there is a door.

This young man had been in cuſtody of the peace officers for ſome time before you ſaw him in St. James's-ſquare?—He went immediately to St. James's-ſquare.

Was not he agitated at the time you ſaw

him?——He ſeemed to be a little agitated; I did not make any particular remarks; he denied he had taken any thing elſe.

Were you preſent at the engagement of this young man in your ſervice?—No, I was not.

You do not know of the bond into which he entered?——No, I do not.

Mr. Silveſter to Mr. Wheatley. Look at this paper?—It is my hand writing; I ſaw the Magiſtrate and the priſoner ſign it.

Was it read over to him before he ſigned it?—It was.

Were any promiſes made to him?—No.

Mr. Garrow. Do you recollect the day on which the priſoner was apprehended?—I think it was Saturday the 2d of October.

This paper I ſee is dated the 3d?—Yes, it was the day following.

My friend has aſked you whether there were any promiſes made him at the time; I muſt trouble you with a queſtion, whether, antecedent to that time, there had not been any promiſes made?——I have heard that there were.

Did you underſtand that this converſation conveyed to the priſoner this information, that it would be better for him?——I underſtood that thoſe converſations were of that tendency.

Mr. Silveſter. Then I muſt deſire Mr. Wheatley to relate the whole of that.

Mr. Garrow. I have no objection to that.

Mr. Wheatley. On Saturday evening, after the buſineſs of the ſhop was over, Mr. Craggs, one of the clerks in the ſhop, went down to the priſoner, on his own account, and there had ſome converſation with the priſoner about the crime he had committed.

WILLIAM CRAGGS *ſworn.*

Did you at any time call on the priſoner at the bar while he was in cuſtody?—Yes.

When was the firſt time?——On Saturday the 2d of October, the day he was apprehended.

What time of the day?—After ſix in the evening, or nigher ſeven.

Was it the day he was committed?——Yes.

Where was he?——In Tothill-fields Bridewell.

You had ſome converſation with him?—Yes, I had.

What led you to go there?—Motives of friendſhip to the unhappy priſoner entirely.

Was you ſent there by either of the Mr. Drummonds?—No, Sir.

Did you tell them you was going there?——I did not tell them, ſeveral of the clerks knew it, I believe I mentioned it to one or two of the firſt clerks.

What converſation paſſed?—I firſt of all expreſſed my unhappineſs at finding him in ſuch a ſituation, I then expreſſed how unhappy I was to hear he had denied other circumſtances; I had heard of his confeſſion to Mr. George Drummond.

What were thoſe other circumſtances?—In the firſt place, I was informed he had denied the other things that were miſſing, and the books torn, in conſequence of friendſhip to my fellow clerks, I was deſirous to aſk him a queſtion about theſe books.

Then was your queſtion relative to that?——Yes, the books that were torn.

What did he tell you?—I ſpoke to him of the unhappy ſituation that myſelf, as his friend, and many others were in; he ſaid, I did deny the books in the morning, but I certainly tore all the books which you found to be torn.

Can you relate any other converſation that paſſed?——I did aſk him with reſpect to other ſums of money, which he poſitively denied; I left him, ſetting forth to him the conſequence that would fall upon all of us; I told him, that the only way in which he might expect any mercy from Mr. Drummond, could only *be* in confeſſing every thing that lay upon his mind, I ſaid I hoped he would confeſs every thing.

Mr. Fielding. This was the advice that you gave him?—Yes.

Is Mr. Addington here?——No.

Does your Lordſhip as yet think that they have gone far enough to read this confeſſion?

Court. Certainly.

(The Confeſſion read.)

Signed "William Murray."

Taken before William Addington, Eſq; one of the Juſtices, &c.

Dated "October 3, 1784."

"Who confeſſes and ſays, that in March laſt he took a bag, containing one thouſand pounds, out of an iron cheſt, in the ſtrong room belonging to Meſſ. Drummonds, and at different times has taken ſeveral other ſmall ſums belonging to the ſaid Meſſrs. Drummonds; he alſo confeſſes, that the four hundred and twenty pounds in the 3 per cent. conſolidated ſtock, ſtanding in his own name, he bought with the ſame money; and that one thouſand and fifty pounds, ſtanding in the name of Henry Wright, was alſo bought with part of the money ſo ſtolen; and that a gold watch and trinkets, and other things now produced, were bought with that money: he alſo confeſſes having torn ſeveral leaves out of the ſaid books of the ſaid Meſſrs. Drummond's and Co.

Court to Priſoner. The evidence for the proſecution is cloſed, and I now call upon you to ſtate what you have to offer in your defence.

Priſoner. I leave every thing to my Council.

Mr. Fielding. My Lord, I mean to produce evidence of occaſional inſanity which attends this unhappy young man, and which operated at the time of the confeſſion.

THOMAS REYNOLDS *ſworn.*

I am an apothecary at Charing-croſs; I have known the priſoner ever ſince he has been in the ſervice of Meſſrs. Drummonds, I have had occaſion to attend him in the way of my profeſſion frequently.

Has that and his conduct in general given you an opportunity to judge of the ſtate of his mind?——My obſervations were that at intervals I thought him flighty.

Explain a little more particularly, whether you mean flightineſs ſo as to approach to madneſs, or madneſs itſelf?—Neither.

Court. You neither denominate it madneſs, nor any approach to madneſs?—No.

Mr. Garrow. Explain then your own ſenſe of the word flighty?—That he ſeemed in many inſtances very inconſiſtent in his actions in life, but nothing that I could collect, as a medical man, that was approaching to madneſs; he ſeemed inconſiſtent in many inſtances.

Not ſufficient to juſtify ſending him to Bedlam I ſuppoſe?—No, nor to any other place of confinement.

Do you remember attending him in the month of February 1783?—Yes, he was not confined.

What was his complaint at that time?——He frequently complained of a giddineſs in his head, and uneaſineſs, which he deſcribed as a jumping in the top of his head.

I believe you bliſtered him for it?——I did.

HUGH HUGHES *ſworn.*

Mr. Fielding. I believe you know the unhappy man at the bar?——I have known him for ſome years.

Where do you live?——At Charing-Croſs, I keep a mercer's ſhop.

Has it happened, in the courſe of your acquaintance with him, that you have had opportunities of obſerving the manner in which he has conducted himſelf, whether with regulated reaſon, or diſturbed reaſon?—I think diſturbed reaſon, it appeared ſo to me; I thought him a mad-headed young fellow before; Mrs. Hughes and me were going up the green park one day, and ſays I, this is Mr. Drummond's crazy clerk, he was laying down on his back on the graſs, pulling the graſs as if to eat; the ſecond time, I met him in the park early one morning ſlip-ſhod, with no hat, and his head on one ſide, and his arms wrapped up; another time he was ſtanding at Charing-croſs, and he ſaw me ſtanding at the door, and in an inſtant he threw a large ſtick at me; I have ſeen him coming up, grinning at me, and then turn off, and have no converſation; he has been our common converſation at the hair-dreſſer's for a long time, we wondered that Meſſrs. Drummonds would keep ſuch a man in the houſe to be a clerk.

He paſſed in your idea as a crazy man?——Very much ſo, I think, from the various actions I have ſeen.

Mr. Pigott. Did you ever happen to do buſineſs with the priſoner?——No, never the leaſt tranſaction; he often uſed to come in and ſee my children, and play with them; I made the obſervation to Mr. Hope, one of Mr. Drummond's clerks, and he told me that he did buſineſs in the ſame office with him, and that he did buſineſs correct; this is three or four years ago.

Did this information alter your opinion at all, that this young man was under the deprivation of his ſenſes?——Nothing can remove that from my opinion, it made ſo much impreſſion upon me at different times that nothing could remove it.

Then four years ago you ſaw him in the ſummer, laying in the graſs; you ſaw him walk penſively once, and throw a ſtick at you; and another time he laughed in your face?——He has laughed in my face ſcores of times.

——— CRAGGS *ſworn.*

Mr. Garrow. You was a fellow clerk to the young man?——I was an intimate acquaintance of his.

What has been his conduct, and what has been the impreſſion of it upon your mind?——I have certainly ſeen him guilty of actions which no ſenſible man could do, and it is my firm opinion, that at times he is not in his mind.

Mr. Sylveſter. Did you aquaint Meſſrs. Drummonds of this ſituation?——No, I ſuppoſe there is hardly one clerk in the ſhop but has remarked that at the time he was out of his ſenſes, or flighty, or diſorderly.

What do you mean by ſaying flighty or diſorderly?——Diſordered in his mind; ſometimes he would be guilty of actions that one would not think any ſenſible perſon would, I have heard many of the gentlemen ſay ſo.

Mr. Silveſter. You do not mean to ſay he did not know right from wrong?——No, certainly not. I have ſeen him do things that it was impoſſible for a man in his right mind to do.

ALEXANDER GORDON *ſworn.*

I am one of Mr. Drummond's clerks. I have had occaſion to obſerve the conduct of the priſoner repeatedly.

What has been your opinion of the ſtate of his mind?——I have thought him very wild at times, when he has been in a paſſion, and when he has met diſappointments I have thought him very wild, but I have no reaſon to think he was a madman, he was very violent but I did not think him diſordered in his mind.

Mr. Fielding. Then he appeared unlike all other human creatures?—He appeared what many men are I think when in paſſion and under diſappointments; I recollect once particularly well that upon the book being miſſed, I ſaid to my brother clerk I thought it was that mad-headed genius Bill Murry that had been guilty of it.

Mr. Fielding to Hughes. What general character had this young man?——I never heard the leaſt word of complaint againſt him, only from an opinion of his ſituation, I communicated my opinion and my ſentiments to a gentleman that attends the houſe, I mean Mr. Reynolds, above a year ago, and he confirmed me in my opinion.

Mr. CRANK *ſworn.*

Mr. Fielding. Having lived in intimacy with this unhappy young man I need hardly aſk you what was his character?—A very high one in my opinion.

You never ſuſpected his honeſty?——Never.

Mr. FOVO *ſworn.*

Mr. Fielding. How long have you known the unhappy young man at the bar?——I have known him almoſt five years.

During that time what is your honeſt and real opinion of his intellects?—I have always thought him diſordered in his mind, intirely ſo, as to other circumſtances of his character I have the higheſt poſſible opinion of his integrity.

——— RADCLIFFE *ſworn.*

I have known the priſoner about a twelve-month, laſt June he then firſt came into my houſe, Mr. Wright is a lodger in my houſe, and Mr. Murray is his uncle, he has called on him and ſet and chattered, when Mr. Wright has been gone down to dreſs, he would all of a moment ſtart up, good God, ſays he, here is Harry! and point to the window, clap his hands in this manner, here is Harry juſt paſſing! and then ſet down very quietly; I thought it was too tender a point to ſay any thing to Mr. Wright, that your uncle is not in his ſenſes: another time he came and was chatting as before, he catched a trinket of his watch all in a hurry, ſays he this is a very pretty thing, I will make you a preſent of it; ſays I it is paſt time of day with me; ſays he you ſhall have it, but Harry is not coming, and ſtarted, and folded his arms, and ſtood looking at the bureau for a quarter of a minute, then unfolding his arms, came and took his trinket and put it to his watch: a third time, I had ſeveral ſhells upon the chimney-piece, we were talking of the king's dreſs, then he went and took a ſhell, ſays he I will give you a guinea for it, he went and ſtood at the glaſs with his arms folded; I communicated this to Mr. Wright, ſays he I have often ſeen him do ſo, and I think it is ſo.

Is that your fair and and conſcientious opinion?——It is from my ſoul Sir, I will take my oath I never heard any thing againſt his honeſty, I had the higheſt opinion of Mr. Wright in the world, and I do not know more of Mr. Murray than coming to ſee his nephew.

JOHN HARVEY *ſworn.*

I have known him about nine years, I have always looked upon him as a flighty young man.

Not a man in the common poſſeſſion of his reaſon?——No, I think not, I have always had the higheſt opinion of his honeſty.

THOMAS BUCKLEY *ſworn.*

I am in Mr. Drummond's houſe, I have had opportunities of obſerving his conduct.

What opinion have you entertained of the ſtate of his mind?——I thought him a very flighty young man.

Not a perſon in poſſeſſion of his perfect reaſon?——I do not think he was quite, I always had the higheſt opinion of him as a very honeſt man.

Mr. Garrow. His being in Mr. Drummond's houſe is the ſtrongeſt inſtance of his good character that can be.

Mr. Fielding. We have ſeveral more witneſſes to his character.

Mr. Silveſter. You never mentioned any thing of this to Meſſrs. Drummond's?—No.

How did he do his buſineſs in the houſe?—Very well I believe, I never examined what he did.

You heard no complaint of the manner of his doing buſineſs?—No Sir, I did not.

——— WARREN *ſworn.*

I have known this young man ever ſince his firſt coming to London, I board and lodge in his elder brother's houſe, I have had frequent opportunities of ſeeing him, his character deſerves from me the higheſt commendation, there is no truſt but I would repoſe in him, and if he was relieved from his preſent diſagreeable ſituation, I would receive him into my own compting-houſe immediately, I have ſuch an opinion of the goodneſs of his heart.

Court. What is Mr. Warren?——I am an Inſurance Broker.

Mr. Pigott. Do you mean as your clerk?—Yes.

Then I am afraid you do not think him flighty?——I do not think him ſo mad but he might act under the direction of another.

Mr. Fielding. My Lord I am ſatisfied with the law that Mr. Pigott has laid down.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

He was humbly recommended to mercy by the Jury.

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972. ALEXANDER DIXON was indicted for that he, together with one Henry Morgan, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the Devil, on the 8th day of July, in the 24th year of his preſent Majeſty's reign, with force and arms, at the pariſh of St. Martin in the Fields, in the county of Middleſex, in and upon Charles Linton, in the peace of God and our Lord the King, then and there being, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault, and that the ſaid Henry with a certain knife, made of iron and ſteel, of the value of one penny, which he then and there had and held in his right hand, him the ſaid Charles Linton, in and upon the right ſide of the belly of the ſaid Charles, feloniouſly, wilfully, and of his malice aforeſaid did ſtrike, thruſt and ſtab, giving him, the ſaid Charles, then and there, by ſuch ſtriking, thruſting, and ſtabbing, with the knife aforeſaid, in and upon the right ſide of the belly of the ſaid Charles, one mortal wound of the depth of five inches, and of the breath of half an inch, of which he inſtantly died: and that he the ſaid Alexander Dixon, feloniouſly, wilfully, and of his malice aforethought, was preſent, aiding, abetting, aſſiſting, comforting and mantaining the ſaid Henry Morgan, the ſaid murder to do and commit, and the Jurors ſay, that the ſaid Henry Morgan, and the ſaid Alexander Dixon, him the ſaid Charles Linton did kill and murder.

Mr. James opened the Indictment: and Mr. Silveſter opened the Caſe as follows:

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, I am likewiſe of Councel in this proſecution againſt the priſoner Alexander Dixon, who ſtands charged in this indictment of having murdered Charles Linton; the priſoner was not here to be tried at the time his companion ſtood charged with this offence at that bar, and who was found guilty; the priſoner had then eſcaped from juſtice: the facts to bring this charge home to the priſoner are ſhortly theſe; a Mr. Linton, on the 8th of July, about two in the morning, returning to his own home, was met in New-ſtreet by two perſons, who came up to him and robbed him of his money, and obſerving his watch chain, they came back and aſked him for his watch, he not willing to part with it, they ſnatched it from him, and at the time of the ſtruggle one of the perſons ſtruck a knife in his ſide, which was the cauſe of his death; one of the watchmen came up, but he could only ſay he was robbed and murdered, they took him to Mr. Jarvis, a ſurgeon in the neighbourhood, and he ſoon after expired; Dixon was apprehended the ſame morning at his own houſe, in company with one Smith, the one was ſitting in a chair, the other was laying on a bed, when the officers of juſtice came there, they found the clothes of this man remarkably bloody, and they found bloody water in the room as if they had been waſhing blood out of ſomething; Smith ſaid he had been in company with this man over night, that the priſoner and Morgan had been at a public-houſe till about nine or ten in the evening of that day, that they went out together and parted, he went to another public-houſe, the Pilgrim, where he fell aſleep at one o'clock, and when he waked, between three and four, the priſoner came to this houſe, it was clear therefore that the priſoner had been out the greateſt part of that night; when he was committed Morgan came to ſee him, and ſome converſation happening in the gaol, the Governor of Tothill-fields

Bridewel deſired a man of the name of Davis to attend to the converſation, ſomething paſſed which ocaſioned ſuſpicion in his mind that Morgan was alſo concerned, the priſoner being in gaol, and Morgan was detained; but by ſome means or other the priſoner broke out of gaol and eſcaped juſtice: the evidence I ſhall have to lay before you, will be firſt of all, the death of Mr. Linton, that he was murdered in the ſtreet on the 8th of July; that the priſoner was in company with Morgan at that time, and the converſation that paſſed in the priſon between the man that has been executed and the priſoner; and from theſe circumſtances you will be to judge whether or no this man is, or is not, guilty of that robbery and murder. I need not tell you Gentlemen, that it is not neceſſary under this indictment to prove that the priſoner was the very hand that committed the offence; becauſe in point of law if they were in company committing an unlawful act, he muſt anſwer for it as well as the man that gave the wound: if therefore you are convinced that they were in company together acting in that robbery and that he was preſent, it will become your duty, however painful it may be, to pronounce the priſoner guilty of this charge.

(The witneſſes examined apart at the requeſt of Mr. Chetwood and Mr. Burdett, the Priſoner's Council.)

ROBERT TAYLOR *ſworn.*

Examined by Mr. James.

I am a watchman in New-ſtreet, Covent-Garden, about a quarter before two in the morning, the 8th of July, I heard a rattle, and the word ſtop thief; I run as hard as I could, and when I went up, there was a perſon croſſed the way, from Bedfordbury, I run and laid hold of the deceaſed, and I ſaid, O, I have got you; no, no, ſaid he, watchman you are miſtaken, I am the man that is robbed and ſtabbed, I am a dead man; I thought ſo, and carried him to Mr. Jarvis's the ſurgeon, and he died with his head againſt my boſom, I helped to carry him to the bone houſe, he was almoſt ſpent when I came up, he ſhewed me the place he was ſtabbed, he pulled up his ſhirt and ſhewed me, he had a belt on, and ſome of the blood upon it, and had a bit of a watch chain in his hand twiſted about one of his fingers, there was nobody there then, but in the courſe of a few minutes there were four or five, there was the waiter at the Green Man, and a carpenter, I cannot recollect his name, when I firſt came up I ſaw nobody, I called for aſſiſtance, and there came another watchman to me, and he took my ſtaff while I helped to ſupport him.

How long was it before he expired?——I fancy it might be nigh upon half an hour.

Did the deceaſed ſay any thing before he died?——Yes, O my wife and children! O my God! my wife and children!

Court. Did he give any account of the perſons that ſtabbed him?——No, he was too much in agony, and if I had aſked him any queſtions, he could not have anſwered me; he only ſaid, he was robbed and ſtabbed, he was a dead man.

HENRY JARVIS *ſworn.*

Examined by Mr. Silveſter.

I am a ſurgeon, I live in May's buildings, the deceaſed Mr. Linton was brought to my houſe, about three quarters paſt one, in the morning, I was in bed, and I heard the cry of murder! murder! murder! I am robbed! murder! murder! I jumped out of bed, and looked out of my back window; and halloed out who are you, where are you? but the voice went from me, I loſt it; I dreſſed myſelf and came down ſtairs, when I came to the door they was bringing Mr. Linton down, they brought him into my ſurgery, he was very capable of ſpeaking, but was not thoroughly ſenſible; for this reaſon I aſked him who had done this buſineſs, he ſaid, do not talk to me, I am a dead man, give me relief, give me comfort; I repeatedly aſked him, he ſtill ſaid, why talk to me, for God's ſake give me eaſe, why talk to a dying man, let me lay down on my back; then he ſaid, O my wife and children; he lived about twenty minutes, this wound was the cauſe of his death.

Court. Then he did in fact give no account of the perſons that wounded him? ——No, it was a wound of ſix inches, it went right through his liver.

Martha Dagge called on her recognizance, but did not appear.

MARY HILL *ſworn.*

Examined by Mr. James.

—Where did you lodge on the 8th of July laſt?——At Mr. Dixon's houſe, in Vine-ſtreet; I know the priſoner, he is the landlord's ſon, I did not know Morgan any further than ſeeing him in the morning, as he came juſt before they were taken, I never ſaw him come there before, I do not know the day that Morgan was taken.

Court. Do you remember hearing of a Gentleman that was murdered in the ſtreet?——Not before they were taken to Bow-ſtreet.

Mr. James. What day was Dixon taken up?——On the Thurſday it was the morning of that day; Morgan knocked at the door between ten and eleven, I aſked who was there, I lodge in the back parlour, he ſaid, he wanted Alexander Dixon, I ſaid he was not at home, but if he had any meſſage, I would tell him.

Court. You muſt not tell what Morgan ſaid, if Dixon was not there?——Morgan went away again, I cannot tell whether Dixon was at home or not.

Dixon was taken at his mother's houſe? ——Yes.

Morgan had been there that morning? ——Yes.

What o'clock that day did Dixon come in?——I cannot ſay, I did not ſee him.

Did you make any obſervation of his perſon, before the officers of Juſtice came?—I did not.

Did any body come in with Dixon?—I did not ſee any body.

MARY DONNELLAN *ſworn.*

Where did you live on the 8th of July? —At the Queen's head, in Vine-ſtreet.

Did you ſee the priſoner at the bar there on that day?—I believe I might, I do not know the day of the month juſtly.

Had you heard of any murder being committed?—I have.

Was it on that day?—I believe it might I remember the priſoner at the bar being at my houſe, the day before the murder was committed.

In whoſe company was he?—With different people.

Tell us the names of the perſons?—— There was one Smith and Morgan, the names beſides I do not know.

How long were they together?——Some hours, how many I do not know, it was ſome time in the afternoon.

Court. Did you obſerve any thing particular, or hear any particular converſation between Dixon and the other?——No, I did not.

JAMES SMITH *ſworn.*

Where was you on the 7th of July?—At the Queen's-head, in Vine-ſtreet.

In whoſe company?—Alexander Dixon, Henry Morgan, John Strickland, and William Smith; Morgan was convicted laſt ſeſſions.

How long did you ſtay at the Queen's-head, in Vine-ſtreet?——From half after ten till four in the afternoon, then we proceeded to Tothil-fields, we ſtaid there two or three hours, and then we returned back to Vine-ſtreet, we drank a pot or two of beer there, and then proceeded towards the Pilgrim, it might be half after twelve when we went in there, and that ſame night the 7th of July, John Strickland, and William Smith, ſtaid there till between three and four in the morning, Dixon came with us, but as to Morgan, I can ſay nothing of, he followed us on, but I loſt him upon the road going to the Pilgrim; this is what I ſaid at Bow-ſtreet during the time I was there, I fell aſleep about one, and ſlept till three.

When you fell aſleep was Morgan and Dixon then in your company?——I did not ſee Morgan, but when I fell aſleep at one o'clock, Dixon was there.

Do you mean to ſay that?——Yes.

What time did you wake?——At three, I ſaw Dixon there then.

Recollect yourſelf, becauſe you know you have been examined at Bow-ſtreet?—I certainly was, I ſaid upon my examination at Bow-ſtreet, that Dixon was there at half after twelve, and when I awoke at three in the morning, I ſaw Dixon there again.

Do you mean to ſtick to that, did you ſwear ſo at Bow-ſtreet?——Yes, that was what I ſaid at Bow-ſtreet.

No, it is not, you ſaid at Bow-ſtreet, that you went in there, and fell faſt aſleep about one, and then you did not ſee Dixon there?——Yes, I ſaid, I ſaw Dixon there when I fell aſleep, Dixon was there at half after twelve, and when I awoke at three, Dixon was there; he came into the houſe when I went in, at half after twelve, in company with John Strickland.

Was he there when you fell aſleep?——Yes, he was there then.

Before the Magiſtrate you ſaid the contrary?—I ſaid Morgan was not there then, Dixon was there then.

Who came in with Dixon then?——Strickland, William Smith, and myſelf, and another man, I do not know his name.

Then you meant to ſay, when you was going to the Pilgrim, at half after twelve, that you all went to the Pilgrim except Morgan?—No, I do not ſay ſo, I ſay, that William Smith, and John Strickland, and another man went there before.

Then Dixon and Morgan did not return there in company?—No.

How ſoon did Morgan come?—I did not ſee him come again.

Then Smith and Strickland were never out of your company?—Never.

How ſoon did Dixon come?—He came almoſt directly after.

Court. Did he leave you with Morgan, did you loſe Dixon the ſame time with Morgan?——They two were behind, that is what I ſaid at Bow-ſtreet.

No, you ſaid at Bow-ſtreet, you went to the public houſe without Dixon and Morgan?——I ſay, he came to the houſe, and was in the houſe at half after twelve.

Did he remain there till one, at the time you went to ſleep?——He was then in the houſe.

How came you then to ſay before, that he was not in the houſe?—I do not know that ever I ſaid ſo.

It was ſo taken down, how came you to ſay ſo then?——I ſaid at Bow-ſtreet, that Dixon came to the houſe at half after twelve, or thereabouts.

Was any thing remarkable in Dixon when you ſaw him?—Nothing that I ſaw, he had an olive coloured coat on, with a black collar; we all went back again, to the Queen's-head, in Vine-ſtreet; we ſtopped there and drank a pot or two of beer and purl, and then I went with Dixon, and laid down on the bed, I had not been in there long, before there came ſome of Sir Sampſon Wright's men, and took hold of us both.

Did you obſerve any thing particular then?——Nothing then, nor about his clothes, nor at any time, I never took notice of his clothes.

THOMAS CARPMEAL *ſworn.*

I apprehended Dixon and Smith, the 8th of July, in Vine-ſtreet, at Dixon's father's houſe.

In what ſituation was they when you found them?—Dixon was laying on a little bureau bed, and Smith in a two armed chair, and appeared to be aſleep, I called to them to get up, I took Smith and ſearched him, and left Dixon to ſome other officer, and likewiſe to ſearch the room when we got to Bow-ſtreet; he took off his coat which he had on, which appeared to be bloody, the coat is here, it had been ſpunged with ſomething, ſome part of it was wet, I did not ſearch the room.

Was there much blood on the coat?—A

few

ſew ſpots on the cuff, on one ſide of it, there was ſome water in a tub which was very bloody.

What became of him then?—He was ſent down to Tothil-fields, and Smith to New Priſon.

Did you go with either of them?—No, there are people on purpoſe to take them to priſon.

Mr. Chetwood, Priſoner's Council. On which cuff?—I think it is the left.

(The coat handed to the Jury.)

Had not there been rain that night?—I do not remember.

You ſay it was a ſpot or two?——Yes

Not any more than might have dropt from a man's noſe.

Mr. Silveſter. Was the coat wet as if there had been rain upon it?——One ſide appeared as if it had been ſpunged.

Court. Which ſide?——I think it was the left ſide, I cannot be ſure.

JOHN LABER *ſworn.*

I am an officer, I apprehended Dixon on the 8th of July.

What paſſed when you came to his lodgings?—Carpmeal opened the door, Smith was aſleep in a great arm chair, Dixon was laying on the bed with his clothes on, except his ſhoes, we laid hold on Smith, Dixon put on his ſhoes; and while I was ſearching under neath his head, I found this dark lanthorn, ſcrews, and picklock keys, then he tried to make his eſcape down in the cellar, I immediately followed him, and delivered him again to an officer; ſays I, for God's ſake mind him, when we came to look at his clothes, it appeared as if it had been freſh wiped, and under the bed there was a butter firkin ſawed in two, half full of water all bloody, he was taken to Bow-ſtreet.

What did you obſerve upon his coat?—There was blood all upon his coat, it was ſhewn to ſeveral gentlemen, Carpmeal deſired me to take care of his coat, ſo I did, I ſtaid ſearching the lodgings further, he was taken to Bow-ſtreet.

Mr. Chetwood. He was faſt aſleep on the bed?——He was on the bed, he had that appearance.

The coat has not been altered ſince you took it, I dare ſay you have not made it better.

Carpmeal. It was never out of my care, there was a ſpot on the ſide, and it was wet.

I imagine Carpmeal did not ſee the coat at firſt?—I took it off of Dixon's back and gave it to Carpmeal, he has had the cuſtody ever ſince.

HENRY DAVIS *ſworn.*

Mr. Silveſter. You was at Tothil-fields at the time Dixon was brought there, charged with the murder of Mr. Linton?—Yes.

Had you any converſation with him at any time?——Yes, on the 10th day of July, Morgan came to ſee him, he was brought in the 8th.

Did you hear any converſation between the priſoner and Morgan?—Dixon's mother came in about noon, between one and two.

Mr. Chetwood. What ſhe ſaid is nothing.

Mr. Silveſter. What paſſed when Morgan and Dixon were together?—Dixon's mother came in, and I went in with her, and ſhe ſaid, don't be under any apprehenſion, for Morgan has been telling me who the people were that murdered the gentleman; Dixon bid his mother hold her tongue, and abuſed her very much, and made uſe of ſome oaths; I told him he was very wrong to abuſe his mother, who came there to ſerve him; he damned her for a bitch, or ſomewhat to that purpoſe, making uſe of an oath; he ſaid, ſhe could not ſerve him, without ſhe held her tongue; Dixon turned his head about to Morgan, and ſaid damn your eyes, do not confeſs any thing about it, I went and told Mr. Smith, and Mr. Wright both of it, upon which Morgan was ſtopped.

The remainder of this Trial in the next Part, which will be Publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 20th of OCTOBER, 1784, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Alexander Dixon.

Mr. Chetwood. Upon what occaſion was you at Tothill-fields ?—I was admitted an evidence againſt the people for Bank-notes, I ſurrendered as an accomplice.

Mr. Burdett. You are the perſon I believe, whom Newland charged with having received the Bank-notes from ?—Yes, Sir, I am.

HENRY WRIGHT *ſworn.*

You are the deputy keeper of Tothilfields Bridewell ?——I am; on the 8th of July, Dixon was committed to my cuſtody, Morgan came on the 10th, I let him in; then came Dixon's mother, ſays ſhe, have you got Morgan in, I ſaid yes, he ſat with Dixon ſome time, and when he was going away, I ſtopped him, I deſired Mr. Davis to go in.

Court to Davis. When did you firſt repeat this converſation that you heard ?——Immediately.

To whom ?——To Mr. Wright.

Were you examined as an evidence upon Morgan's trial ?——No, I went up with him to Sir Sampſon Wright's.

Was you examined before a Magiſtrate ?——Yes.

Did you give an account of this converſation then ?——I did.

Let me look at the depoſition of Davis before the Magiſtrate ?——There is no examination in writing, I was up there and told Mr. Bond the whole.

Priſoner. I have ſome witneſſes.

JOHN STRICKLAND *ſworn.*

Court. Let one of the witneſſes that knows William Smith go out with him, and not ſuffer him to come in till this witneſs is examined.

Mr. Burdett. Do you recollect being in company with the priſoner on the 7th of July ?——I do at the Queen's-head, in Vine-ſtreet.

At what time ?——On Wedneſday between the hours of eleven and twelve, to the beſt of my knowledge.

How long did you ſtay with him ?——Till between two and three in the afternoon, on Wedneſday, to the beſt of my knowledge.

Who elſe was in company ?——Three or four other perſons, I do not know ſome of their names, there were two perſons of the name of Smith.

Was there any body elſe there whoſe names you know?——No, I do not recollect any other perſon's name.

Do you know Morgan?—I have ſeen him.

Was he there?——Not at that time.

How long did you ſtay there?—About three, the converſation of the company turned upon a fight at Tothill-fields, we went then in company to the fight.

How long had you been at the Queen's-head in Vine-ſtreet?—From about eleven I think it was, Morgan was not there.

Mr. Chetwood. After you had been at the fight, where did you come to then?——To the ſame houſe.

What time might it be then?——To the beſt of my recollection between nine and ten; there was the ſame company, the priſoner at the bar, the Smiths, Dixon went out and Morgan with him, to the beſt of my knowledge.

What time did they go out?——About ten it might be, I cannot particularly mention the time.

How long did you ſtay at the Queen's-head?——We returned from Tothill-fields about nine, went to the Queen's-head, and ſtaid till ten, or a quarter after; Morgan was there, ſitting in the box where I was; I believe he ſtaid there till about half after ten.

Where did you go then?—We went to the Bell, I cannot tell the ſign, in Chancery-lane, it is nearly oppoſite Rolls-buildings.

How long did you ſtay there?——Till about half after eleven, I know the landlord was ſhutting up, and the landlord deſired we would depart the houſe.

Was Morgan in company with you?—I know Dixon and Smith were in company, but for certain I cannot tell whether Morgan was or not; we went up to the top of Chancery-lane: Mr. Smith, who is a match-maker, and lived in my neighbourhood, he ſays, Jack, we will not part with dry lips, ſays I, I have no money; we were at a loſs for a moment to know what houſe to go to; we went to the Pilgrim, then it was about a quarter or twenty minutes after twelve by the dial, the watchman was going twelve as we were going up Holborn.

Who went into the Pilgrim with you?——The priſoner and the Smiths, and another perſon whoſe name I do not know; there were five of us; Morgan was at the Pilgrim, I believe there were ſix, there was another perſon.

What did you do at the Pilgrim?—We ſat there, and drank and ſmoked.

Did all the company ſtay?——To the beſt of my remembrance they did.

Court. Till what time?——It was about twenty minutes after twelve when we went in, and to the beſt of my recollection we ſtaid there till about a quarter after three; I did not recollect any one of the perſons in the company being abſent five or ten minutes together, for reaſons I can tell the Court.

Did all the company ſtay all that time that came in with you?——To the beſt of my recollection they did.

Was you ſober?—Yes.

Was Dixon there all the time?—Yes.

Was you awake all the time?——Yes; there was a Smith in company, who is a very jocoſe man, and he had a rope's-end, and if any perſon attempted to go to ſleep, he would hit them with that end; that was Smith the match-maker, I believe his name is William.

As to your own part, you did not ſleep?——Not much at a time, I might nod, but for this man I never ſlept above four or five minutes at a time; he never ſlept: we came out of that houſe together.

Who was in company when you left the houſe?——There was Dixon in company, Morgan, and the two Smiths, myſelf, and another perſon.

Where did you go?—We went and took a walk, and then went to the Queen's-head, and knocked the people up.

Who was with you when you went to the Queen's-head?——The ſame people to the beſt of my recollection.

Court. Did Morgan go with you to

Chancery-lane, or did he come in afterwards?——I do not recollect his being at the houſe in Chancery-lane, but I recollect his being at the Pilgrim.

About what time do you recollect he came into the Pilgrim?——I recollect his being there at half after twelve.

Then you did not miſs Morgan for any length of time after half paſt twelve?——He was there, to the beſt of my knowledge, after half paſt twelve.

This you give as a reaſon why you could not ſleep for above five minutes at a time, this humour of Smith's?—It was general, and when one had got a ſtripe, he would tell of another, ſo that nobody could ſleep.

Mr. Silveſter. What are you?—I ſerved my time to a ſtationer.

You knew the two Smiths very well?—Yes.

You knew Dixon and Morgan?—I never ſaw them before that night, nobody knew where to find me in company but the Smiths; I work for my brother, and have for ſeveral years paſt.

You have had the misfortune to have been in cuſtody?—I was taken up on ſuſpicion, I was going up Tottenham-court-road, and ſome perſons laid hold of me, for what reaſon I cannot tell.

Shall I tell you what it was for?——If you pleaſe.

For a footpad robbery, am not I right?——I do not know.

Now this man you do not at all recollect his being with you at the Bell?——It is a houſe oppoſite the Rolls-buildings, I cannot tell the ſign.

Did you meet him in the way to the pilgrim?——To my knowledge I did not, I ſaw him there.

How came he there?—It is a night-houſe, any perſon may go in and come away when they like.

Where was you during the laſt ſeſſion?—What time of the month, I do not recollect what time it was.

During the time Morgan was tried?—I heard of that.

How came you then not to come and give this evidence?—I was not ſubpœned, I am now, if I had been ſubpœned I ſhould have come, I heard the murder was committed between the hours of one and two.

And yet you ſay he was in company from half an hour paſt twelve till paſt three?—To the beſt of my recollection he was, I cannot ſay why I did not come on Morgan's trial, it ſo happened I did not.

You are as ſure of Dixon as of Morgan?—I ſpeak impartially as much for one as the other, I am not quite ſo clear that he was in my company, Dixon ſat next to me, Morgan did not, to the beſt of my recollection and belief they were both there.

You are ſure they were in company together before that, and went to the fight and all that?—Morgan did not go to the fight with me, Morgan came in at ten at night.

EDWARD YALE *ſworn.*

Court. Where do you live?—In Chandos ſtreet, Covent-garden, I know the priſoner very well from a boy.

You have attended him very often?——The family.

Do you know of any particular complaint the priſoner was liable to?——Not to my knowledge, I never was ſent for upon any particular complaint.

Not a complaint of bleeding at the noſe?—No.

The Jury withdrew for ſome time, and returned with a verdict,

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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973. The ſaid ALEXANDER DIXON was again indicted for that he, together with the ſaid Henry Morgan, on the 8th of July laſt, upon the ſaid Charles Linton, feloniouſly did make an aſſault, and put him in fear, and take from his perſon,

and againſt his will, one gold watch, value 40s. two guineas, value 22s. one half guinea, value 10s. 6d. one ſhilling, value 12d. his property.

There being no evidence the priſoner was

ACQUITTED.

Court. Priſoner you had need to be very circumſpect in your future conduct, for though I entirely approve of the verdict, yet there are circumſtances in the evidence againſt you, that will render your caſe, if you ſhould hereafter be tried, and convicted of any offence, very little likely to obtain any mercy; therefore take warning from the fate of your companion.

Priſoner. I am entirely innocent of any thing at all about it.

The Priſoner was ordered to remain to be tried at Dover.

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974. JAMES, otherwiſe JOSEPH TREBBIS, and GEORGE HANDS, were indicted for feloniouſly aſſaulting Edward Rutter, on the King's highway, on the 4th day of October, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one ſilver watch, value 40s. and 5s. in monies numbered, his property.

EDWARD RUTTER *ſworn.*

On the 4th of this month, about twelve at noon, I was going from Harrow on the Hill to Greenford, in a ſingle horſe chaiſe, and I was ſtopped by two footpads with a brace of piſtols, one on one ſide, and the other on the other, and they ſwore an oath and bade me deliver my watch, I deſired them to take away the piſtol, that I might get up on my ſeat, and give them my money, I gave them my money, which was five ſhillings, he looked at it, and then he demanded my watch; I ſaid I was loth to part with it, I had had it a great many years; he ſaid, I inſiſt upon it, or you are a dead man: I drove on as faſt as I could to the gentleman's houſe where I was going, and gave the alarm; in conſequence of that alarm four or five men on foot, and one on horſeback, and himſelf on horſeback, went after them, and took them both, and brought them back to me in the ſpace of an hour.

Did you know them again?——Yes.

Was your watch found?—We took them before the Rev. Dr. Glaſſe, he ſaid where is the watch you took from the man; and the priſoner Trebbis gave the watch immediately.

You are ſure theſe are the men?—Yes, I ſwore to them directly.

Mr. Silveſter, Priſoner Trebbis's Council. You have no doubt in your mind?—Doubt! about what?

About the identity of his perſon?—No, Sir, none at all, no doubt in the leaſt.

JOHN EVISON *ſworn.*

I heard the alarm of two footpads from *Maſter* Rutter, I purſued them with two of my men, they ſurrendered themſelves to two of my men.

Did they reſiſt?—Yes, I cannot remember the words, but the meaning was, they deſired me to ſtand off, which I refuſed.

Had they arms?——Yes.

Were the piſtols preſented to you when you came up to them?——I believe they were, but I cannot be very ſure.

Did you ſeize their piſtols?——I did not, I deſired they would reſign themſelves quietly, and they ſhould be treated well, upon thoſe conditions they did.

What did the proſecutor ſay when you brought them to him; did he know them again?——He did.

Was you preſent when his watch was found?—I was in the room at the time they reſigned the watch.

Mr. Silveſter. Did they ſurrender at once when they were told they ſhould be well uſed?——Yes, from my perſuaſions, they reſiſted at the firſt, but after a bit of a parley, about five minutes, they ſurrendered themſelves.

Priſoners. We have nothing to ſay.

—— BROOKS *ſworn.*

I am a watch-gilder in King's-head-court, Holborn, I have lived there many years, I have known the priſoner Trebbis ever ſince his birth; I never heard a word amiſs of him till this time.

CHAFFEY MARTIN *ſworn.*

I live at Richmond, cloſe to this young man's friends, I have known him eighteeen years, I never heard any thing amiſs of him before, he was always an honeſt, juſt, good, civil lad; half Richmond would have come for him if neceſſary.

William Jennings, who had known him ten years; —— Wightman, who had known him fourteen years, and Thomas Drew, who was butler to Lady Fitzwilliam, with whom the priſoner lived ſervant, all gave him a very good character.

JAMES, otherwiſe
JOSEPH TREBBIS, } GUILTY, Death.
GEORGE HANDS,

They were both humbly recommended to mercy by the Proſecutor.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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975. **MATTHEW DAILEY** was indicted for ſtealing, on the 1ſt of October, one man's ſaddle, value 20s. the property of Thomas Merring.

THOMAS ALLEN *ſworn.*

I ſaw the priſoner take the ſaddle from the door, I ran after him and brought him back, I called to him to put it up again.

Court. You might as well have prevented him from taking of it. I did not know he would take it till he did.

Priſoner. A man employed me to carry it, and I told them, and they would not ſtop him.

GUILTY.

To be impriſoned one month in Newgate.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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976. **WILLIAM HARDING** was indicted for ſtealing, on the 29th of June laſt, two half crowns, value 5s. and 5s. 6d. in monies numbered, the monies of William Mills.

There being no evidence againſt the priſoner, he was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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977. **ELIZABETH COLE** was indicted for ſtealing, on the 30th of September laſt, one white ſtuff petticoat, value 4s. the property of David Scott.

MARY SCOTT *ſworn.*

The priſoner came into my ſhop for a child's ſhirt, I had none, and as ſoon as ſhe was gone I miſſed the petticoat, I called a cooper who works in the cellar, and he followed and brought her back.

THOMAS FROST *ſworn.*

I took her with the petticoat in her apron.

(The petticoat produced and depoſed to.)

PRISONER's DEFENCE.

My little girl picked up a petticoat, and I was looking at it when they took me.

The priſoner called four witneſſes who gave her a good character.

GUILTY, 10d.

To be whipped, and impriſoned one month in Newgate.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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978. **WILLIAM CRAWLEY** was indicted for ſtealing, on the 14th of October, ten pounds weight of cheeſe, value 3s. the property of John Fatham.

The Proſecutor ſaw the priſoner take the cheeſe out of his ſhop, and he was purſued and taken by James Younger.

Priſoner. I was juſt come from on board of ſhip, and was in liquor, and the Juſtice ſaid I was drunk.

GUILTY.

Privately Whipped.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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979. **JAMES HOLLOWAY** was indicted for ſtealing, on the 21ſt of September laſt, a ſilk handkerchief, value 3s. the property of John Hewetſon.

JOHN HEWETSON *ſworn.*

On the 21ſt of September laſt, I was going through Croſs-lane, by St. Dunſtan's, pretty quick, and a gentleman ſaid, that man has picked your pocket of your handkerchief, I miſſed it immediately, and purſued the priſoner, and he was taken.

EDWARD HOMEWOOD *ſworn.*

I ſeized the priſoner, and ſaw him drop the handkerchief, and this gentleman owned it.

PRISONER's DEFENCE.

I was running, and they cried ſtop thief! and they ſtopped me.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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980. **RICHARD MARSH** was indicted for feloniouſly ſtealing, on the 14th of Auguſt laſt, ſeventeen guineas, value 17l. 17s. and one half guinea, value 10s. 6d. the property of Alexander Jack; and one bank note, value 25l. the ſaid note being the property of the ſaid Alexander Jack, and the ſaid ſum of 25l. then due and unſatisfied to the proprietor thereof, againſt the ſtatute.

ALEXANDER JACK *ſworn.*

On the 14th of Auguſt laſt, I loſt my bank note and money; I lived in the country with a brother of mine at Richmond; I had a bill from Mr. John Thompſon of Halifax of 43l. 7s. 6d. I received the money that day, at Meſſrs. Boldero and Co. bankers, No. 5, oppoſite the Manſion-houſe; I received ſeventeen guineas and a half, and a twenty-five pounds bank note, I came to receive the money the day before, and it was not due; the banker told me I came a day too ſoon; I was going to Berkley-ſquare to ſtay all night with a friend, and on Holborn-hill I met with the priſoner at the bar, and he came up to me and aſked me if I came out of the country, and I ſaid I did; he ſaid he was juſt come from the country too, and he was going to receive money, and I told him I came to receive money too, but I came a day too ſoon; and when we had walked about three hundred yards further on, he picked up a purſe; and we went to a houſe, but I do not know what houſe, I am quite a ſtranger in town; he told me he had found a prize, and he would go in a houſe and have ſix-penny-worth a little farther on, and ſee what it was; I went into that houſe with him.

Court. Did he aſk you to go into that houſe with him?—Yes, and there were two or three more men in the houſe, and he ſaid we will not ſay anything of it here, we will go to another houſe, and we went to another houſe a little farther on, and there was a man ſitting, with a pot of beer, reading a newſpaper by himſelf; the priſoner ſaid, we can ſee now what we have found, and there he opened the purſe, and in the purſe there was a ring and a bill of the value, the value of the ring was two hundred pounds: this man that was in the room before we went in, ſays to the priſoner, ſuppoſe you give this gentleman, as he was with you when you found this prize, eighty pounds for his ſhare; we ſtaid there, and I had ſome dinner with them, and ſtaid there a good part of the afternoon, and they propoſed to me to go and drink tea at ſome place or other, and ſpend the afternoon, if I would go with them, ſo we had a coach in the evening, and went to ſome place to drink tea, I do not know what place; ſo this other man that was in the room when we came in, he ſaid, I will take you to a good place where you ſhall have a bed all night; we went all together, the priſoner ſtaid and ſlept with me; the next morning I got up, and we had ſome coffee for breakfaſt; I was to go to the Bank to receive the money at ten o'clock, and they ſaid they would go along with me: we all went in a coach together, I went to receive my money, and they ſtaid in the coach till I came out: after getting my money, I went into the coach to them; I do not remember where we went, but the priſoner told the coachman to drive to ſome place; then, after I had the money altogether, we came to a houſe and had ſome beer, and the priſoner went out, under pretence to get his money from a gentleman to give me, and he came back in a quarter of an hour, and he told me he could not get it; and this other man that was with him called me to the door, and ſaid, you had better take the purſe and ring, it is ſuch a fine prize you will make your fortune by it, and give him, meaning the priſoner, what money you have, and I will take you to Red-lion-ſquare, No. 36, where I keep livery-ſtables, and I will give you what money you like, and the priſoner was to come to this man's houſe, at Red-lion-ſquare, and to give me my own money and the eighty pounds.

Court. But the priſoner was not preſent when the other man adviſed you to do this?——No, the other man called me to the door.

Did you go back to the priſoner?—Yes, we both went into the houſe again, and I gave my money to the priſoner upon this condition, that he was to come in half an hour's time, to this other man's houſe in Red-lion-ſquare.

What was the priſoner to come there for?——He was to come there to bring back my own money, and the eighty pounds beſides; when I went back to the priſoner to take the ring, as it would make my fortune, the priſoner propoſed himſelf to come in half an hour, and to bring my money and the eighty pounds beſides; and he was then to receive the ring back; he did not like to part with the ring.

He propoſed, and you agreed to it?——Yes.

Did you give him your money?—Yes, all of it, the money and the bank note; then he went away, and this other man and me walked up to Red-lion-ſquare, to his houſe, and when we came about half a mile, he left me in a ſquare; he ſaid he wanted to go to ſpeak to ſomebody a little way off, that he had forgot, and he told me to ſtop there till he came back; I ſtopped there about half an hour, waiting for him, and he never came.

When did you ſee either the other man or the priſoner?——I never ſaw him till I ſaw him at Bow-ſtreet on Tueſday the 12th of this month.

How came you to ſee him at Bow-ſtreet?——Mr. Carpmeal took him up.

What did he take him up for?——For taking the money from me; I gave information the ſame day, I came to Bow-ſtreet after I found there was no ſuch man or houſe; I deſcribed the priſoner as well as I could: I was ſent for to Bow-ſtreet.

Where was the priſoner when you went to Bow-ſtreet?——I ſaw him in the back room there.

Who ſhewed him to you?——I do not know who it was, ſomebody ſhewed him to me.

What did they aſk you?——They aſked me if that was the man, and I ſaid it was.

Did you know him directly?—Yes, I did.

It was near two months before that, that you had ſeen him?—Yes, it was.

How came you to know him at that diſtance of time, he was an entire ſtranger to you at firſt, was not he?—Yes, but I knew his face as ſoon as ever I ſaw him.

What, ſo well as to know him again?—Yes.

Should you have known him if you had met him in a crowd of people, and not ſeen him at Bow-ſtreet?——Yes, I am ſure I ſhould have known him any where, I was twenty-four hours in his company.

Are you quite ſure that he is the man?—Yes, I am.

What did he ſay for himſelf?—He denied ever having ſeen me before.

THOMAS CARPMEAL *ſworn.*

The day that the proſecutor loſt his money, he came to the Office to give information, he told me the ſtory, and I went with him and two more; he did not know the houſe nor the ſtreet he deſcribed, but I took him to Mrs. Ruſhforth's, near Charing-croſs, and that was the houſe: I received ſome information there, by which I ſuſpected the priſoner. I have known the priſoner many years, but I never knew him in cuſtody; I never ſaw the priſoner afterwards till I ſtopped him; I ſtopped him in James-ſtreet, Haymarket, I think it was on Tueſday was fortnight.

Where did he live?—He kept a coffee-houſe in Bridges-ſtreet, Covent-garden.

Had he left his houſe?—Yes, ſome time, I did not know what was become of him, he was in town.

Court. Had he left his houſe before this tranſaction?—Yes, I did not know at that time where he lived.

Do you recollect what day the proſecutor gave the information?—I believe it was the 14th of Auguſt, but I did not make a memorandum, it was about three or four in the afternoon.

How did you find out the proſecutor?—He left his direction with me, and I ſent for him.

Did he know the man as ſoon as he ſaw him?—I was not preſent; this is the ring and purſe which the proſecutor left with me on the day he gave the information.

Court to Proſecutor. Look at the ring and purſe, and ſee if it is the ſame you had of the priſoner?—Yes.

Court to Carpmeal. Has it been in your poſſeſſion ever ſince?—Yes, I think it has.

Are you clear of it?—Yes.

(The ring handed to the Court and Jury.)

Court. What became of the bill that was in it?——The priſoner took it out.

PRISONER's DEFENCE.

My Lord, when he was brought into the room to ſwear to me, he was going to ſwear to one Robert Gregory, then ſays a man, this is the man; there were ſeveral people preſent; then there was one John Judſon, but he is not here; then he came and ſaid to me, you are the man that had my money, forty-ſix pounds, and if you will give me ten pounds I will not proſecute you; I ſaid if I had forty-ſix pounds of your's, I would be very willing to give you ten pounds: at Bow-ſtreet the Magiſtrate aſked him if I was the man, he came and looked at me; he ſaid he was very ſhort-ſighted: the Magiſtrate ſaid he muſt not believe, he muſt ſwear it; he came and looked at me again, and ſaid he would ſwear to me. I never ſaw the man before in my life.

Court to Carpmeal. Why were none of your people preſent when the proſecutor firſt ſaw him?——I do not know, I was preſent when he firſt ſaw him.

Court to Proſecutor. Are you ſhort-ſighted?——Yes.

You muſt be pretty near a perſon to know him?—Yes.

Did you, when you firſt went to the Brown Bear, take anybody elſe for the man that had robbed you?——No, I did not, I knew him directly.

Did you go near to him to look at him?——Yes.

As ſoon as you was near to him, you knew him?——Yes.

You was conſtantly near him when you was in his company before?——Yes.

You are quite ſure of his perſon?—Yes.

Priſoner. I was down in the weſt of England, at Briſtol fair, I arrived there the 1ſt of September.

Court to Priſoner. When did you go down there?—I was in the country a good while before I got down there; I was at Reading and Malden, and Chippenham, and Bath; I ſtopped two or three days in a place.

When did you leave town?——I do not know the day of the month, it was the beginning of Auguſt I know; I did not return till the 18th or 19th of September, I believe it was the 18th.

Court. When is Briſtol fair?——The 1ſt of September.

How long have you known Johnſon?—I have known him theſe three years.

Where does he live?—He lives at Highgate, by the Red-lion.

What is he?——He is a horſe-dealer.

Where does he keep his horſes?——He keeps none to ſtand, he buys them and puts them in ſtables for a night or two.

When was it that you ſent to enquire after him?—I have ſent five days.

But when was the firſt day?—On Friday week.

What is the reaſon that neither your brother nor you have named any time in your two affidavits which you made to put off your trial, when you enquired after Johnſon?——I did not know it was neceſſary.

Who drew up the affidavits for you?—Mr. Potter.

Have you any witneſſes to your character?——I did not think of being tried, I have very good friends in the city, and in the country, where Mr. Carpmeal comes from; when I met Carpmeal, I followed him, and we always drank together; he ſtopped to make water, and I ſtopped for him; ſays I, how do you do, will you have any thing to drink; he comes to me and ſays, how are you, Dick.

Court to Carpmeal. Did he follow you in the manner he ſays?—I never ſaw him till I ſaw him in the gateway.

Priſoner. Do not you recollect me coming out of Juſtice Hyde's, with Mr. Probyn and two or three more?——No.

Court to Jury. We have had ſeveral caſes ſimilar to the preſent, and there is one at this moment reſerved for the conſideration of the Judges, in order to ſettle the law, whether theſe contrivances to obtain money, are to be conſidered in point of law as felonies, or frauds puniſhable as miſdemeanors; I ſhall leave the facts to your conſideration; if you find the priſoner guilty, his caſe ſhall be ſuſpended till that ſimilar caſe is decided.

GUILTY.

Caſe reſerved.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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981. JEREMIAH ROSE was indicted for ſtealing, on the 22d of September laſt, one linen handkerchief, value 6d. the property of John Lloyd Harris.

JOHN LLOYD HARRIS *ſworn.*

I detected the priſoner picking my pocket, he had my handkerchief in his hand, I collared him, and took him to the Alderman.

JAMES MARQUIRE *ſworn.*

I am a conſtable, I took the priſoner.

Priſoner. I have nothing to ſay.

GUILTY.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Lord LOUGHBOROUGH.

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982. ELIZABETH SCOTT was indicted for ſtealing, on the 3d of October, one half crown, value 2s. 6d. and 5s. in monies numbered, and two metal buttons, value a farthing, the property of William Radley.

WILLIAM RADLEY *ſworn.*

I am a coach-harneſs maker, I was going home on Sunday night, I had been drinking a little, and I ſtopped to make water, and the priſoner came up to me, and I rather kept her in diſcourſe, and ſhe picked my pocket by being pretty cloſe together; my money was in my waiſtcoat pocket; I was in liquor, and rather familiar with her, I had no particular reaſon for being ſo cloſe with her, I did not mean any way to be concerned with her; I miſſed my money and charged the watch with her; the money was found upon her.

——— GRIMES *ſworn.*

The priſoner was brought to me, and in ſearching her we found the money and the two buttons; I have had them in my cuſtody: one ſhilling is miſſing. Theſe buttons were deſcribed before they were found.

GUILTY

Of ſtealing the buttons.

Fined 1s. *and diſcharged.*

Tried by the London Jury before Lord LOUGHBOROUGH.

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983. THOMAS WOOD was indicted for ſtealing, on the 12th of October, twenty-four ounces of ham, value 1d. the property of William Pfeil.

WILLIAM PFEIL *ſworn.*

Laſt Tueſday ſe'ennight I was in my phaeton, the head was half up, I had ſeveral little parcels behind me, and in Whitechapel I felt ſomebody behind me; a gentleman that was with me ſaid, Sir, the chaiſe is cut and a parcel is gone; he jumped out, and ran and brought the priſoner back; the parcel contained nothing but a trifling bit of ham, it was wrapped in a catalogue, I could ſwear to the paper.

The other gentleman confirmed this account, and ſaw the priſoner drop the paper with the ham in it.

Priſoner. I was going, and a man run by me, and threw that paper at me, which the gentleman picked up.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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984. JOSEPH LANCASTER was indicted for ſtealing, on the 1ſt of October, forty-two pounds weight of butter, value 30s. the property of Benjamin Wall and Co.

THOMAS KNIGHT *ſworn.*

I am a patrol, I took the priſoner with a flat of butter on his ſhoulder, about two in the morning on the 1ſt of this month, he ſaid it was fiſh; I took him, and it was twenty-one lumps of butter in a flat, and one he had in his pocket, wrapped in a dirty handkerchief; he ſaid at the watch-houſe he found it.

——— TILLY, *another patrol, confirmed the above.*

(The flat depoſed to.)

Priſoner. I helped the waggoner to unload, and he ſaid he was going to Holborn-hill;

bill; I followed him, and picked up this flat, and I opened it, and put one lump in my pocket.

GUILTY, 10d.

Whipped.

Tried by the first Middleſex Jury before Mr. RECORDER.

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985. **ELIZABETH AXFORD** was indicted for ſtealing, on the 18th of September, one quart pewter pot, value 16d. the property of Andrew Cunningham.

ANDREW CUNNINGHAM *ſworn.*

My boy found one of my pots on the priſoner.

Court to the Boy. How old are you?——Twelve.

How long have you been employed as a ſervant to Mr. Cunningham?——Seven weeks.

What did you do before that?—I lived at a jeweller's as an errand boy.

Have you ever been at ſchool?—Yes.

Can you read?——Yes.

You learned to ſay your catechiſm?——Yes.

What is taking an oath?—If I tell a lie, I expect to go to hell, and be puniſhed in the next world.

(Sworn.)

I was getting in my pots one morning in Knight-rider-ſtreet, three pints and one quart, I miſſed the quart pot, I ſaw the woman run up a court, I ran after her, and laid hold of her, and ſhe denied it; I called for aſſiſtance, I followed her, ſhe had her hand through her pocket-hole, in King's-head-court ſhe ſtooped down and dropped the pot.

What made you firſt ſuſpect her?——I miſſed it, and I ſaw her run, and I aſked her, and ſhe coloured, and I thought ſhe had the pot, and her hand was through her pocket-hole; I did not ſee her take it, but I ſuſpected her, and found it upon her; ſhe was not taken up for this, ſhe has been caught by another publican.

Are you ſure it was the ſame woman?—Yes.

Look at her again?——O yes, I am ſure it was her; I never ſaw her before ſhe took my pot as I know of.

PRISONER's DEFENCE.

I only took the pot to get a little water, I intended to return it to the ſame place, the wind blew my apron over the edge of the pot.

GUILTY.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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986. **JAMES NUGENT** was indicted for ſtealing, on the 2d of October, one ſilk handkerchief, value 6d. and three linen handkerchiefs, value 6d. the property of Edward Hill.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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987. **THOMAS PEARSON**, otherwiſe **PEARCE**, was indicted for ſtealing, on the 1ſt of October, one carpet, called a Bengal carpet, value 10s. the property of Edward Torrie.

EDWARD TORRIE *ſworn.*

On my return to my lodgings, about ſeven in the evening, I was informed I had loſt two bedſide carpets; I went to Juſtice Walker's, where the priſoner was in cuſtody, and the two carpets, and I ſwore to one carpet; I left my apartment open, they were there when I went out.

JAMES DENNISON *ſworn.*

I was in my ſhop, adjoining to the houſe where the proſecutor lodges; I ſaw a man go up the ſtairs, I thought he was a thief; I went round and ſaw a man come out of the houſe and give the priſoner ſome carpets; the priſoner was about two or three yards from the door; when the priſoner began to go away I laid hold of him, he dropped a carpet, a young man ſaw him, and he was taken into cuſtody.

JOHN HILL *ſworn.*

I ſaw a man come up and down ſtairs two or three times, and the laſt witneſs and me went round, and ſaw a man come out with a carpet under his arm, and give it to the priſoner.

(The carpet depoſed to.)

PRISONER's DEFENCE.

A gentleman offered me ſixpence to carry it.

Proſecutor. The priſoner firſt ſaid he found it at the door, and did not know it belonged to any body.

GUILTY, 10d.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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988. ABRAHAM DAWSON was indicted for ſtealing, on the 11th of October, one muſlin handkerchief, value 2s. the property of Margaret Oſborn.

MARGARET OSBORN *ſworn.*

Laſt Monday was a week, I was waſhing in the back kitchen, and had my yard full of wet linen to dry; I thought I ſaw the ſhade of a man's arm in the yard, and I ran up and miſſed my handkerchief, I turned my head, and the priſoner had the handkerchief in his band, and I ſaw him put it into his boſom, I ſaid, you villain, that is my handkerchief; he held up his arm, he was in liquor, I thought he was going to ſtrike me, I cried out, and a man came to my aſſiſtance; the priſoner ſaid, my handkerchief was on the line, I ran into the yard to ſee if any more was gone, and when I came back the handkerchief was dropped in the paſſage.

THOMAS MUMFORD *ſworn.*

I heard the proſecutrix cry out, and I went into the paſſage, and ſaw her pick up this handkerchief; the priſoner was in the paſſage, he ſtruck me a ſcore times, and ſaid damn your eyes you buggerer, I will murder you; there was a barrow with dogs meat, and there was a knife, and he and I both ſtrove to get hold of it; going to the watch-houſe he tried to trip me up.

(The handkerchief depoſed to.)

PRISONER's DEFENCE.

I went into the gentlewoman's houſe with ſome cats meat, ſhe had a halfpennyworth every day, I had the knife in my hand, the handkerchief lay at the door of the yard, I picked it up, ſhe came up ſtairs and called out thieves, I chucked the handkerchief into the yard directly; I was a little in liquor.

GUILTY, 10d.

To be whipped and confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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989. BENJAMIN TAYLOR (a Bengal black) was indicted for ſtealing on the 12th of September, one cotton counterpane, value 5s. one linen petticoat, value 6s. the property of Sarah Chapman Spencer.

(The priſoner was taken by the watchman, with theſe things upon him; which were advertized, and owned by the proſecutrix. The priſoner confeſſed before the Juſtice they were her property.)

PRISONER's DEFENCE.

A man dropped them, and I picked them up.

GUILTY.

To be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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990. JOSEPH BROTHERHOOD was indicted for ſtealing on the 30th of September laſt, one iron bath ſtove, value 20s. the property of George Olempſon.

ELIZABETH TIMBERLEY *ſworn.*

The ſtove was at my grandfather's door, he is an ironmonger; I was in the ſhop on the 30th of September, between ſix and ſeven in the evening, and the maid informed me the ſtove was taken away, and I went out and ſtopped the priſoner, I aſked him what he was going to do with it, he told me he did not know, and he flung it at my foot.

THOMAS MOFFATT *ſworn.*

I ſaw the priſoner and Miſs Timberley together, and I ſaw him throw the ſtove off his ſhoulders.

(*The ſtove depoſed to.*)

Priſoner. A man aſked me to carry it for a ſhilling.

The priſoner called one witneſs to his character.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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991. GERRARD PROUDFOOT was indicted for feloniouſly ſtealing, on the 11th of October, one ſilver watch, value 38s. the property of Emanuel Verrier.

EMANUEL VERRIER *ſworn.*

Laſt Sunday was a week when I went to bed, on board the Fort William, Weſt-India-man, laying at Limehouſe hole; I put my watch and clothes in my cheſt, I ſlept in a hammock in the ſteerage; the Captain called me up in the morning about my duty, and I went to my cheſt to get ſome things to put on, and every thing was gone, I was left bare as I was in my ſhirt; I was obliged to apply to the ſhip's company for ſome clothes, I made a ſtrict enquiry to no purpoſe, then I made myſelf reconciled to the loſs; and laſt Tueſday the gentleman that I bought the watch of, and four more men came down to Mr. Martin's, where the Captain lodges, and he ſent for me on board the ſhip, and all the young men that had watches apiece, and they put four watches under a hat, and Iſaacs aſked me, if I ſhould know my own watch, I told him I ſhould; as ſoon as he took up the hat, I took up my own, and told him I would ſwear to that, it was my property.

What did you know it by?——There was a cypher on the outſide caſe, that was G. B. and the number of the watch was 9004, I told him ſo before I looked at the watch, I can ſwear to it ſafely; I do not know how my watch came into the poſſeſſion of that man, his name is Iſaacs, the priſoner was then in cuſtody.

ISAAC ISAACS *ſworn.*

How did the watch come into your poſſeſſion, that you ſhewed to the proſecutor?——I am a dealer and chapman, Sir, this watch I ſold to the proſecutor myſelf, ſix weeks ago, and laſt Tueſday morning, I was at Iron-gate waiting for my boat to carry me down the river; a young man aſked me to ſtep in, he had a queſtion to aſk me; I went in, and ſome beer was called for, and one James Pollard being in the ſame room, took out this watch and wiſhed me to value it, as a friend of his was going to purchaſe it immediately; I took it in my hand, and before I opened it, I told this James Pollard, that I had ſold this watch, and the perſon had been robbed of it, I heard the

Monday before, when I came to demand my money for it, that the man had loſt it, I ſaid to Mr. Pollard, I muſt ſtop this watch, becauſe I know it and the owner, and I muſt ſtop you till you give an account where you got it from.

JAMES POLLARD *ſworn.*

How did you come by this watch?——Laſt Monday night, at the houſe of one Mr. Eſtol, in White-yard, Roſemary-lane, his ſon ſaid he had a watch that his father was going to buy for him, he ſhewed me the watch, and I ſhewed it to Iſaacs.

——— ELSTOL *ſworn.*

Mr. Proudfoot came into my father's houſe laſt Sunday morning, I have known him ever ſince I can remember; my father keeps a tallow-chandler's ſhop, and Mr. Proudfoot came in for ſome things that my father ſells, and while I was ſerving him, he ſaid he had a watch to ſell, and aſked me if I would buy it; I aſked him how much he aſked for it, he ſaid a guinea and a half; I aſked him how long he had had it; he ſaid, to the beſt of my knowledge, eight or nine weeks; I told him to ſhew it to my father, he aſked my father a guinea and a half for it; my father ſaid he believed that was rather too much; he took the watch again and went home, after I had ſerved him, and I went after him, and told him if he would let me have the watch upon trial, I would give him half a guinea earneſt, and I did ſo, and he let me have the watch.

Where does he live?——Right facing my father's, in White-yard, Roſemary-lane.

What is he?—He ſtands at Mr. Johnſon's door, a ſlopman in Roſemary-lane; my father was preſent when he gave me the watch, he is not here.

Mr. Chetwood, Priſoner's Council. How long have you known Proudfoot?—Nine or ten years; he has lived there ever ſince I knew him firſt, as a ſervant to Mr. Johnſon.

After he delivered the watch to you, as you ſay, he ſtill continued the ſame trade?——I was not preſent at the apprehenſion, I attended at the Juſtice's.

What account did the man that had loſt the watch give there?——Iſaacs ſaid he ſold the watch to the proſecutor about ſix or ſeven weeks ago; the priſoner was committed by the Juſtice for receiving the watch.

Court. Why did not your father, or ſomebody who ſaw the watch given you by the priſoner, come here?——He did not think it neceſſary.

Iſaacs. It is a very particular watch; I never ſaw the priſoner before, I know nothing of him.

Court to Proſecutor. Do you know the priſoner at the bar?——No, I never ſaw him before.

You do not know that he was on board your ſhip that night?——I cannot ſay.

Were there any ſtrangers on board that night, except your own crew?——No, not one that I know of, I went on ſhore about an hour, then I returned and went to bed.

PRISONER's DEFENCE.

I was in my maſter's employ, whom I have lived with eighteen years, and a ſeaman went by decently dreſſed, I aſked him if he wanted any clothing, he ſaid no, he had got a watch to ſell; he ſhewed me this watch, I thought to buy it for my own wearing, and ſhewed it to a friend that was going by, who is a Jew, I gave one pound eight ſhillings for it; he adviſed me to part with it, and I ſays to my eldeſt ſon, who is now in this Court, the watch is not what I thought it was, ſays he, father, Mr. Elſtol's ſon told me he wanted a watch, ſhew it to him; on the Sunday morning I went and aſked him to buy it; and he ſaid ſhew it to my father, I did ſo, and he ſent his ſon for it, I let him have it till Wedneſday upon trial; when I was taken up, I told the magiſtrate I ſhould know the ſeaman again, if I was at liberty.

Court. Did you deſire to be taken on board the ſhip?——Yes, I did, I ſaid ſo to thoſe very people, and before the magiſtrate.

Court to Proſecutor and Iſaacs. What do you ſay to that?——When the priſoner was in cuſtody, he begged we would let him go out, we ſaid, If he would allow an officer to go with him, but theſe people would be paid, and he ſaid he would be damned if he did, we brought out one ſeaman, and he ſaid it was not the man.

Mr. Chetwood. What was he committed for?——I do not know.

Jury to Verrier. Had any of your crew been on ſhore between the time you loſt your watch and the time the priſoner was taken up?——Yes, I had ſeveral times, and ſeveral of them.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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992. JAMES LANGLEY was indicted for feloniouſly ſtealing, on the 11th of October, one gelding, price 10l. the property of John Silveſter, Eſq.

JOHN FRAY *ſworn.*

I am coachman to Mr. Silveſter; on the 10th of October, I miſſed a horſe out of my maſter's field, and on the 16th of this month, I had information that the horſe was at Hackney; in conſequence of that I attended, and the man was not at home, but the wife was; I learned he was at Dalſton, I went there and found the horſe in the poſſeſſion of Benjamin Weſt, he went with me to the ſtable where the horſe was, and brought it out; the horſe was my maſter's property.

Mr. Chetwood, Priſoner's Council. My Lord, this Weſt was the perſon upon whom the horſe was found, would your Lordſhip think proper to examine him?

Court. Yes.

BENJAMIN WEST *ſworn.*

What are you?——A gardener, I know nothing of the priſoner, I was going to Uxbridge to buy fruit, a coming back from Chalfont, after I bought my fruit, I went to buy a horſe at the fair to fetch my fruit up and I found the priſoner leading the horſe up and down Uxbridge, and I aſked him the price of it, he aſked me ſeven guineas for it, I aſked him whether that was the loweſt, he ſaid I will take ſix guineas, I ſaid I will give you five pounds; no he ſaid, I ſhould not have it under ſix guineas; ſays I, I will give you five pounds ten ſhillings for it, we went into a public houſe and had a pint of beer and agreed for the horſe for five pounds ten ſhillings; I paid him four guineas in part of payment for the horſe, and one pound ſix ſhillings I was to leave on Friday following for him to fetch away on Sunday; the horſe was delivered to me.

Did you pay the remainder of the money?—Yes.

How?——He wrote a note to which I ſet my hand in part of payment of four guineas.

Have you got the note?——Yes.

(*The Note handed up.*)

Was any body by?——Yes, here is a man that was preſent when I paid him the four guineas.

Was anybody by when you paid him the twenty-ſix ſhillings?——Yes, the landlady, that horſe was brought to my houſe, and afterwards claimed by the laſt witneſs.

Court to Fray. The horſe you found in this man's poſſeſſion was your maſter's horſe that you miſſed?——Yes.

What might be price of the horſe?——Ten pounds.

You think it was worth that to be ſold in the market?——Yes.

Mr. Chetwood to Weſt. Had you ever ſeen the priſoner before?——No.

Was it tolled there?——No.

Was anybody by when you paid him the four guineas?——Yes.

Are you ſure it was the ſame man?—Yes.

Did you pay the note or leave it at the public houſe?—I went with the money, I had no ſuſpicion that the horſe was improperly come by.

——— CURRERS *ſworn.*

I know the laſt witneſs, I was with him at Uxbridge fair, I was at the houſe and ſaw him pay four guineas down for the horſe, and I gave a note for twenty-ſix ſhillings more, I ſaw him give the note, this is the note.

Did you ſee the horſe delivered?—No, the priſoner deſired my miſtreſs to do one thing for him, which was to take the note and receive twenty-ſix ſhillings for him, which he would come on Sunday for, I heard him ſay that to the landlady, for ſhe would not take it without I was witneſs to it, ſhe rather refuſed it, I perſuaded her.

PRISONER's DEFENCE.

My name is James Langley, I live in the pariſh of Waltham Abbey, on the 11th of October, when this man accuſes me of ſelling the horſe, I was very ill at home not able to do any work; and I have a witneſs to ſwear the ſame, Thomas Mathews that is a ſervant to Lord Orford, he was with me between the hours of ten and eleven; I leave your Lordſhips to judge whether a man can go thirty miles in an hour.

Mr. Chetwood. I ſhall only call witneſſes to character.

SUSANNAH AMHURST, *ſworn.*

I live at Pinders-end, the priſoner lives at Epping-foreſt, I keep a ſmall houſe, and keep a ſchool, I have known him ſome years.

What character does he bear in the neighbourhood of Pinders-end?——An honeſt man in general.

Has he always bore the character of an honeſt man?——Yes.

STEPHEN LANGLEY *ſworn.*

I am his brother, he bore a very good character as far as ever I heard, I never heard any crime alledged againſt him in my life.

Priſoner. My Lord, Thomas Matthews is a ſervant to my Lord Orford, and has been ſo for theſe twenty years.

Mr. Chetwood. You think it proper to call him do you?—Yes, I think it proper, he is the man that was with me at my own houſe between ten and eleven, I am as innocent of the affair as a child unborn, he has lived with the Earl of Orford between twenty and thirty years, he was with me in the priſon.

THOMAS MATTHEWS *ſworn.*

Do you know the priſoner at the bar?—Very well.

Who are you yourſelf, tell my Lord?—I live with my Lord Orford as gardener, I have been with him thirty years, at his ſeat by Epping-foreſt; the priſoner lives in that neighbourhood, I know the priſoner between four and five years.

Do you know when Uxbridge fair was?—Old Michaelmas day, that was laſt Monday was ſeven-night.

Was you there yourſelf?——I was not, I was at Langley's houſe that very day.

Was he at home?——He was.

What time was it?—Very near eleven.

Are you ſure it was that day?——I am ſure of it.

How far is that from Uxbridge?——I reckon thirty-two miles.

Are you ſure and clear, that Langley, that is now at the bar, was at home upon eleven o'clock of that day?——Near upon eleven.

Court. How long did you ſtay at Langley's houſe?——An hour and better, or an hour and half.

Was he at home all the time?——Yes.

What reaſon have you for recollecting that you went to Langley's houſe that day?—I recollect that old Michaelmas day was of a Sunday, the fair was kept on the Monday.

Which day was it that you was at Langley's houſe, on the Sunday or Monday?——I was at Langley's houſe on each of the days, Sunday, Monday, and Tueſday; I am there every day, I board there, it is a quarter of a mile from my Lord's houſe.

Did he go from home either of thoſe

three days?——Never a one that I know of.

What time did you leave Langley's houſe on the Monday?—Near upon one.

Court. Do not you uſe to go to your garden ſooner than one from his houſe?—I go to work when I pleaſe; my Lord ſets me no time.

But do not you pleaſe to go to work in your garden ſooner than one in the day?—No, Sir, I work in the garden when I chuſe, I manage the garden as I like, my Lord ſets me no time.

Does Langley keep a horſe?—Never a one.

What is his buſineſs?—He is a gardener and can turn his hand to any thing, he moſtly works for gentlemen in their gardens, he keeps no garden of his own.

And the Sunday that was old Michaelmas day, the Monday after, and the Tueſday, you was at his houſe and ſaw him all the time?——I was.

Then you do not know if he went away from his houſe any of thoſe days?——He was not well, and was not from his houſe at all, he was afflicted with the gravel, and was very bad and could not go to his work.

Mr. Chetwood. Do you know whether James Langley the priſoner at the bar was at home Sunday, Monday and Tueſday?—Yes, he was.

How long have you known him?—Between four and five years.

What is his character in the neighbourhood?——Very good, I never heard any harm of him in my life.

Court to Weſt. You have heard what this witneſs ſays, he ſays that the priſoner was at his houſe on Epping-foreſt at the time?—That is the man I bought the horſe of at Uxbridge-fair, and that is my witneſs.

Court to Currer. Are you quite ſure that is the man?——That is the man, and nobody elſe.

Mr. Chetwood to Currer. What are you yourſelf?——A carpenter.

Do you work at your trade?——Yes.

Where is this woman the publican?——At the ſign of the Falcon at Uxbridge, I lodge with her there.

Where did you live before you lodged there?——I lived at Hackney and Newington, I was bred and born in Worceſterſhire, I go any where I can to get my bread.

Then you are what we call a traveller, you have no place of abode?——No.

Court to Weſt. Where did you find the priſoner after the horſe was challenged?——At Waltham Abby, the coachman told me he had a ſuſpicion of two men, he had me to them but neither of them were him, we went to Mr. Silveſter's country-houſe, and there we had ſome breakfaſt, we then took two of the horſes out of the field and went to market, riding a ſhort trot, this was the firſt man that I ſaw, that I bought the horſe of; I ſays to the coachman, ſtop coachman! this is the man I bought the horſe of, I ſaid I am ſure of the man, we took him into a butcher's ſhop, Mr. Payne's I think it was, he went by the counting-houſe and he called a man, whom he called his maſter, one Mr. Prinnicks, to know where he was on Monday, he called in Mr. Gildart who ſaid he went after him on Monday to go to work and he was not to be found, he neither heard him nor ſaw him all that day.

Court to Coachman. What enquiry did you make of Weſt?—We gave a deſcription of his perſon, Mr. Silveſter's country-houſe is at Stewardſtone in Eſſex, three miles and a half from Waltham Abby; Weſt told me at firſt he purchaſed him at Uxbridge for five pounds ten ſhillings, and paid four guineas and left one pound ſix to pay; I went to Uxbridge and found every thing true as he had ſaid, I ſtaid there till between four and five, and in my way back I met Weſt and another man, he came back the ſame night on the Monday, it was not convenient for me to go to Eſſex, I went on Tueſday, I then took him to market about twenty yards in the town, he ſaid this is the man, ſays I be you ſure you make no miſtake; Currer gave the ſame account at the Falcon.

Did you know any thing of the priſoner?——I never ſaw him to my knowledge, tho he does not live above three miles from our houſe.

Do you know the gardener?——I believe he is ſomething of an odd man to go in there occaſionally when my Lord comes down to his country houſe, he might have been a ſervant many years, I do not know.

Mr. Chetwood. When was this man committed?——On Wedneſday.

Priſoner. The coachman told me when he took me that he would carry me to Bow-ſtreet and ſend for ſome friends, inſtead of which they carried me to Hicks's-hall, and to New-priſon, I ſent for this old gentleman, I had no other in the world to ſpeak for me; if I was not innocent I ſhould be willing to ſuffer.

Jury to Weſt. Who wrote that note?—The priſoner.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

993. DAVID BLACK, RICHARD BUXTON, and ROBERT COLEMAN were indicted for ſtealing, on the 13th of October, one hundred and forty-nine pounds weight of brown ſugar, value 30s. the property of William Millar.

THOMAS SPATE *ſworn.*

The waterman that brought the priſoners on ſhore, ſent me for an officer to take charge of them; I did ſo.

Thomas Eaton, the waterman who brought the priſoners from the Duke of Chandois, denied ſending the laſt witneſs for the officer to take charge of them; but ſaid, the priſoners were taken, and he did not know who ſent for the officers; the priſoners had a bundle each.

Priſoner Coleman. The ſugar is mine, I brought it from Jamaica.

Captain Miller ſaid he miſſed no property, and there being no further evidence, the Court obſerved it was needleſs to put the priſoners on their defence.

ALL THREE NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

994. DAVID BATTY was indicted for feloniouſly ſtealing, on the 5th of September laſt, one repeating watch, with the inſide and outſide caſes made of gold, value 15l. two ſtone ſeals, ſet in gold, value 40s. one pair of glaſs ſpectacles, mounted in ſilver, value 10s. one tooth-pick caſe, mounted in gold, value 5s. the property of the Honourable Charles James Fox.

James Adams called on his recognizance, and not appearing, the Priſoner was

ACQUITTED.

Priſoner. Gentlemen, I am very much obliged to you: I think Mr. Adams ought to be made an example of, for detaining me theſe five weeks, that I have been in cuſtody: I hope I ſhall have a copy of my indictment, my character was unimpeached before this time, now it is loſt entirely, and on his account: I am totally a ſtranger to any thing of the kind that I am charged with.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

995. WILLIAM RYAN was indicted for that he, well knowing that one John Harriſon deceaſed, had lately ſerved our Lord the King, on board a certain ſhip of our Lord the King, called the Iſis; and that certain wages and pay were due and payable to him for ſuch ſervice; with force and arms came before the Worſhipful George Harris, L. L. D. then Surrogate of the Rt. Worſhipful Peter Calvert, L. L. D. and unlawfully, knowingly, and feloniouſly did take a falſe oath, that he the ſaid

John Harriſon died a batchelor inteſtate without a parent, and that he was his lawful brother, and next of kin; whereas in truth and in fact, the ſaid John Harriſon died during the lifetime of Patrick Harriſon: and whereas, in truth and fact, the ſaid William Ryan was not his lawful brother, and next of kin; with intent to obtain letters of adminiſtration of the goods, chattles, and credits of the ſaid John Harriſon, in order to receive the wages and pay due to him, for ſuch ſervice aforeſaid.

A ſecond Count charges the ſaid William Ryan, for that he *ſuppoſing* one John Harriſon deceaſed had lately ſerved our Lord the King, &c.

Mr. James opened the Indictment: and Mr. Silveſter opened the Caſe.

WILLIAM STEPPING *ſworn.*

I am clerk to the Navy-office, this is the muſter book of the Iſis, here is in this book "John Harriſon entered the 15th of October, 1780, and died the 20th of December, 1783, at Greenwich Hoſpital," he was entitled to wages to the amount of between thirty and forty pounds.

WILLIAM ALMAN *ſworn.*

I live in Eaſt-Smithfield, I keep a public houſe, I know the priſoner, he applied to me on Saturday the 31ſt of July, to the beſt of my recollection; he came in and ſet down ſome conſiderable time, I at laſt took notice of him, he ſaid he had no money, he came upon ſome little buſineſs concerning his brother, who died in the Eaſt-Indies; he had only a will and power to his father, who was dead, and the writings were ſent to him; he ſaid, that his brother's name was John Harriſon, who was a ſeaman on board the Iſis; he ſaid, his father had been dead five years, in conſequence of that ſome ſhipmates of his brother's had ſent this will and power to him; and he came from Portſmouth, I promiſed him a lodging for a day or two, till he could get his buſineſs done; he ſtaid in my houſe till Sunday morning, and on Monday morning I went with the priſoner to the Navy-office, he aſked me to go, he ſaid he did not know what was owing to his brother, I went with him there, and found there was 38l. 11s. due to his brother, we went then to Doctors Commons, and applied to Mr. Jones; he was there examined in every reſpect to where he lived, and the pariſh in Ireland, and he was found right in every reſpect; I heard and ſaw him take the oath before the Surrogate, I do not know the name of the perſon that went with me, it was this Gentleman; I am ſure the priſoner is the man that went with me to take the oath, he got a letter of adminiſtration, this is the adminiſtration and the power he gave me to receive the money; that was the power he made me when he received the adminiſtration to pay me what I lent him out of my pocket; on the Wedneſday following we got the adminiſtration, I went into Corbet-court, Birchin-lane, to receive ſome prize money which was due for the ſhip, and there the real brother ſtopped payment; the priſoner ſaid, he was the real brother till the day following, when he owned he was not; he then ſaid, his name was William Ryan.

WILLIAM DICKINSON *ſworn.*

I am clerk to Mr. Cowper, a Proctor in Doctors Commons; I remember a perſon coming about two months ſince, for letters of adminiſtration to the effects of one Harriſon; I cannot ſwear the priſoner is the man, I believe him to be the man, I went with him to Dr. Harris, to obtain an adminiſtration to the effects of a brother, in the name of Harriſon.

What did he ſay was his name at that time?——Harriſon, the Chriſtian name I cannot recollect.

Did you obtain theſe letters of adminiſtration?——We did.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 20th of OCTOBER, 1784, and the following Days;
Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of William Ryan.

What did he ſwear?——He ſwore the deceaſed died a batchelor inteſtate, without a parent, and that he was a brother and next of kin; in conſequence of which, he obtained the letters of adminiſtration: the oath is a verbal oath; this is the ſame, this is ſigned by Dr. Harris, he is a Surrogate in Doctors Commons.

Court. Did the priſoner ſign it?—No, it is not cuſtomary.

Then it is not the form of the Commons to enter, that a perſon has been ſworn upon this?——No.

In what manner is he ſworn?——He is taken before a Surrogate, and a notary attends to atteſt the affidavit.

Who is the notary?——He is in Court.

In what manner is the oath adminiſtered?—Verbally.

In what mode of adminiſtration?—The Doctor repeats the words.

RICHARD WHEELER *ſworn.*

I am a notary.

Tell us the oath that is taken before the Surrogate?——The man ſwore that the deceaſed died without parent, inteſtate.

What intitles you to ſay that he ſwore to it?——The Surrogate ſays to him, you ſwear that ſuch a one, the deceaſed, in this warrant is dead inteſtate, without a parent, and that you are the brother; the man aſſents, and I atteſt it.

Court. It is not marked upon it, ſworn before me?—It ſays let adminiſtration paſs as prayed, the ſaid William Harriſon having been firſt ſworn before me me George Harriſon: that is my hand writing (*Read.*) ſigned, "George Harriſon, Surrogate, the 2d of Auguſt, 1784. Appeared perſonally, William Harriſon, and relates that John Harriſon late belonging to the Iſis, departed this life in the month of November, 1783, a batchelor inteſtate, without a parent; that he that appears is the natural and lawful brother of the deceaſed, wherefore he prays letters of adminiſtration of the debts and credits of the ſaid deceaſed, to be granted him: let adminiſtration paſs as prayed, &c. Alſo that the deceaſed died a ſeaman, in the pay of his Majeſty's navy, and that the whole of his effects will not amount to more than ſixty pounds: before me, George Harris, Surrogate."

You have attended often on theſe occaſions?—Many times in the courſe of a day.

JAMES

JAMES GARDNER *ſworn.*

You are a ſeaman on board the Iſis, you knew John Harriſon ?——Yes, he died at Tilday-Cherry.

Did you hear him ſay what family he had ?—No, I never heard him talk of any.

Did he make a will ?——Yes, I know nothing of the writing, I brought a letter to Thomas Harriſon.

What did the man that died call him ?—Thomas Harriſon.

THOMAS HARRISON *ſworn.*

What ſhip did your brother ſerve on board ?——The Iſis.

Is your father alive ?——He is.

Is this man any relation ?——No, I never ſaw him before I ſaw him at the Alderman's.

What did he tell you his name was then ?——He told me before the Juſtice, his name was William Ryan, he is no relation to me.

Did you receive a letter from your brother ?——I did, this man brought it, his name is Gardner.

Do you know your brother's hand writing ?——He could not write.

——— KNIGHT *ſworn.*

I was preſent before the Alderman at this man's examination ; the Magiſtrate aſked him his name, and he ſaid, his name was William Ryan.

Had you any converſation with the priſoner about a will ?—No.

Priſoner. I have nothing to ſay, only that I was in great want, and misfortune brought me to it.

GUILTY, **Death.**

Tried by the London Jury before Lord LOUGHBOROUGH.

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996. CHARLES HUGHES was indicted for feloniouſly ſtealing, on the 21ſt of October, one pair of ſilk ſtockings, value 6s. the property of John Williamſon privily in his ſhop.

JOHN WILLIAMSON *ſworn.*

My father keeps a hoſier's ſhop, in Holborn ; I was in the ſhop on Thurſday a little before duſk, a little man much leſs than the priſoner, came into our ſhop, and aſked for ſome ſilk ſtockings with clocks ; I ſhewed him ſome, he begged to try on a pair of ſilk and worſted, which he did, and juſt as he was drawing them on, in came the priſoner, and aſked for ſome unaccountable article, this was on Thurſday afternoon ; my ſuſpicions then were exceedingly ſtrong that they were confederates, ſays I, to the Gentleman, it is very ſtrange you ſhould aſk for an article which I have not got ! I called my father to ſerve the priſoner, while I attended the other ; my father turned his back, and I ſaw the priſoner put his hand to his breaſt, I did not ſee him take any thing ; the little man offered leſs than the ſtockings coſt, he went out, and the priſoner followed him ; I told my father that I had a very great ſuſpicion of them, I followed them two or three hundred yards, I ſaw the little man go up to another hoſier's ſhop, and the priſoner went up to ſpeak to a woman in a bath cloak, who ſeemed to be waiting for him ; whilſt he was talking to the woman, I ſpoke to a neighbour, and obſerving his ſide pocket bulged a little, I ſpoke to the priſoner, and there was a pair of ſilk ſtockings in his pocket ; theſe ſtockings are my father's own property, I took them from the breaſt of his coat myſelf.

When he put his hand to his breaſt, did you ſee him have anything ?——I did not : the ſtockings are ſpun ſilk, they ſtood us in ſeven ſhillings and eight-pence a pair, but I have laid them only at ſix ſhillings.

Priſoner. He acknowledged before Sir Sampſon Wright, that he ſaw me put them into my pocket ?——I ſaid no ſuch thing.

EDWARD LLOYD *ſworn.*

I was with Williamſon when he ſtopped the priſoner, and I ſaw him take the ſtockings, the priſoner denied, and ſaid he had them not, Mr. Williamſon inſiſted on taking him to the ſhop.

PRISONER's DEFENCE.

I was going to my agent, he lives by Golden-ſquare, one Mr. Green, for ſome prize money for the Don frigate; going along Holborn, I met a little man in a brown coat that ſtuck up pictures, I underſtood his name was Jones; ſays he, Hughes, will you give me a dram, ſays he I have got a pair of ſtockings to ſell, and if you will buy them I ſhall be glad, I bought them, and gave him five ſhillings and ſixpence, and a quartern of gin; we drank the gin, and I have a witneſs that ſaw me give him the money.

A WITNESS *ſworn.*

I am a ſervant, I live at Shoreditch with my mother at preſent, I am out of place.

Court. What is your mother?—She is an engine-windſter by trade.

Have you any father living?——Yes.

What is he?——He is a weaver.

How long have you known this man?—He and his wife lived in the houſe where I lived ſervant, I have known his wife many years, and I have known the man ſince he has been home, about ſix or ſeven months, he is a very honeſt man.

Mr. Williamſon. This is the ſame woman that met the priſoner.

Priſoner. She was along with me, and drank the dram, and ſaw me give the money.

Witneſs. I met the priſoner coming from Bloomſbury-ſquare, he aſked me how I did, he was ſpeaking to another man; and the man ſaid, my dear, you may as well have a dram of ſomething to drink; he was giving ſomething to the man, but what it was I cannot tell.

Court. Your meeting was quite accidental I ſuppoſe?——Yes.

GUILTY, **Death.**

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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997. THOMAS HAYWOOD was indicted for ſtealing, on the 1ſt of October, one ſilver tea ſpoon, value 3s. and one ſilver ſalt ſpoon, value 2s. the property of John Sherwood.

James Palmer called on his recognizance and did not appear.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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998. MARY FIELD was indicted for ſtealing, on the 1ſt day of September, one pair of linen ſheets, value 3s. one bolſter, value 12d. one pair of bellows, value 12d. two flat irons, value 12d. one tin tea kettle, value 12d. and one wooden bowl, value 6d. the property of John Collins, being in a certain lodging room let to the ſaid Mary.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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999. JOSEPH JEFF, SAMUEL SMITH and JOHN WATTS were indicted for ſtealing, on the 9th of October, one metal watch in a ſhagreen caſe, value 30s. the property of Elijah Champion.

The proſecutor called, and not appearing, the priſoners were

ALL THREE ACQUITTED.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

1000. ELIZABETH LEONELL was indicted for feloniouſly aſſaulting Hannah, the wife of Samuel Boardman, on the 23d of September laſt, in a certain place called the privy of the New Priſon, near the King's-highway, and putting her in fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, four ſhillings and ſixpence in monies numbered, the property of the ſaid Samuel.

HAN-

HANNAH BOARDMAN *ſworn.*

I was taken up with a ſhilling warrant, a woman and I had a few words, and I was ſet down crying in the priſon, it was on a Wedneſday, I am almoſt ſure it was laſt Wedneſday was a month, my heart was ready to break, and the priſoner came to me, and ſaid what are you crying for; I ſaid, I have done nothing that I know of; ſays ſhe, I have a kinſman that will bail you; I ſaid, how can that be, a man I never ſaw. I have not got much money. I ſearched my pocket, and found ſixteen-pence; ſays ſhe, I will take that ſixteen-pence, and carry it to Mr. Roberts, to go to carry to the Juſtice of Peace to get a copy of your commitment, againſt my kinſman comes to get you out of priſon.

Court. You gave her the ſixteen-pence for that purpoſe?—Yes, ſhe ſaid, I muſt have more money, ſays I, I have no more; ſays ſhe, take off your ſtays, ſays I, how can I go without my ſtays? I pulled off my ſtays, and ſent my own child with them, and ſhe brought me four ſhillings and ſixpence, and a duplicate; when ſhe ſaw the girl bring me the four ſhillings and ſixpence, ſays ſhe, they ſhall not hear what you and I ſay, come here to the vault; and when we came to the vault, ſays ſhe, damn your eyes you old bitch, give me that money you have in your hand; I ſaid, I will not give it you; ſays ſhe, you bitch I will have it, and ſhe put her hand before my mouth, and put one hand over my mouth, and with the other hand ſhe took the money out of my hand.

In what manner did ſhe take it out of your hand?—She pulled my hand as hard as ſhe could, and held me ſo, that my noſe and mouth all ſpun out with blood.

She preſſed you ſo hard with her hand? Yes, I was almoſt ſtifled with my own blood; ſhe went to the reſt of the priſoners and ſet herſelf down, and left me in the vault almoſt fainting; after I ſtopped the blood and came to myſelf, I went to her, and ſays to her, Bet give me that money you took out of my hand; blaſt you, ſays ſhe, you and the money, I take your money! if you ſay I took any of your money, I will kill you this minute: the turnkey, the fat, jolly man, came and took her away, or elſe ſhe would have murdered me.

Priſoner. Mrs. Boardman, look in my face, and ſay, did I ever take any money from you? I am really innocent, ſhe ſent me for beer and gin, ſhe has been learned all theſe things in the gaol.

THOMAS ROBERTS *ſworn.*

I am one of the turnkeys of New-Priſon, Clerkenwell; two or three days before this happened, the priſoner was committed to our priſon on ſuſpicion of a robbery, I belive this was on Thurſday the 23d, I only go by the duplicate which I ſaw, the proſecutrix has it now: I heard the diſturbance, my fellow ſervant went down and I followed him; he is not here, ſhe came and ſaid ſhe had been robbed, her mouth bled a little, I aſked her what ſhe had been robbed of, ſhe ſaid four ſhillings and ſix-pence, which her child had brought in, and ſays ſhe here is the duplicate, which ſhe gave me: I then called the priſoner and aſked her, ſhe denied it, I took her immediately from that part of the priſon and locked her up; ſhe had been ſearched but nothing could be found, I did not ſearch her myſelf.

Did you hear the priſoner uſe any threats to the proſecutix?——No, I cannot ſay I did.

Court to Proſecutrix. Is there any other witneſs who knows any more of this?—No, only my child.

How old is ſhe?——She was ten years old laſt Auguſt.

Priſoner. Indeed upon my word I am as innocent as God is in Heaven, ſhe did not ſay this, ſhe only ſaid her money was ſpent in gin and twopenny, and ſhe not bailed out, ſhe told me to raiſe her two guineas and ſhe would not come againſt me.

Jury. We wiſh that the child ſhould be examined to know whether ſhe gave the money to the mother.

Court. You ſee thus far appears in evidence, that a duplicate for four ſhillings and ſix-pence was in the poſſeſſion of the proſecutrix, for the turnkey ſays that ſhe upon the complaint ſhewed him the duplicate, which was for four ſhillings and ſix-pence, which duplicate ſhe now has; now whether after the child has heard all that has paſſed you will receive any additional ſatisfaction, is for your conſideration.

Court to the Child. How old are you my little girl?——Ten, *the laſt ſixth day* of Auguſt.

Do you know any thing of the nature of an oath?——No Sir, I do not.

Do you know what it is to be ſworn?—No Sir, I do not.

You have never been told the nature of an oath, or the conſequences of telling a lie if you are ſworn?——No Sir.

Jury to Roberts. Was any money found on the priſoner?——Some of the priſoners ſaid ſhe had ſwallowed it, others ſaid no, ſhe had hid it in ſuch a place which is very indecent to mention; I took her immediately and locked her up, I did not ſearch her.

Court to Jury. You ſee when ſhe went and mixed with the other priſoners there certainly was time enough for her to have parted with the money, but there is no evidence one way or the other as to that.

GUILTY, **Death.**

Jury. My Lord, the whole Jury deſire to recommend her to mercy.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

1001. GEORGE WOOD and WILLIAM GILES were indicted for feloniouſly aſſaulting on the 8th of October, in the King's highway, called the River of Thames, one Robert Currie, and putting him in fear and taking from his perſon and againſt his will, four trunks covered with leather, value 10s. four dozen of ſhirts, value 10l. ſix other ſhirts, value 12s. three coats, value 20s. eight dimity waiſtcoats, value 4l. four pair of nankeen breeches, value 20s. three pair of ſilk breeches, value 20s. three pair of ſilk ſtockings, value 20s. eighteen pair of cotton ſtockings, value 20s. one pair of boots, value 5s. ſix pair of thread ſtockings, value 6s. eighteen pair of cotton trowſers, value 30s. five ſilk handkerchiefs, value 15s. one linen ſtock, value 5s. four ſtocks, value 2s. ſix linen handkerchiefs, value 3s. one pair of ſheets, value 5s. one table-cloth, value 8s. one ſilk umbrella, value 5s. one gold ring, value 10s. one ſilver ſtock-buckle, value 5s. one pair of ſtone knee-buckles ſet in ſilver, value 2s. the property of *the ſaid* William Bunkum.

Mr. Garrow, Councell for the Priſoner, objected to the property being laid as belonging to the ſaid *William Bunkum, the name of William Bunkum not having been mentioned before in the Indictment.*

Mr. Silveſter, Councel for the Proſecution, replied, that the words the ſaid *were mere ſurpluſage, and did not vitiate the Indictment.*

Court. With reſpect to ſurpluſage in this caſe, there ſtrikes me, there is ſome little doubt which word we ſhould ſtrike out; there is an antecedent to which the word *ſaid* may refer: if there was no antecedent, if the indictment had begun that he made an aſſault on *the ſaid* Robert Currie, there I ſhould be inclined to reject it as ſurpluſage, but one perſon being named, the word *ſaid* is referred to that.

Mr. Silveſter. There was an Indictment againſt a man for *feloniouſly* ſetting his houſe on fire, and the crime itſelf was not felony; the Court of King's-Bench were of opinion that the word *feloniouſly* ſhould be conſidered as ſurpluſage, and it was ſtruck out; now in this caſe, it immediately refers to the goods and chattles of William Bunkum.

Mr. Garrow. Let the accomplice go out of Court.

(Mr. Silveſter opened the Caſe.)

ROBERT CURRIE *ſworn.*

I am ſteward to the ſhip Venus, Captain Bunkum, commander, ſhe was laying at Limehouſe the 8th of October, and about two that night our veſſel was boarded by a number of people, they came to the cabin and opened the door, two men came into the cabin with a dark lanthorn, their noiſe and the light awakened me, I ſtarted up in my cot and one of them ruſhed to me with a piſtol or blunderbuſs, and told me not to move, if I did I was a dead man; they took two trunks containing wearing apparel, and a trunk containing things which was not locked, and a trunk with the papers of the voyage, *(repeats ſeveral of the things inſerted in the indictment)* the whole amount of the things in thoſe trunks was forty pounds, on a moderate computation. The priſoner Wood was one of the men; I made every obſervation I could of their ſtature and dreſs, but none on their faces, except the priſoner Wood's who came to the cabin door, and laid hold of the trunks, by which I had an opportunity of ſeeing him; the things are the property of Captain William Bunkum.

Mr. Garrow. How long had you been in bed before this happened?——About four hours.

In a ſound ſleep?——I was.

Any light in the cabin?——None at all.

You was a good deal ſurprized?——Yes.

Had you any arms on board?——No.

You muſt have been in a pretty conſiderable ſtate of alarm not to have known a piſtol from a blunderbuſs, may be you would not have known it from a little cannon?——It was about eighteen inches long and a braſs barrel.

Was the face of the perſon that came to the cabin door in a diſguiſe?——He had a handkerchief tied about his head not over his eyes.

Had that perſon any light in his hand?—No.

How long was he in your view?——I ſuppoſe a minute, or a minute and an half, at one time, he received the things from the others, and came backwards and forwards.

When you ſaw Wood before the Magiſtrate do you recollect ſaying you could not ſwear to him, nor did not know him?—I never ſaid ſo.

Was there or not, a handkerchief put over the head of Wood, before the Magiſtrate in order that you might ſee whether you knew him?——I am not poſitive whether it was over Wood, or Giles, but it was over one; but I had ſworn to him before, the handkerchief made no difference to me; I ſaid poſitively before the handcherchief was put on, that Wood was one of the men.

How long were they on board in the whole?——Fifteen minutes at moſt, we had four more hands beſides me.

BENJAMIN SOLOMON *ſworn.*

Mr. Silveſter. Where do you live?—In Shadwell.

Look at theſe men, do you know any thing of them?——Wood came to me laſt Saturday was a week and aſked me whether I would buy a pair of knee-buckles with ſeveral of the ſtones out, I told him I buy nothing to day, but if you will come again to night I will ſpeak to you; he did not come, but a hand-bill being circulated, I went to get a ſearch warrant and laid an information at Shadwell, and at Sir Sampſon's; he left the buckles with me, and I ſaw him on the Tueſday night following at a public houſe playing at cards, and I delivered them to him.

Mr. Garrow. Who are you? I know you but theſe gentlemen do not.——I am an honeſt man, and get my living as a man ought to do, I ſell razors and penknives; I exerciſe no other trade except pencil making.

Court. Upon your oath, did you give the buckles back to the priſoner on purpoſe that they might be found upon him when he was apprehended?——I did.

By whoſe advice did you do that?—I am hard of hearing your Honour.

By whose advice did you do that?—By my own advice.

PATRICK MACMANUS *ſworn.*

In conſequence of an information, Mr. Clark, Jealous, [illegible] and me, went with Solomon to the Jolly Sailors, we followed him immediately, and this young man had one of the buckles in his hand looking at it, and the other lay next to Wood upon the table; here is a hand-bill of the robbery that the priſoner Gyles flung into the fire directly upon his being taken.

Mr. Garrow. Do you know that Jew fellow Solomon [illegible]?—Yes, I knew him before this buſineſs.

(The buckles depoſed to by Captain Bunkum, which he left on board that night.)

JAMES ROMAINE *ſworn.*

I have known Wood about eight months, we were at the Fox in Fox's-lane Shadwell, we waited for Gyles, we went to Pelican-ſtairs for a boat, we then went up to Alderman Parſons's-ſtairs to look at a ſloop we were going on board her, we went to St. Catherine's and had ſomething to drink, we ſtaid till twelve and went to look at her again, and went down to Limehouſe-hole and got a light from the watchman, and went on board the Venus between twelve and one.

Who was in company with you?——The priſoners Gyles and Wood, Henry Wood, and Joſeph Cupola, I ſtood upon the hatchway with a cutlaſs, the other four went down, they puſhed open the door and drew out the two trunks from under the cot and brought them on deck and put them into the boat; then Wood brought two red leather little trunks and put them into the boat; we went over to the Horſe-ferry facing Limehouſe and tied them up and carried them over to one Brown at Limehouſe, who keeps an empty houſe on purpoſe to take in thoſe things.

Mr. Garrow. How long have you been concerned in this ſort of buſineſs?—About ten months.

Pretty good plunder?——Yes.

You was one of thoſe that was fired at?—Yes, I was taken up for ſtealing ſome lead the Friday following.

How many of you were drowned coming from the ſloop?——There were two, one is not found.

You were told that you would be hanged if you did not make a confeſſion?—Yes.

Who told you ſo?——Several people.

Have you ſpoke to Solomon ſince you have been in confinement?——No.

You made this confeſſion to ſave your own life?——I did.

Court to Jury. It is not neceſſary to trouble you with any objections to this indictment, the priſoner will have the benefit of them in another place if he is convicted: there is no evidence againſt Gyles.

Court to Currie. Which ſide of the river did the ſhip lay on?——On the north ſide.

Was the ſhip's boat on board?——No.

GEORGE WOOD, GUILTY

Of ſtealing the Goods, but not by force, from the perſon of Currie.

Transported for ſeven years.

WILLIAM GYLES, NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

1002. **THOMAS FREEMAN** was indicted for that he, on the 19th of April did falſely and feloniouſly make, forge, and counterfeit, and cauſe and procure to be falſely made, forged, and counterfeited, and willingly act and aſſiſt in the falſe making, forging, and counterfeiting a certain promiſary note for payment of money, bearing date, London, 4th day of November, 1783, purporting to be made and ſigned by one Dr. Bowles, for and on behalf of Crofts and Co. for payment to Mr. Thomas Wilſon or bearer, on demand of fifteen pounds for value received, and which ſaid falſe, forged, and counterfeited note is in the words and figures following, that is to ſay, "I promiſe to pay Mr. Thomas Wilſon or bearer on demand, fifteen pounds value received. London, 4th day of November, 1783. For Crofts and Co. D. Bowles." with intent to defraud the ſaid Meſſrs. Crofts and Company.

A ſecond Count for uttering the ſame knowing it to be forged.

A third Count the ſame as the firſt, with intention to defraud Eleanor Fairis.

A fourth Count for uttering the ſame knowing it to be forged.

A fifth Count for uttering the ſame, with intent to defraud Lawrence Pearſon.

Mr. Garrow opened the Caſe.

LAWRENCE PEARSON *ſworn.*

I am a ſervant, and I manage the buſineſs for Eleanor Fairis, a pawnbroker in Fleet-market; I remember ſeeing the priſoner on Monday night, the 19th of April laſt, at our ſhop about eight or nine, it was the time we were ſhutting up ſhop; the priſoner came to look at a gold watch, upon which the gold watch was ſhewn him, and he agreed to give thirteen guineas for it, as I was informed; upon which he tendered a note, and I was called down to the priſoner; I told him I had no objection to take the note, if it was a good one, the note was fifteen pounds, and I was to give the difference, the priſoner ſaid, the note was a good one; I then aſked where the banker lived, and he told me it was Crofts and Co. Pall-mall; I then remarked to him I thought it was very thin paper, he told me it was the ſame paper *as always uſed*; them were the words; he then ſaid, that he was not a judge of the watch, he would not buy it, unleſs I would let him know what he ſhould loſe by it, in caſe it was not approved of, if he returned it; and I made an agreement to give him thirteen pounds for it.

Court. So he only was to loſe the difference between pounds and guineas?—Yes, I deſired him to indorſe the note, upon which he wrote upon it *Captain T. Freeman*; there were no other indorſements.

What is the date of it?—Fourth of November, 1783; I did not obſerve the date, I gave one pound ſeven ſhillings in change; he took the watch, it was No. 4281, H. Tylor, London; a gold watch capped and jewelled, I have the name and number taken from my watch book at the time.

Mr. Silveſter, Priſoner's Council. You ſpeak from the book I take it for granted?—Yes.

Therefore do not tell us any more about it, without you produce the book?—I ſent the note by George Johnſon, and it was brought back unpaid; I then went to the ſhop myſelf and could not procure payment.

Mr. Garrow. In conſequence of your viſit to Mr. Crofts, what did you do?——I went that day to a number of pawnbrokers, and I found it afterwards at Parker's; Parker's was the firſt ſhop I went to.

Have you had that note in your poſſeſſion ever ſince?——Yes, till Mr. Holloway our attorney had it to draw the indictment.

How ſoon afterwards did you hear anything of Mr. Freeman?—I advertiſed the watch, and in conſequence of that, I received this letter.

Do you know that letter to be any body's hand writing?——I do not.

Then do not talk about it?—I ſaw the name of the priſoner in the paper, and I went to Bow-ſtreet, and I ſaw him at the public houſe, I was perfectly ſatisfied he was the man, and I believe he was perfectly ſatisfied with me, I think it was laſt Friday week, I knew him again.

Are you perfectly ſure in you recollection, that he told you it was Crofts and Co. Pall-mall?——Yes.

(The note handed up.)

Mr. Silveſter. This was in April laſt, ſo long ago as that?—The 19th of April.

You was ſhutting up ſhop?—Yes, only the lamps were not put out.

Did you obſerve any body at the door at the time?——I did not.

The perſon who bought it of you, told you that he was no judge himſelf, and therefore if it was not approved of, deſired to know what you would allow?——I believe them were the words.

Then you underſtood it was for ſomebody elſe?——Yes.

The writing on the back of the bill, when was that put?——I put it the next day, after it came from the bankers.

But at that time you put no writing upon it, nor was there any mark of yours?—No, I remember the name of T. Bowles.

I want to know, whether you put any mark upon it when you ſent it to the bankers?——I did not.

But whatever mark or writing was put upon it, was after it was returned to you, or after it was ſent to the bankers?——Yes.

You never ſaw the perſon again till laſt Friday week?——No.

Court. He had indorſed it?——Yes.

Did obſerve the indorſement upon it?—I ſaw him write it, *Captain T. Freeman.*

GEORGE JOHNSON *ſworn.*

I am ſervant to Mrs. Fairis, I never ſaw the priſoner before the 19th of April.

Mr. Garrow. Do you remember any tranſaction about the ſale of a watch, on the 19th of April laſt?——On the 19th of April, Thomas Freeman came into our ſhop.

Look at the priſoner?—I am perfectly ſure it is the perſon that I ſaw the 19th of April: on that day he came into our ſhop, and deſired to look at a gold watch; I was preſent and heard him, I did not hear the firſt part of his diſcourſe, I was putting out the lamps at the door; I went and ſtood by him, and I ſaw him give a note to Mr. Pearſon, and I ſaw the caſh paid, and the price of the watch was thirteen guineas, he ſaid the note was Crofts and Co. Pall-mall, it was for fifteen pounds, and I ſaw him ſign his name Captain T. Freeman.

What time in the evening was this?—About nine.

Did you deliver him a watch?—Yes.

The next day I believe you was ſent with this note?—Yes.

Who gave it to you?—Mr. Pearſon, I took the note that Mr. Pearſon gave me, to Crofts and Co. they would not pay it, I brought it back to Mr. Pearſon again.

Did you deliver the ſame note to Mr. Pearſon that you received from him?—Yes.

That you are ſure of?—Yes.

Look at the note, and tell me whether it is the ſame?——Yes, I am ſure of it.

Mr. Silveſter. You gave that note out of your poſſeſſion?——Yes.

Who did you give it to, was it at Mr. Croft's ſhop?——Yes, I gave it to one of Mr. Croft's men, and he looked at it.

Did he take it to the back ſhop?—No, he did not take it out of the ſhop.

Do you mean to ſay it was never out of your ſight?—Yes, Sir.

You was buſy when the priſoner came in to buy the watch?—Yes, I did not attend to the former part of the diſcourſe, I looked over him and ſaw him ſign, he was twenty minutes in the ſhop.

Was any body elſe there?—Yes, there was.

Who was at the door?——There was ſomebody at the door, a gentleman came and opened the door, and came into the ſhop, and ſaid, ſays he, Mr. Freeman I thought I had loſt you, are you bargaining; I do not know whether he called him by his name or no, he ſhut the door again.

Did you ſee whether they went away together?—I did not follow Mr. Freeman to the door.

Did he go immediately after this perſon ſpoke?—He had not indorſed his name then.

Can you deſcribe that man?——He appeared a ſhort man, but I cannot deſcribe him.

(*The note read.*)

"No. 83. D. Crofts and Co. I promiſe to pay Mr. Thomas Wilſon or bearer, on demand, fifteen pounds, value received: London, the 4th day of November, 1783. For Crofts and Co. D. Bowles.

Mr. Garrow to Pearſon. What book is that?——Here are the pledges, and here are where the things are ſold, G. for gold, H. Tyrer, that is the maker's name, No. 4281, and the money we gave for it.

WILLIAM STREET *ſworn.*

I am clerk to the houſe of Crofts and Co.

What are their names?—Robert Crofts, Thomas Crofts, William Devaynes, John Davis, and William Noble; I have lived in the houſe two years and a half.

Had you at that time any perſon in the houſe except the partners authorized to ſubſcribe notes for you?—Never ſince I was there.

No ſervant of the name of Bowles?——No perſon authorized to ſubſcribe notes.

Do you know any other banking houſe of the name of Crofts; is that note like, or does it at all reſemble in any reſpect whatever the notes given by Crofts and Co?——It is not.

Mr. Silveſter. It is not the leaſt like it, there is no one ſingle thing in that note like your notes?——No.

The body is not like it, the paper is not like it, on the corner there is a different ſcroll, it is not in any reſpect like your notes?——Not the leaſt in the world, nobody could have miſtaken it; if I had been purblind I ſhould have known it.

Mr. Garrow. I believe you have no plates fabricated for the purpoſe, but for the partners?——No, we have one for each of the partners.

Court. Look at the name of Bowles ſubſcribed, is that the name of any one employed in your houſe?——No.

Mr. Silveſter. Are there in the houſe old drafts before theſe Gentlemen went into partnerſhip?—I have ſeen ſuch.

How was the form then?—I did not take notice, but they are not in uſe at preſent.

THOMAS PARKER *ſworn.*

I am brother to Mr. Timothy Parker, a pawnbroker; I live in Princes-ſtreet, Leiceſter-fields; I ſaw the priſoner on the 19th of April, he came into the ſhop of Timothy Parker, between nine and ten in the evening, in company with one Robinſon, whom we knew before, to ſell a watch; Mr. Robinſon came in firſt at the door, I was then buſy with ſome other cuſtomers, he and Mr. Robinſon were both together; Mr. Robinſon ſays, Mr. Parker, I have brought you a particular friend of mine, to ſell a gold watch, he has juſt now taken it of Mr. Jeſſop, he has had ſome bills diſcounted, and he has taken this as part of the money; this was ſaid in the priſoner's preſence, Jeſſop is a watch maker.

Jury. Did you know Robinſon before?—Perfectly well.

Did you know Mr. Freeman?—I never ſaw him before, that I know of.

Did Robinſon tell you his name?—I cannot ſay that he mentioned his name, he ſaid, he knew we ſhould give more money than any other ſhop, and the priſoner gave me the watch, and I gave him the money; I gave him ſeven pounds thirteen ſhillings for it, it was a gold watch, double caſed capped and jewelled, made by H. Tyrer, No. 4281.

Court. Turn to your book?—The book has not the number in.

Court. Look at the book, and ſee what is ſet down?—A gold watch by H. Tyrer, ſeven pounds thirteen ſhillings.

On what day?—We always poſt our book up every week, and it is there the 17th, and we always caſt up every Friday night.

Mr. Garrow. I obſerve you have no other date till you come to the 24th?—No, from one week to another, I remember perfectly well, it was on the 19th I went out of town.

Court. I ſee here is an entry, commencing with the 17th of April, do you happen to know what that day was?——On Saturday.

What reaſon have you to believe it was on the 19th, do you remember Mr. Pearſon applying about the watch?—No, I do not on my own knowledge, I went out of town on the Wedneſday, and I know it was before that time, and from ſome papers and memorandums I have ſince found, it was the 19th.

What induces you to believe it was on the 19th?—I know it from other buſineſs.

What other buſineſs, ſtate the reaſons of your belief that it was the 19th?—Here is a bill of Exchange which was paid on the 17th, on the Saturday.

How does that help you to the recollection of what paſſed on the 19th?—From my own knowledge.

Give us ſome reaſons why, is there any circumſtance that induces to believe it was the 19th, why that day more than any other?——I know it was not on Saturday, I am poſitive of that, nor Sunday.

What do you ſay to Tueſday?—My brother can inform you that it was not on Tueſday.

Mr. Silveſter. You are perfectly accurate in taking down every thing in your buſineſs, you put down the watch-maker's name as it really is?——We may make a miſtake.

You may put down Smith for Johnſon, then you do not mean to be exact in the name when you write it down?—We mean to be exact.

Do you mean to ſwear you are exact?—I do not mean to ſwear that there is the ſame name in that book as on the watch.

If you was to put down my name Silverſides, that would not do you know?——I made a private memorandum of it.

Court. In whoſe hand-writing is that entry in the book?——It is mine, I made a private memorandum.

Mr. Silveſter. Upon your oath, did not you ſay before the Magiſtrate you was not ſure that the priſoner was the man?——I ſaid I did not know for a certainty.

Did not you even ſwear before the Magiſtrate, that it was upon a Saturday?——No, Sir, I ſaid I believed I had a receipt, and I would go home and ſee for it.

From whom did you ſay you had a receipt?——From Freeman.

Robinſon you know perfectly well?——Yes.

Robinſon was the man that had all the converſation with you?—He ſaid he brought a friend.

Did not you ſwear poſitively to Saturday before the Magiſtrate?——No, Sir, I did not.

Upon your firſt examination, did not you ſwear it was the Saturday?——There were two examinations.

Upon the firſt did not you ſwear it was the Saturday, and that you did not know this man, you knew Robinſon, and would produce Robinſon's receipt?——No, Sir, it is no ſuch thing.

Court. Who did you think you had a receipt from?——From the priſoner at the bar.

In what name?——I did not recollect the name.

Then what reaſon had you to ſuppoſe you had a receipt from him?——From recollection, it is common for us to take a receipt, I looked for one and could not find it.

Mr. Silveſter. I caution you, whether before the Magiſtrate, you did not ſwear poſitively to the 17th?——I was croſs-examined by the attorney to that man; I did not ſwear to any time at all, I believed it was the Saturday, that was all I ſaid.

Did not the Magiſtrate deſire you to go and fetch your book?——Certainly.

Did you come back with your book?—Yes.

How long was it?—I looked ſome time for the receipt, I do not know how long it might be.

Did you find the receipt?——I did not.

Was not the examination poſtponed to ſome future day for the purpoſe of your producing the receipt?——I cannot tell.

It is a plain queſtion; I aſk you upon your oath?——I was deſired to look for the receipt; I did not know what it was put off for, he was fully committed I believe on the Saturday.

Do not prevaricate, Sir, you had not two examinations on the ſame day.——No.

I aſk you, whether the examination was not put off on your account, and for the purpoſe of your producing the receipt the ſecond day; it is a very plain queſtion?—I cannot anſwer it.

Why?——Becauſe there are people that may be better acquainted with it than I am.

You underſtand me, do not you; if not

I am ſorry for you.——Other people may be able to inform you better than I can.

No, Sir, I will have it from you upon oath. Was not you deſired to come a ſecond time? turn in your mind how you can evade the queſtion?——I do not want to evade it.

Then anſwer it.——I think it was on Friday he was fully committed.

That is not an anſwer; was the examination poſtponed to give you further time to look for the receipt?—I think the examination could not be poſtponed, becauſe he was fully committed.

Court. That is reaſoning Sir, I muſt have a direct anſwer to a plain qustion; was the examination poſtponed to give you further time to look for the receipt, yes or no, it is a plain queſtion, or do not you know it?—I do not know: I know that Mr. Gilbert or Sir Sampſon Wright deſired me to attend on Monday.

Court. Was not the examination poſtponed till you ſhould ſo attend; it is my duty as a Judge to inſiſt on an anſwer to a plain queſtion; there are but three anſwers that you can, as a conſcientious man, give.—I underſtood, my Lord, that he was to be further examined.

And did you underſtand that it was put off to give you further time to look for that receipt?—I underſtood ſo.

Mr. Silveſter. Was not it becauſe you neither could ſwear to the date nor to the name, (for they both differed) and for the purpoſe of producing ſome receipt, which you told the Magiſtrate you had? that is a plain queſtion: now, upon your oath, will you anſwer that queſtion?—*(No anſwer.)*

Do you remember the Magiſtrates ſuſpecting you of a fraud in this buſineſs?——No, on the Friday they deſired I would look further, and ſee if I could get any further account of the watch, or ſee if I could find the receipt.

Who ſpoke about the receipt?—I mentioned it myſelf.

You take a receipt for your own ſafety, becauſe this watch might might have been ſtolen you know?——We moſtly do, we very ſeldom omit it, this might be through hurry of buſineſs.

Was not you told by the Magiſtrate and by the priſoner's attorney, Sir, if what you now ſwear is true, it muſt be a miſtake, this cannot be the watch?——I had not ſwore at all.

Court. Was it ſaid by anybody in your preſence, that if the matter was as you then ſtated it, it muſt be a miſtake, and that could not be the watch?——It might.

Was it, Sir?——They ſaid it could not be on the Saturday.

Mr. Silveſter. Was not you cautioned over and over again?——I told them that the date when it was bought was not in the book at all.

Was not you told that men's lives were not to be quibbled away in this manner, Sir?

Jury. We wiſh to ſee the book.

Mr. Garrow. If I underſtand you right, you was ſent for on the Sunday, and had not your book on your firſt examination?——Not at firſt.

Was the priſoner fully committed at the firſt examination?——Yes.

You attended at the ſubſequent time?—Yes.

Did you ſee the priſoner there then?—No.

Did you ever attend any other examination of him after he was fully committed?—Never, I went there, ſuppoſing that the priſoner was to be brought there again, but he was not.

Court. What day was you firſt examined before the Magiſtrate?—On the Friday.

When were you examined again?—On the Monday.

Then you were ſent back again on the Monday for further examination?—It was on the Monday or Tueſday, I am not ſure.

Then you had from the Friday to the Tueſday to examine your papers and to look for this receipt?—Yes.

It was on the Friday that it was ſaid that there was a miſtake, and that it could not be the watch?—Yes.

Then this examination that you have given an account of, was on the Friday?—Yes.

Now on the Friday you were not ſure that the priſoner was the man?—I would not ſwear then poſitive to him.

You ſaid before the Magiſtrate, that you were not ſure that the priſoner was the man; did you grow more ſure of his perſon by a longer time having paſſed?—At that time I deſcribed his dreſs and clothes.

What has made you ſure ſince, Mr. Parker?—I am very ſure he is the man.

What has made your memory better now than it was nearer the time you had ſeen him?—From my recollection of his ſize.

(The witneſs's brother ordered to withdraw.)

Could not you recollect the man's ſize when you had him in your eye?—I did not take upon myſelf to be ſure.

You were not ſure when you firſt ſaw the man before the Magiſtrate, whether he was the ſame man or not, and you have worked yourſelf into a perſuaſion that he is the ſame man, by ſeeing him at the Magiſtrate's: what happened between that time and this to make you more ſure; if it was from the recollection of your own eyes, the ſooner you ſaw him the better you would know him?——I believed that he was the man.

(Court reads the examination.)

" Who being on oath ſays, that on Monday the 19th of April laſt, one Thomas Freeman came to the ſhop of this informant," there you poſitively ſwear to his perſon: *on the 15th you ſay you were not ſure of him* " and this informant ſays, that he is *very ſure*, that *that* Thomas Freeman is the perſon he bought the watch of." On the Friday alſo, you told the Magiſtrate that you believed it was on the Saturday.—Yes.

At that time, to the beſt of your recollection, you believed it was on the Saturday?——Yes.

What happened afterwards to make you believe it was not on the Saturday; what further information had you on the ſubject, and from what materials did you draw that information; you hear the queſtion?——I know it was after ſome other buſineſs that we did, a bill of exchange that we paid on the Saturday.

What do you recollect it by?—I paid a bill of thirty-five pounds.

When was that bill of thirty-five pounds paid?——On a Saturday.

Was it the ſame day?—No.

How do you know it was not the ſame day?

(Looking for memorandums.)

Are theſe memorandums your own making?—I am looking for the bill.

Your brother has it. *(The bill ſent for.)* But before the bill comes, do you recollect the name was Myers?——Yes, the drawer of the bill for thirty-five pounds.

When was the date entered of the payment of that bill, was it entered the day it was paid?——Yes, but the bill was paid the day before it was due, being due the Sunday it was paid the Saturday.

Do you make theſe entries at the times the money is actually paid, or the things ſold?——Yes.

Look at that entry of fifty pounds, paid to Mr. Peele on the 17th of April? *(Hands him the book.)*——This is when the money was paid, but it was put down before it was paid.

Do not you enter a note for fifty pounds on the day it is paid, for what purpoſe did you keep it out of the book?——He ſent to borrow it, but I did not know what account was between my brother and him; I kept his note, and when I ſhewed it to my brother, he ſaid I might put it down.

Court. That tranſaction ſeemed in ſome meaſure to be conſiſtent with his account of it, becauſe the putting the date of the 17th to that article, ſeems to imply, that ſome articles had been entered of a ſubſequent day: ſtill you have not given any reaſon why this was on the Saturday, except the payment of the thirty-five pound bill; can you ſwear it was not on the ſame day, can you form any recollection: you have ſwore that this watch was not ſold after the bill of the thirty-five pounds was paid?—I am poſitive it was not, it was late in the evening.

What reaſon had you then for ſaying it was the Saturday, and what has altered your opinion ſince?——I am very ſure it was not on the Saturday.

Why was you of a different opinion when you was firſt examined?—The book has altered my opinion; I cannot ſay at that very inſtant that I recollected.

You believed that you had taken a receipt?—I did.

But you have never found any receipt from this Robinſon?—No.

What is Robinſon?—He is an attorney I believe.

How long have you known him?——I have known him by ſight about three or four years.

Where does he live?—He once lived in Dean-ſtreet, the laſt time he informed me where he lived was No. 4, Roſe-ſtreet, Petty France.

How long is it ſince you have had any dealings with Robinſon?—I do not know exactly, about four years.

What did you mean by ſaying at firſt that you knew him *by ſight*?—I know him perfectly well by ſight.

But you knew more of him than that?—I have no other acquaintance with him than any other perſon coming to our ſhop; I had dealings with him.

You muſt have known him well, or elſe he would not have come to recommend a particular acquaintance to you?——I have frequently ſold him things, and bought things of him before; I ſold him a diamond ring and a diamond ſhirt pin.

When did you produce the watch; at your firſt examination?—The watch was never produced, I do not know whether it was ever produced; I ſold it to a perſon that lived in Piccadilly.

When?—In Auguſt laſt.

Has that perſon been enquired for?——Yes.

Who was it?—Judah Levy; I deſired he would attend at Bow-ſtreet, which he did; the watch was traced, but the watch was not produced.

Turn to your book to the entry of the ſale of it.—It is not in that book; I was informed this watch had been obtained by ſome falſe pretence or other, and it was found in the poſſeſſion of Mr. Dobree.

Then you had parted with it twice?——I went there for the watch, and received it; when I came back, I deſired our man to enter this watch down, and it ſhould be put in the window, which was done.

When was that?—When I brought it from Mr. Dobree.

Have you any entry of that?—Yes.

Let me look at that: what is the reaſon that there was no entry in your book of the ſale of this watch; do not you enter ſales as well as purchaſes?—Yes there is, but not the number of the watch put down.

Is the name put down?——I am not ſure.

Where is the entry of the ſale of it to Mr. Dobree?——It was never ſold to Mr. Dobree, I think ſomebody elſe offered it for ſale to Mr. Dobree.

When had you ſold it?——I did not ſell it.

But it was ſold at your ſhop?—So I underſtood.

When?—I believe in two or three days after it was purchaſed.

Then in the next week you will find an entry of the ſale of it?——It is not in that book at all.

Then you muſt ſend for your ſale book; who is this entry on the 2d of Auguſt written by, when it was returned from Mr. Dobree?—I wrote that.

Who is that additional entry of the number of the watch written by?——By one of my brother's ſervants.

When was that added?——After I had it from Dobree, directly when I brought it home, that is a particular account of all the things that we had in our window.

The number is not written at the ſame time with the line?——No.

When did you add the number?—When it was put in the window, and brought from Mr. Dobree.

When did you write the line that precedes the number?——On the day it was brought from Mr. Dobree.

"Gold watch, capped and jewelled, by Tyrer," when was that written?—I do not know the day, it was when I brought it home from Mr. Dobree; the number was written at the ſame time.

Look at it, and ſee if you will venture to ſwear it was written at the ſame time?—It is not my writing, it is a ſervant of my brother's.

What is his name?——Grayſon; the number is the ſame hand-writing with the other.

You do not know when it was written at all?—I do not.

What was the reaſon of that particular attention to that watch in Auguſt?——No otherwiſe than any other watch.

How came you to get the watch again?——Mr. Dobree ſtopped it, and brought it back to us in Auguſt, the perſon who offered it to him for ſale, he ſtopped it of him; then the perſon applied to us, and we paid the money back.

Dobree was informed that Mrs. Fairis had ſold it for a bad bill?—I ſhould ſuppoſe ſo, I do not know the particulars; I did not know Dobree: when I brought it back from Dobree, I deſired the ſervant to enter it down in that book, and put it into the window among our other goods.

Was there a price mark put to it?—Yes.

You were informed Mr. Dobree had ſtopped the watch when you got it of him of courſe?——Yes.

You knew the reaſon he had ſtopped it?—No, I did not know the particular reaſon why.

Did not you enquire the reaſon why it had been ſtopped?——I was in the country, I did not ſell it to this perſon; I went for it to Mr. Dobree's.

Did not you aſk the reaſon?—I did not aſk Mr. Dobree.

You aſked ſomebody?——Yes, they informed me that the watch a perſon brought that came with Mr. Robinſon had been obtained from Mrs. Fairis by a falſe bill.

When you knew this watch had been ſtopped, as having been fraudently obtained, by Mr. Dobree, how came you to put that up for ſale in your window with a price mark?——To ſell it again.

What, when you knew it was the property of Mrs. Fairis, and had been ſtopped by another pawnbroker?—They ſaid a bad bill.

Upon your oath, did not Pearſon inform you of this the very day after the watch was loſt?—I never ſaw Pearſon, I was not acquainted with it at all; I never knew till the latter end of June.

Court to Pearſon. When did you firſt leave the information at Mr. Parker's ſhop?—After I had been at Mr. Croft's, on the 20th of April.

Mr. Silveſter. You will obſerve there is not a number of any watch in the whole book but this.

Court. I have no doubt but that number is entered ſince, let the Gentlemen of the Jury look at the entry of the 2d of Auguſt, you will ſee an entry of a watch in one line, which ſeems to be all in one hand-writing; you will ſee afterwards a different entry of the number, which is manifeſtly written with freſh ink.

Mr. Silveſter to Pearſon. Do you remember this man producing a bill to ſhew it was on Saturday?

Mr. Garrow to Pearſon. Did he give as a reaſon for its being on a Saturday, that it was late at night, and he was buſy?—I believe he did; we keep open till twelve of Saturdays.

Court to Parker. Go for your ſale-book, or ſend Pearſon for it; is not the watch forth-coming?

Mr. Garrow to Parker. Have you been able to procure the watch, ſo as to produce it to day?——I attended on the perſon to whom I ſold it, Judah Levy, and deſired him to bring it, it was ſold to Mr. Sammon in the Strand.

Court. The production of the watch is extremely material.

(Judah Levy called and did not appear.)

Count. Mr. Freeman you have heard the evidence againſt you, and your councel is not permitted to ſtate any facts in your defence, all they can do is to examine any witneſſes you may call, now is your time if you wiſh to ſay any thing.

PRISONER's DEFENCE.

My Lord, I am perfectly innocent of the charge againſt me. My Lord, when Mr. Robinſon gave the note into my hand in order to purchaſe the watch I had no reaſon to think is falſe, and therefore believed it to be a proper and a good note; when I went to the pawn-broker in order to purchaſe this watch, as I was going up the ſteps Mr. Robinſon came cloſe to me, I concluded of courſe he was going into the ſhop with me, as I was going to the counter I found he was gone, I then began to bargain for the watch myſelf, I purchaſed the watch and gave the note, I then returned from the ſhop down the ſteps I then ſaw Mr. Robinſon, it appeared to me as if he had been talking to ſomebody at the door, I gave the watch to Mr. Robinſon which he put into his pocket: Robinſon aſked me where I was going, I ſaid to the other end of the town, he then ſaid I am going to Princes-ſtreet we will walk together, I ſaid I was going a little farther, he ſaid I will go with you, and we will return and walk together to Princes-ſtreet; I went as far as Princes-ſtreet, I did not know then to whom he was going; when we came to Mr. Parker's he then ſtopped me, he told me he wanted to ſee Mr. Parker in order to ſell this watch, he ſaid I can get more money for it here, I ſaid I would wait for him, I acknowledge I did follow him into the ſhop; when Mr. Robinſon ſaw Mr. Parker, he ſaid, Mr. Parker I want to ſpeak to you; Mr. Parker ſaid, wait two or three minutes; preſently Mr. Parker came to Robinſon and aſked him his buſineſs, Robinſon told him he had bought a watch but he wanted to ſell it, there was a kind of a whiſper between them, and from that I concluded of courſe there had been a former acquaintance, and ſome intimacy, in conſequence of which I went from the ſhop to the door, and walked into the paſſage ſome time; then Mr. Robinſon came out, and I ſaid, have you ſold the watch? he ſaid, yes, Sir, I have, I ſaid have you ſold it well; I am perfectly ſatisfied, ſays he; he aſked me to ſup with him, I ſaid no, we went to Oxford-road and drank ſix-penny worth of brandy and water, then I wiſhed him a good night and left him: my Lord, I am charged with a matter of which I am perfectly innocent, I reſt, and I hope the Gentlemen of the Jury will ſee clearly I am an innocent man, and I intirely leave the reſt of my defence to my councel.

Court. Have you uſed any diligence to find Mr. Robinſon?——I have.

What was the reſult of your enquiries?——I made many enquiries, I ſent to many houſes where he uſed, but I could not find him.

Court to Mr. Garrow. Has any enquiry been made on the part of the proſecution?

Mr. Garrow. We know nothing of him my Lord.

Court to Mr. Parker. What is become of Mr. Robinſon?—I do not know, I ſaw him only once ſince, and I enquired about this buſineſs, I aſked him to explain this buſineſs to me, and I deſired him to give me his direction, which he did, No. 4, George-ſtreet, Petty France; I gave this direction to the Magiſtrate.

Have you enquired for him?——No.

Why had not you ſtopped him?——He ſaid he would come forward at any time when he was called upon; ſays he, I underſtand my friend got this watch with a bad bill, I did not know it was ſo then.

———— HOLLOWAY *ſworn.*

I am an attorney, I was preſent before the Magiſtrate at the examination of this priſoner.

What is his name?—Thomas Freeman.

I underſtand at the examination a man of the name of Robinſon was mentioned?——Yes.

Did you make any enquiries about that Robinſon?——Yes, I particularly aſked the firſt witneſs, Mr. Pearſon, what ſort of a man it was that accompanied Freeman to his ſhop, becauſe Freeman told me it was Robinſon; Robinſon I know very well, I then aſked the queſtion of Mr. Parker very cloſely, Sir Sampſon Wright ſaid, I ſee what you are driving at; it appeared then upon Robinſon's name being mentioned, as coming to enquire after the watch, that there were many complaints againſt him, and that another note was then produced; I enquired no farther becauſe they told me that ſeveral charges were mentioned.

Mr. Garrow. You contented yourſelf in making enquiry at Bow-ſtreet?—I heard he was in France.

Have you endeavoured to ſubpœna him?—I could as ſoon ſubpœna Mr. England, or any other man that is out of the country, I know him, he is an attorney, I never ſaw the priſoner till I ſaw him in Bridewell, I know nothing about him, a very reſpectable man employed me.

THOMAS LUCAS *ſworn.*

Mr. Silveſter. What are you?——A broker.

Do you know a man of the name of Robinſon?——Yes.

Look at that note, did you ever ſee it before?——I think I have.

Where have you ſeen it?——At the coffee-houſe, in Gerrard-ſtreet.

In whoſe poſſeſſion was it?——In Mr. Robinſon's, he aſked me to buy him a dozen of ſilk ſtockings, and I thought he meant to give me the money to buy them, but he ſaid, he had a note of a bankers, of fifteen pounds, and he offered this note to me; I think that was about the 16th or 17th of April laſt.

Mr. Garrow. The date of the note I perceive, aſſiſts you to recollect when he offered to you?—No, not at all, I clearly remember his offering it to me.

You had the note I ſuppoſe at that time in your hands?—Yes.

You looked at it and read it I take it for granted?—Yes, and I particularly remember the fleur de lis.

Can you tell me who engraved that fleur de lis?—I cannot.

Where do you live?——I have lived in Blenheim-ſtreet, Oxford-ſtreet, ſeven or eight months.

You was newly come to town perhaps?—I have been in town ſome time, I have been in trade a great many years, in Ray-ſtreet, Clerkenwell; I have been in many places according to my conveniency.

What ſort of a broker are you?——A houſe broker.

Where are your ware rooms?—When I buy goods, I have places to take them to.

Where are your goods at preſent depoſited?—I have no goods at this time.

How long have you been out of buſineſs?—I have not been out of buſineſs.

Where was your laſt large ſale that you diſpoſed of them all?—I had a ſale about a little more than a fortnight ago, called the Marybone coffee houſe, at High-ſtreet, Marybone.

O, you are an auctioneer?—I am not an auctioneer, I ſold them by hand.

How long have you known Freeman?—I have known him five or ſix years.

Have you known Mr. Robinſon as long? I believe I have, I knew him when he was an attorney, in the Temple; I do not know where he lives now.

How lately is it ſince you ſaw him?—I met him in the ſtreet, about a month ago, he went on the other ſide of the way, I did not ſpeak to him.

Was Freeman preſent at the time he offered you this note for ſilk ſtockings?—No.

What makes you remember it, it was not anything remarkable?——I thought it was very odd, becauſe I ſaid to him, I had better go and get the caſh firſt, he objected to that.

How did the priſoner find out this, if he was not preſent?——Mr. Freeman's wife called upon me when he was in trouble, about a note of Mr. Robinſon's; and I ſaid to her, I will lay a guinea that is the note that Robinſon offered to me, that was ſince he has been in cuſtody.

What is there particular in the note that you remember it by, who is it drawn upon, who is the drawer?—Bowles, I think it is drawn upon Meſſrs. Crofts and Co. in Pall-mall.

Did you remember?—Yes.

You knew that before you looked at it now?—Yes.

Where does Mr. Bowles date his reſidence in the note?—It ſays, Pall-mall.

Then he lived there?—He lived there to be ſure, becauſe I apprehend it is what they call a ſhop bill.

Then it is not a bill of Exchange?—No.

Have you ever ſeen in Mr. Robinſon's hands ſome other notes on bankers?—I cannot ſay I have.

How long is it ſince Captain Freeman ſold his commiſſion?——That I do not know.

Did you ever know him in the army?—I cannot ſay that I perfectly know it.

Is he a navy captain?—That I do not know, he was in the Cuſtom-houſe I know, I never knew him by any other name than Mr. Freeman.

JAMES PRESTON *ſworn.*

I am a broker.

Do you know Robinſon?—I cannot tell what is become of him, I have not ſeen him lately; I knew him when he lived in Gray's Inn, and I knew him when he lived in Brick-court.

Court. How long is it ſince he lived in Brick-court?—It was about the year eighty or eighty-one, he had chambers there.

Look at that note, do you know the name of Bowles?——I know the name of Bowes, he is clerk to Robinſon, and I know Crofts and Co.

Court. Did you ever ſee him write?—Very frequently.

Court. Do you believe that to be his hand writing?—I would even with reluctance venture to ſwear to my own, but I believe it to be his.

Mr. Garrow. You have frequently ſeen him write his name?—I have ſeen him writing letters to ſomebody, but in the letters he has written to me he has written T. Bowes.

How lately is it that you have been intimate with Mr. Robinſon?—I believe as near as my recollection carries me, it muſt have been in the begining of 1781, I have not known him ſince, nor had any communication.

What ſort of a man is Mr. Robinſon?—I ſhould imagine him to be five foot ſix, rather of a middle ſize, rather inclined to little luſty, he is not very dark nor very fair.

Did Mr. Robinſon carry on any banking trade under the name of Crofts and Co.?—I do not know that.

Where do you live?—In the City road, I am an Exchange broker.

Have you a licence?—Yes.

At this time?—Yes.

How long have you known Captain Freeman?—If you call him Captain Freeman, I never knew him by the name of Captain Freeman, I recollect the gentleman ten years ago at the Cuſtom-houſe, I cannot recollect I ever ſaw him with Robinſon.

Jury to Parker. Was the priſoner in your ſhop at the time the watch was ſold?——He was.

GUILTY, *(on the ſecond Count)* **Death.**

Tried by the London Jury before
Mr. RECORDER.

1003. **WILLIAM COMBES** was indicted for feloniouſly returning from tranſportation, and being found at large on the 19th of September laſt, without any lawful cauſe.

The Priſoner pleaded Guilty.

Court. You are not by pleading Guilty to expect any further favour than your caſe may from its circumſtances admit.

Priſoner. I am really guilty, I came to town with intent to to get a ſhip to go to India: I wiſh to give the Court no trouble.

Court. Let his plea be recorded.

Guilty, Death.

Tried by the London Jury before Lord Loughborough.

1004. ELIZABETH WILLIAMS and ELIZABETH COSTAN were indicted for ſtealing on the 12th of October, two cloth coats, value 1s. one waiſtcoat, value 3d. one frock, value 1s. and two ſhifts, value 6d. the property of Edward Wilſon.

The priſoner Williams was a weekly ſervant to the Proſecutor and confeſſed taking the things.

Elizabeth Williams, Guilty, 10d.

To be publickly whipped and confined ſix months in the Houſe of Correction.

Elizabeth Coston, Not Guilty.

Tried by the ſecond Middleſex Jury before Mr. Recorder.

1005. THOMAS MORGAN was indicted for ſtealing on the 28th of September laſt, two ſhirts value 5s. three ſhifts, value 6s. and two pillow caſes, value 1s. the property of Joſeph Hunt.

Guilty, 10d.

To be privately whipped.

Tried by the ſecond Middleſex Jury before Mr. Recorder.

1006. CHARLES M'COY was indicted for ſtealing on the 6th day of October laſt, a pair of girls leather ſhoes, value 3s. the property of Richard Dickſon and James Clemments.

JAMES CLEMMENTS *ſworn.*

I am a Shoemaker, and partner with Richard Dickſon; the priſoner came into our ſhop, between five and ſix, the 6th of October, for a pair of ſhoes; I reached him a pair, he ſaid they were too ſhort, I went for another pair, and he took another pair, he ſaid they would do very well, he deſired me to bring down another pair, in the mean time he took a pair off the ſhelf, and concealed them behind his chair: the perſon who was ſitting by informed us.

JOHN FITZGEORGE *ſworn.*

I was in the ſhop, and obſerved the priſoner come in to buy a pair of ſhoes, and take a chair from the middle of the ſhop, pulled it on one ſide where this ſhelf was not incloſed, he ſat down in the chair, put his hand behind the chair, took a pair off the ſhelf, and put them behind the chair; in the mean time Mr. Clemments brought him a pair, which he ſaid were too little, then I ſaw him take the pair which he had taken of the ſhelf, and put them in his boſom; the priſoner did not ſee me look at him, he looked another way; Mr. Clemments brought him another pair, which he ſaid would do, he put them in a piece of paper, I went to the door, the priſoner made an excuſe, and ſaid he was going out and he would call for the ſhoes again; I told Mr. Dickſon, and they ſtopped him, and took the ſhoes out of his breaſt.

(Depoſed to.)

PRISONER's DEFENCE.

I gave half a crown for them of a woman, before I went into the ſhop; the woman ſaid ſhe would attend here, her name is Gerrard Miller.

Guilty, 10d.

Tranſported for ſeven years.

Tried by the London Jury before Lord Loughborough.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and
Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 20th of OCTOBER, 1784, and the following Days;
Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. ROBERT PECKHAM, Eſq;
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIXPENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

1007. **CHARLES GRAY** was indicted for ſtealing, on the 24th of September laſt, fifty pounds weight of cotton, value 40s. and a hempen bag, value 6d. the property of James Seager.

James Taylor and *Stephen Scarlet*, two watchmen, ſtopped the priſoner with the property upon him, about three quarters of a mile from the proſecutor's ſhip, and took him to the Rotation-office; the priſoner ſaid he brought it from on board a ſhip, and was carrying it to his maſter, but could not tell either the name or the houſe.

(The cotton was depoſed to, having the invoice mark on it, and being miſſed juſt before the priſoner was ſtopped.)

PRISONER's DEFENCE.

I was employed to carry it.

GUILTY.

The priſoner having been ſick, was ordered to be privately whipped and diſcharged.

Tried by the London Jury before Lord LOUGHBOROUGH.

1008. **BRIDGET CLARKE** was indicted for ſtealing, on the 18th of Auguſt laſt, one woman's cloak, value 3s. and four guineas, value 4l. 4s. the property of John Swiney, and eight guineas, value 8l. 8s. the monies of Edward Swiney, in the dwelling houſe of the ſaid John.

NOT GUILTY.

Tried by the London Jury before Lord LOUGHBOROUGH.

1009. **JAMES BRINDLEY** was indicted for feloniouſly ſtealing on the 6th day of October, a chaff knife, value 4s. the property of William Gibbs.

And **RICHARD SMALL** was indicted for feloniouſly receiving the ſame, knowing it to have been ſtolen.

JOHN COPLEY *ſworn.*

I know the priſoner Brindley, I ſaw him take a knife from Mr. Gibbs's door; I informed Mrs. Gibbs.

Mr. Garrow, Priſoners Council. What is it a new knife?——Yes; I was not acquainted with any of its marks.

Mrs. GIBBS *ſworn.*

I live in Smithfield, I loſt a knife on the 6th of October.

(The knife produced.)

SAMUEL ROBERTS *ſworn.*

I am a conſtable, I had an information againſt Small's houſe, I went there after ten; I told Mr. Small what I came to look for, which was a chaff knife; he ſaid he had no ſuch thing, and while I was ſearching about the ſhop he ran up three pair of ſtairs, I ran after him, he went towards the window, he took ſomething off the bench, immediately opened the window, and in the hurry broke two or three panes of glaſs, and he took the knife longways, and I could ſee the handle longways; I called, he has thrown it out of the window; I called to Mr. Aſhmore.

Mr. Garrow. In what way was you received by the priſoner Small, did he obſtruct you in your ſearch?—He did not.

Did not he deſire his daughter to open all the places that were locked, and ſhew you?—I did not hear him.

Will you ſwear he did not?—He might and I not hear him.

PETER ASHMORE *ſworn.*

I went with Roberts and Mrs. Gibbs, and we had ſcarcely arrived at Small's door before there was a rattling of glaſs, and the knife fell down; I picked it up and gave it to the patrol, who marked it immediately on the handle.

Mr. Garrow. Can you venture to ſay from whence it fell?—No, it is impoſſible for me to ſay.

Do you think a knife of this ſort could poſſibly have fell without being injured?—The knife made a great rattling.

Could it fall from any other houſe?—I do not imagine it could, but if it had it muſt have gone in an oblique direction, and probably I had been ſtruck with it.

EDWARD RYLAND *ſworn.*

I live in Fleet-lane, I picked it up and marked it, I know it is the ſame knife.

(The knife depoſed to by Mrs. Gibbs.)

Mrs. Gibbs ſaid ſhe knew it by the handle having been looſe, and the ſervant having had hammered it down, and there was the mark at the end.

THOMAS SLATER *ſworn.*

I am ſervant to Mrs. Gibbs, I know the knife very well; I unpacked the goods on the morning of the 6th.

PRISONER BRINDLEY's DEFENCE.

I know nothing of it; about nine I was going up Holborn-hill, and theſe gentlemen came and laid hold of me, I went quietly with them; the lady ſaid ſhe would forgive me if I told her where the knife was, and I ſaid I would go to Fleet-lane and ſee if I could not find it there.

Court to Copley. Are you ſure Brindley is the perſon?——Yes, I ſaw him afterwards at the bottom of Chick-lane.

What time was that?—Between nine and ten the ſame night; when he was taken up he was in a brown coat.

FOR THE PRISONER SMALL.

SARAH SMALL *ſworn.*

I am daughter to the priſoner; I remember Mr. Aſhmore and the others coming to our houſe about a chaff knife; they took my father into cuſtody.

Did you ſee the knife at the time they took your father?—No.

Have you ſeen it now?——No.

Had you been at home in the courſe of that day?—Yes, there all day, I had been in the ſhop all day, I am always there; I do not know what a chaff knife is.

Shew her the inſtrument.—I never ſaw that before in my life.

Mr. Silveſter. How came you to ſtop the officers from going up ſtairs?—I did not.

Did not you attempt to ſtop Mr. Roberts?——No, upon my oath, I was not near the ſtairs till my father told me to go up ſtairs, and unlock the door for the gentlemen, I went up firſt, I never attempted to ſtop Mr. Roberts from going up ſtairs.

THOMAS HALCOMBE *ſworn.*

I was in Fleet-lane about three weeks ago, about the middle of the week, I cannot tell the day; I ſaw ſome people round Mr. Small's door, they ſtopped there for ſome time; they tell me it was the day that Mr. Small was taken into cuſtody; it was night, I ſaw a longiſh inſtrument; I did not ſee it come from the window, but I ſaw by the light of the lamp, the bright part ſhone, it might be about eight or nine feet high.

The priſoner Small called two witneſſes who gave him a very good character.

JAMES BRINDLEY, GUILTY.

Tranſported for ſeven years.

He was recommended to mercy by the Proſecutrix.

RICHARD SMALL, GUILTY.

Tranſported for fourteen years.

Tried by the London Jury before Mr. RECORDER.

1010. LYON MORDECAI was indicted for felonioully ſtealing, on the 21ſt of September laſt, ſeven thouſand hooks, made of iron, called fiſh-hooks, the property of John Kirby:

And SOLOMON SAMUEL was indicted for feloniouſly receiving the ſame, knowing them to be ſtolen.

JOHN KIKBY *ſworn.*

In the evening after we had done work, I locked our hatches the 21ſt of September, on board the Jerſey, laying off the Tower, and between the hours of twelve and one, we heard the cry of thieves! and found the hatches broke open; I got a light and went down in the hold, and found we had loſt two boxes and two bales.

Mr. Peatt, Priſoner's Council. Were all the hatches locked down?——Yes.

STEPHEN GIMBER *ſworn.*

I keep a fiſh-hook ſhop in Crooked-lane, on the 4th of this month, the priſoner Samuel brought the fiſh-hooks to my ſhop for ſale; I knew them to be the goods that had been packed, that we had ſold to Mr. Dobrie, he lives in the ſame lane; I called my man down that made them, and he knew them to be our make. I ſtopped Samuel, and before Alderman Plomer, Mordecai acknowledged he gave them to him, and had them from one Farmer.

Mr. Peatt. You ſell a great many of thoſe hooks in the courſe of a year?——Yes.

Is there anything material in thoſe packages from others; did you mark the hooks in any mode?——I did not.

How many may you ſell in a year?—A great many thouſand.

How many thouſand do you ſuppoſe you may ſell?——A great many hundred thouſand.

And a great many thouſand that are manufactured by the ſame hands?—Yes, the ſame man that makes one makes the reſt; Samuel ſaid he had them on commiſſion, and would produce the man he had them of.

WILLIAM BEAR *ſworn.*

I am in partnerſhip with Mr. Gimber; I packed ſome trunks, I know them.

How do you know this parcel from any other parcel?——Only by the quantity and the number.

RICHAD DAWES *ſworn.*

The hooks are my make; there was nothing particular in thoſe made for Mr. Dobrie.

EDWARD HALL LILLIE *ſworn.*

The hooks purchaſed of Mr. Gimber, I packed with ſundry other articles for Mr. Dobrie.

Can you ſwear to the hooks?——I never ſaw them ſince.

Court to Jury. Gentlemen, here is no evidence at all againſt Mordecai the principal;

cipal; and, conſequently, none againſt the receiver.

BOTH NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

1011. THOMAS KING was indicted for feloniouſly returning from tranſportation, and being found at large on the 7th of October, without any lawful cauſe.

The Record produced and read by Edward Reynolds, Eſq; Clerk of the Arraigns, and examined with the Indictment by the Court.

JOHN ARMSTRONG *ſworn.*

I know the priſoner, his name is Thomas Day, but he was indicted by the name of Thomas King.

Do you remember ſeeing him here before?——Yes, but I cannot ſpeak with certainty to the Seſſions, but I knew him before he was tried, and was in company with the officer that took him; he was taken on the 7th of October, on Fiſh-ſtreet-hill.

Priſoner. How did I behave when I was taken?——Very well, he made no reſiſtance.

JAMES SHAKESHAFT *ſworn.*

I ſaw the priſoner tried laſt October Seſſions, and found guilty, for robbing Elizabeth Gilling of ſome halfpence and an handkerchief, I do not know what ſentence he received.

JOHN OWEN *ſworn.*

I know the priſoner, he was convicted in October Seſſions by the name of Thomas King, and ſentenced for tranſportation to America for ſeven years.

Priſoner. I have nothing particular to ſay in my defence, only if the ſteward had been here he knew I behaved well.

GUILTY, Death.

Tried by the London Jury before Mr. RECORDER.

1012. JACOB DANIELS was indicted for ſtealing, on the 11th of June laſt, one ſilver watch, value 40s. one ſteel chain, value 4d. one key, value 1d. the property of Richard Hunt.

RICHARD HUNT *ſworn.*

In the month of June I was in London, on the 9th or 10th, the day when the *blue children* were ſhewn in St. Paul's Churchyard; I was walking up Ludgate-hill, and at a ſharp corner a number of people ſtood looking at the children, and as I was going forward, I got into a mob of people, and this very man that ſtands here, he was puſhing by, and ſomebody behind trying to get between them, and I believe I ſaid, damn you, why do not you let me get forwards, upon which I felt my watch go, and I ſaid to him, you have got my watch; I ſeized the priſoner, and he wreſtled from me; I ſaw a conſtable about ten yards, and we took him; we could find nothing upon him but a fine cambric handkerchief.

What reaſon have you for believing that the priſoner was the perſon that took your watch?——Becauſe he was the only perſon that bore againſt me, and the moſt likely perſon I could think of.

You did not ſee him have your watch?——No.

Nor his hand at your pocket?——I felt a hand, and laid hold of it; I did not ſee it, I only felt it as he was working at me.

Was that the priſoner's hand?—Yes.

Can you be ſure it was the ſame hand that picked your pocket?——I am very clear it was.

What did he ſay?——He denied it.

Priſoner. I was coming through the mob, there were many people round him as well as me; I was not nigh him; he ſaid he had loſt his watch, I know nothing of it, I had no watch upon me.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

1013. **JOHN STOCKDALE** was indicted for feloniouſly receiving, on the 8th of September laſt, one baſe metal watch, value 40s. one brilliant diamond ring, ſet in gold, value 40l. two gold watches, inſide and outſide caſes made of gold, value 25l. two gold chains, value 8l. one diamond locket ſet in gold, value 15l. a pair of paſte knee buckles, value 30s. three pictures ſet in gold, value 3l. two gold lockets, value 30s. one pair of ſilver buckles, value 30s. one gold ring, value 20s. the property of William Prieſtman, being part of the goods ſtolen by one Joſeph Hulett, and for which he was at the laſt Seſſions tried and convicted, knowing the ſame to have been ſtolen.

The record of the conviction of Joſeph Hulett read by Edward Reynolds, Eſq; and examined by the Court.

WILLIAM PRIESTMAN *ſworn.*

I am a pawnbroker in Princes-ſtreet, Leiceſter-fields; I loſt ſome goods, which I ſearched for and could not find, the goods were to the amount of ſix hundred and twenty pounds.

Can you yourſelf, Mr. Prieſtman give any account?——I went to one of the priſoner's lodgings in Oxford-ſtreet, about three days after I miſſed theſe things, and there I found a gold watch, chain, and ſeals, and a pearl locket, and various other things that are in this box; they were locked up in a large cheſt: a paragraph having appeared in the paper that I had been robbed, two people applied to me in the morning, and informed me.

Court. Did he ever acknowledge that lodging to be his?—Not in my hearing.

How did you acquire the knowledge of the lodging being his?—By the information of two gentlemen.

Did you ever ſee the priſoner in your ſhop?——Twice, I think.

Who was he acquainted with there?—Nobody as I imagined; but I aſked Hulett the apprentice, as I came into the ſhop one morning, three or four months before the robbery, and Stockdale was ſtanding in the ſhop, and as ſoon as he ſaw me he moved off very quickly, I aſked the boy who he was; one time I remember his coming in when I was in the ſhop, and on ſeing me he ſtarted and aſked for ſomething which I had not, and he turned round and went out of the ſhop, and I then aſked the boy who he was: I ſold the watch ſome years ago to a gentleman, and it was pledged with me about two years ago, I am ſure it had been in my ſhop, and had not been parted with after it was pledged; I have not a doubt about the locket.

GRACE REX *ſworn.*

I live in Oxford-ſtreet; the priſoner on the ſecond of March laſt took a lodging of me, he continued the lodging, I kept the box till the things were taken, I cannot ſay how long he ſlept there, he had only one little room, I was preſent when the houſe was ſearched, that was not his room, but the box was moved out of his room into ours, it was his box, I am ſure I ſaw this watch taken out.

JOHN JONES *ſworn.*

I lived with Mr. Prieſtman in September, Hulett was his apprentice, I have ſeen the priſoner ſeveral times of a morning and he has lain there three or four times, and it was in company with Hulett, he laid in the ſhop behind the counter.

Court. You lay in the ſhop too?—Yes.

Hulett and he were very intimate acquaintances?——Yes.

THOMAS WHITFIELD *ſworn.*

I live with Mr. Prieſtman, Hulett did not live there then, he had lived with him, but he uſed to come there for his meals, I went to the priſoner's lodgings on the 8th of September, I was there when they ſearched, and there I found this diamond locket, and this ring.

Court. How do you know theſe lodgings belonged to Stockdate?——From the information we had from himſelf, he was with us and he acknowledged them to be his lodgings, I found a diamond locket and a gold ring, Mr. Perry had the locket from him, the ring was found in the pocket of a pair of breeches; I ſaw him give it to Mr. Perry.

(The things depoſed to by Mr. Prieſtman.)

Thomas Whitfield. They have been kept in a drawer in the ſhop that is never locked up, but they have been ſealed up ſince.

MARTHA KESTER *ſworn*.

I live the corner of Sherrard-ſtreet; I know the priſoner, he lodged with me about three months, and at the time he was taken; I was not in the room when his lodgings were ſearched.

Priſoner. I wiſh to aſk him, whether he did not hold Hewlet's waiſtcoat while I took it out of his pocket, his clothes were at my houſe, for he lay there that night himſelf I underſtood.

Whitfield. He gave me this gold watch, chain, and ſeals, and told me to give it to Mr. Prieſtman.

(Prieſtman depoſed to theſe things.)

SAMUEL SHELLEY *ſworn*.

I know the priſoner, he brought a ring to me about the middle of Auguſt, he ſaid he came from his maſter; a young man called in the morning, who ſaid he ſhould ſend his ſervant in the afternoon; the priſoner did not ſay who his maſter was; his maſter called in the afternoon, he brought a diamond ring, and deſired I would give the value for it; I gave thirty-five pounds for it.

Look at it Sir?——It has been out of my hands, I cannot pretend to ſay this is the ring now, I did not make any mark upon it, I believe I gave it to Mr. Prieſtman.

Court to Prieſtman. Has that ring been in your poſſeſſion ever ſince?—No, it has not, I have delivered it to the owner, and received it back again.

Is he here?——No.

Had you any mark upon it?——No.

Prieſtman. Mr. Shelley might ſwear to it.

Mr. Shelley. It looks much like the ring I think, they are very good diamonds.

Prieſtman. I have not a doubt of it, I can ſwear poſitive.

——— BARKER *ſworn*.

I am ſervant to Mr. Beauchamp in Holborn, the priſoner pledged a gold watch for ſeven guineas, I do not know what day, I believe it was in Auguſt, I have a memorandum of it; he ſaid it was his own watch, and he gave twenty pounds for it to the maker; I ſaid it was a good price: this watch has the ſame name upon it now.

Court to Shelley. Do you remember whether the priſoner brought you the ring, or called for payment of it afterwards?—He brought the ring, and ſaid he brought it from his maſter; I did not pay him then, I paid him the next day when he called again.

Barker. I have a memorandum of the name and number, the number is 107, and I remember this ſeal with the head of Voltaire upon it, I can ſwear to the ſeal.

What did you do with the watch that Stockdale brought, was it delivered to Mr. Prieſtman?—Yes.

By who?—By me.

Mr. Prieſtman. This is the watch that was delivered to me laſt Seſſions.

Court to Barker. What name did he pledge it in?——In the name of Simpſon.

(This watch depoſed to by Mr. Prieſtman.)

——— PERRY *ſworn*.

I went to the lodgings of Stockdale in Sherrard-ſtreet, I found there this locket and ring; a diamond locket concealed between the bed and mattraſs, and the ring I took out of his hand; he did not ſeem to conceal them from me; I can ſwear to theſe things with certainty, becauſe they were ſealed up by Mr. Prieſtman: they are the articles I found there.

PRISONER's DEFENCE.

Mr. Perry took them both out of my hand; my trial came on without my knowledge; Mr. Garrow will ſtate my caſe.

Mr. Garrow. My Lord, the witneſſes to the priſoner's character on the former trial were very reſpectable, and were people of great conſequence.

Mr. James. I can only ſay on the part of the proſecution, that we ſhall have no objection to his having the benefit of his former character.

GUILTY.

Tranſported for fourteen years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

1014. JOHN WILSON was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Bond, about the hour of three in the night on the 10th of October, with intent his goods and chattles then and there being feloniouſly and burglariouſly to ſteal.

Mr. Silveſter, Council for the Proſecution.

JOHN BOND *ſworn.*

On Sunday morning, the 10th of this month, my houſe was broke open, ſituated at Hendon; I went over and found the houſe broke in ſeveral places, a door was wrenched, but he could not get the hook out; I went up ſtairs and found the cieling broke, in one place not large enough for a man to get through, but I found another very large place big enough.

Court. You do not live in the houſe?—I have a bailiff, a ſervant, lives in the houſe, and unknown to me my bailiff had put a woman into another part of the houſe, to take care of that end of the houſe, and it was that woman that heard a breaking-in.

Court. It is a farm-houſe?——Yes.

The houſe is in your occupation with the farm?—Yes, the man is my hired ſervant, he pays me no rent.

Does his living there go in part of wages?——No.

It is furniſhed by you?——Yes, the furniture is mine.

HANNAH PANTON *ſworn.*

What did you hear on Sunday?——He came to one door and broke through, and he tried a good while, and could not get through, he tried at one of the windows; then he ſtaid half an hour, he tried to wrench the door, he opened the door to come into the ſtables; I got up directly: after he tried the door a conſiderable while he came out and tried the window, and opened the ſaſh, but the ſhutter on the inſide was barred, and the acceſs that way could not be made; then he tried to get the door open, then he broke a hole through the racks of the ſtables in the left ſide; he could not get through, then he tried another hole; while he was breaking the laſt hole I went and told Mr. Couſens who it was.

Court. Did you ſee the priſoner?—Yes.

What time of night was it?——It was about eleven, I was juſt then in bed, and it was about three when we took him; the cieling he broke was over the room where I lay, I heard the window crack, and I opened the window to ſee.

Court to Proſecutor. What part of the houſe was broke when you ſaw it?—Several parts, the windows on the inſide, and all the cieling in a room where my men uſed to ſleep.

THOMAS COUSENS *ſworn.*

I am a bailiff to Mr. Bond, at Hendon; on Sunday the 10th of this month, the laſt witneſs came to me for me aſſiſtance, ſaying there were thieves breaking into the great houſe, I went acroſs the yard, and I heard a very large piece of wall fall on the floor, I looked round and did not ſee anything; I went up to the houſe, and I ſaw this man without his ſhoes and no ſtockings, he laid upon his belly between the rafters and the cieling of the room where this woman ſlept;

I took him two or three taps with a fork; he ſaid he did not come with intention to rob the houſe, that he denied poſitively; he ſaid the reaſon of his coming there was to go to the young woman; he broke a hole, and finding he could not get through there, he broke another large hole, big enough for a man to get through; he had worked there before: I took him into cuſtody.

Court. In what part of the houſe was he when you found him?——He was over the cieling of the maid's room.

Is that within the dwelling houſe, or is it part of the ſtables; is it a garret?—No, he was between the tiles and the cieling; I never ſaw that place before, though I have been there nine years.

What did the priſoner ſay to you?—He ſaid he was very ſorry for it.

The place where you found him was over the cieling of the maid's room?—Yes.

How could he have got through to the maid's room, could he have got through the cieling?——Yes.

Court to Panton. Had you deſired this man to come to you?—No, I never ſpoke twenty words to him in my life.

PRISONER's DEFENCE.

I worked for Mr. Bond three weeks, and I ſlept in that ſame room four nights, and Mr. Bond gave me three ſhillings; I went to the houſe and ſpent eighteen pence, I had ſome bread and cheeſe, and the bailiff came up and aſked me if I meant to ſleep there, and he ſaid he would never let me ſleep there no more; ſo I told him, no Sir, I will not; I went into the barn and pulled off my ſhoes, and one of the people aſked me where I was going to, I told him I was going to eaſe myſelf; I would not tell him where I was going to, I was going after this woman, I was very much in liquor; I went to the ſtable door and it was open, and the room where ſhe ſlept in was over it, the door was latched, I could not open it, there was a looſe board, and I pulled that off; I could not get in at the door, and I went up in the ſtable loſt to the cieling, and I caught hold of the rafters, and it fell in the room; I went away from that, I ſet myſelf down upon a truſs of hay, in a little while I ſaw a candle come, and one of my feet hung down from the loft, the man aſked me what I was doing there, I told him, I want to come at this woman, and he told me to come down, and I came down; I did not mean to rob the houſe.

Court to the Bailiff. Was he drunk or ſober?——He was as ſober as I am now.

Did the publican ſay what he had had?—He loſt ſome money out of his purſe, he confeſſed the night he was taken, and ſome halfpence he owed me, and he had about eighteen or twenty pence in his pocket out of three ſhillings.

Then how much do you reckon he had drank?—I do not know, he was drinking with three of his comrades that lay in the barn with him.

Did you call up his comrades?—No.

That is pretty extraordinary; did you enquire of them whether they were ſober at the public houſe?——They ſaid that he was fuddled.

What did you think of his ſtory about the maid?—I aſked him if he had any connections with her, he anſwered he had not; ſays he, I would not value killing her any more than I would to ſtick a pig, and if I ſhould get my liberty again woe be to her.

Court. I fancy he was not ſober then.

Court to Proſecutor. Theſe articles of furniture are not portable, or objects for a houſebreaker?——There are counterpanes and blankets, and pewter and coppers, and a great number of things; I ſleep there in hay-making time.

Mr. Silveſter. What is the character of the woman?——I never heard any thing bad of the woman, I had an opinion of her; ſhe was not my hired ſervant; ſhe worked for me.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

1015. **JOSEPH CUPOLA** was indicted for feloniouſly aſſaulting Robert Currie in the King's highway on the River of Thames, on the 8th of October, and putting him in fear, and taking from him two hair trunks, value 5s. two leather trunks, value 5s. twenty-four linen ſhirts, value 10l. ſix check ſhirts, value 12s. and divers other goods, the property of William Buncum.

There being no evidence but that of an accomplice, the priſoner was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

1016. **THOMAS HOUGHTON** was indicted for feloniouſly ſtealing, on the 21ſt of September, nineteens pound of leaden pipe, value 3s. belonging to one James Shepcot, and fixed to a certain dwelling houſe of the ſaid James therein ſituate.

A Second Count for ſtealing the ſame goods, the property of the ſaid James.

HANNAH HAWELL *ſworn.*

I live in Half-moon-court, Stanhope-ſtreet; my landlord is Mr. Shepcot; I heard a noiſe in the lower part of our houſe, I took a candle and went down ſtairs, and looked and ſaw the lead cut up in three junks, and laid on the ſecond ſtair, I called ſome neighbours, and a young man and my huſband went down ſtairs, and behind the cellar door they found the priſoner; he ſaid he was diſguiſed in liquor, and went down: I ſaw the lead found about ſix o'clock.

WILLIAM WILSON *ſworn.*

I caught this priſoner with his hat over his face, there was ſomething in a ſack, which appeared to be lead.

Court. How near the priſoner was the lead?——About three feet.

JAMES SHEPCOT *ſworn.*

I am an attorney; about nine months before, I had repaired this at my own expence, this lead had the appearance of being freſh cut from the houſe.

PRISONER's DEFENCE.

I was very much in liquor, and a man aſked me to go into this place to aſk for one Mrs. Jones, a waſher-woman: I never ſaw anything of the lead before they ſhewed it to me.

GUILTY.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

1017. **ELIZABETH BURLEY** was indicted for feloniouſly ſtealing, on the 21ſt day of October, nine yards of muſlin, value 4l. the property of Thomas Jeremy and George Jeremy, privily in their ſhop.

GEORGE JEREMY *ſworn.*

I am a linen-draper in Southampton-ſtreet, the corner of Maiden-lane, I am partner with my brother Thomas Jeremy; on the 21ſt of October, between four and five in the afternoon, I was employed in ſerving two ladies with ſprigged muſlin at the end of the counter, near the ſtreet door, the priſoner came in and enquired for ſome clear lawn.

Court. Had you ever ſeen the priſoner before?——Not to my knowledge.

Are you ſure it was the priſoner?——I am poſitive of it; one of our young men waited upon her cloſe to me, and ſhewed her the clear lawn, I ſaw him, and ſhe bought either an eighth of a yard, or a quarter, and gave him a ſhilling in change, and he was rather ſuſpicious of the ſhilling not being good, and he left her and went to the window facing the ſtreet.

And was this young man and the priſoner further in the ſhop than you were?—They were, the priſoner paſſed me when ſhe came in; he came cloſe to me while he went to look at the ſhilling; I was buſily employed in ſerving a cuſtomer, and I thought, I had a kind of a ſide view of her, and I thought ſhe caught up ſomething, I could not tell what.

Could not you diſtinguiſh at all what it was, whether it was black or white?—No, I abſolutely could not, nor whether it belonged to her or us, I could ſee her catch at ſomething quite quick, but I could not diſcern the colour of it at all.

But you had very little doubt at that time, but ſhe muſt have taken up ſomething?——Why really I thought ſhe muſt have taken up ſomething belonging to us, or elſe ſhe would not have taken it in that manner; and ſhe immediately walked forwards towards the door, at this door there was a chair fixed to keep it open, ſhe ſtood there juſt againſt the chair expecting to have the change; I did not know how to proceed, not knowing whether ſhe had anything belonging to us or not, but I ſtared her pretty full in the face, at which ſhe ſeemed to be much confounded, and ſhe began to work ſomething that appeared like a bundle under her cloak, to work it, to drop it down behind, and I immediately ſtepped round to her, and the piece of muſlin dropped down behind her.

Did you ſee that it dropped from her?—I ſaw it drop from her.

Had ſhe a cloak on?——She had a black mode cloak.

Where did it ſeem to drop from?—From under her cloak, I ſaw it when it fell.

Was there any other woman near her when it dropped?——There was a Lady that my brother was ſerving.

Are you ſure that it dropped from her?——Poſitive, I had hold of her by the arm, I could poſitively ſwear to her, I knew it to be my muſlin.

By what marks do you ſwear to it?——By the private marks, and the quantity, and the letter mark, which was nine yards ſeven-eights, 6. F. a ſtroke and a B.

Were theſe marks in your hand writing?——Yes.

Had you meaſured it yourſelf before?—Yes, I ſaw it about five minutes before the priſoner came in.

She was not out of your ſhop?——No.

Mr. Scott, Priſoner's Council. Have you been here before this ſeſſions, in any proſecution of this kind?——Not any.

Is this woman a ſtranger at your ſhop?——I cannot ſwear poſitively that I ever ſaw her before.

Had ſhe a capuchin on?——She had a cloak on.

Did you perceive ſhe had any thing under her arm, at the time ſhe came into your ſhop?——She had a bundle.

You have ſaid when ſhe got further into the ſhop, you had a kind of ſide view of her, and you thought you ſaw her take ſomething up?—Yes.

Pray if you thought you ſaw her take ſomething up, how came it you did not think proper to ſpeak to her at that time? I ſpoke to her two minutes after.

It is a little extraordinary to me, you did not charge her directly?——I was willing to go upon ſure ground, there were other cuſtomers in our ſhop.

Then you ſaw her take it?——I could not be poſitive.

You believed ſo?—I thought ſo.

You preſumed ſo?—Yes.

I cannot get over one particular of your evidence, that at the time you ſaw her take ſomething which you now call muſlin, it is a little extraordinary to me, that you ſhould not in the firſt inſtance have told the woman of it?—I could not well ſpeak ſooner to her, for ſhe had to walk round to the chair at the door, by my ſtaring at her ſhe was much confounded.

I am not much ſurprized at an innocent poor woman being a little confounded at the manner you have deſcribed, I fancy it is enough to bring a bluſh in an honeſt woman's countenance; you have thought proper to lay this indictment capitally, therefore I would have you a little cautious as to the manner of your giving your evidence?——I ſhall give it true.

Had ſhe a bundle?—She had.

What was the contents of this bundle that the woman had?——I declare I forget now, it was a jacket or ſomething of that kind.

Was there ſeveral articles?—No, there was not, there were two, the bundle was opened at Bow-ſtreet.

Jury. There was no muſlin in that?——No.

Priſoner. I leave it to my council.

(The muſlin produced and depoſed to.)

Court. When this dropped from her, how was it, was it looſe?——It was open.

Jury. It is a large bundle to lay open, therefore I wiſh to look at the muſlin, to ſee whether it was ſo eaſily opened.

Court. Why did not your boy come?—He is at home, he did not ſee her take it.

GUILTY.

Of ſtealing but not privately.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. ROSE.

1018. BENJAMIN WAGER was indicted for feloniouſly ſtealing on the 17th of October two ruſſel petticoats, value 24s. one woman's cloak, value 12s. a ſtuff petticoat, value 9s. and ten ells of ſilk mode, value 50s. the property of William Bennet, in his dwelling houſe.

The witneſſes examined apart at the requeſt of Mr. Knowles, Priſoner's Council.

WILLIAM BENNETT *ſworn.*

I live at No. 100, in Oxford-ſtreet, I am a ſilk mercer; I was preſent when the priſoner acknowledged this matter.

What did you ſay to him; I told him upon conditions he would confeſs every thing he had wronged me of, I would forgive him.

Court. Then you muſt not tell us about any acknowledgement?——I only prove the property.

JOHN SHEPHERD *ſworn.*

I am a ſhoe-maker, the priſoner came to me, I made him ſhoes when he lived at Mr. Whateley's, who is a ſilk mercer in St. Martin's-court; he called on me about a fortnight ago, and after giving ſome neceſſary orders for ſhoes, he had a bundle under his arm, tied in a handkerchief, which was this petticoat; he told me he had ſold a petticoat to an acquaintance of his at Mr. Bennett's, for fixteen-ſhillings.

Court. How came that converſation?—He ſaid, his maſter had ſold it to a cuſtomer, who ſaid it was damaged, and his miſtreſs would not take the petticoat back from the cuſtomer, but ſtopped it out of his wages; and he ſaid, he would loſe two ſhillings by it, if he could get a cuſtomer for it, if not he would ſend it down in the country to his mother; then I called my wife down, and ſhe ſaid fourteen ſhillings was more than it was worth, but if I had a mind to have it I might, and I agreed for fourteen ſhillings; the priſoner came a few days after, and had a pair of ſhoes, and I ballanced accounts with him, and there were four ſhillings coming to me, allowing fourteen ſhillings for the petticoat.

Court. Are you very ſure that is the petticoat?——Yes, I never had it out of my poſſeſſion, I wrote my name upon it.

Jury. Was there any ticket upon it?——No.

Mr. Knowles. Then you underſtood from the priſoner, that there was a conſiderable bickering him and a part of his maſter's family?——I underſtand he diſliked his miſtreſs, for he told me, ſhe was a devil to live with.

GEORGE TAYLOR *ſworn.*

I am apprentice to Mr. Bennet, I was in the ſhop when the priſoner confeſſed.

Mr. Knowles. Do not ſay any thing of that.

Court. Was your maſter preſent at the

time?——Yes, my maſter told him if he would confeſs any thing he had taken, he would pardon him; I went to the taylor laſt Sunday ſe'nnight, and the taylor told me,

Mr. Knowles. Is the taylor here?—No.

Then do not ſay what he told you?——The taylor ſhewed me ſome ſattin which he ſaid he had made a pair of breeches of.

Court. Is the pattern of the ſattin here?——No.

Court. Then we cannot hear what paſſed between you and the taylor?—I ſhewed the pattern to my maſter, and he thought it was his ſattin.

Mr. Knowles. How did your miſtreſs and this young man agree?——She always behaved very well.

Then you think her a very mild tempered woman?——She is as good a tempered woman as I would wiſhed to live with.

A little loud in her converſation I ſuppoſe?——Yes, when there is occaſion.

FRANCES DAVIS *ſworn*.

I waſh for the priſoner, he brought this petticoat and cloak to me on a Sunday morning, I cannot ſay what Sunday, it was about four weeks ago; he brought a green ſtuff petticoat, and he brought a bath woollen cloak, he deſired me to let them ſtay till he called for them.

Did he ever call again for them?——I was ſent for on Friday morning to the Juſtices.

Who was the Juſtice?——In Litchfield-ſtreet.

Was this the Friday after they were brought to you?——I had the cloak I believe a fortnight, I do not know exactly, they were brought to me at different times by the priſoner; at firſt when he came, he ſaid, he was to ſend the cloak to his mother in Yorkſhire.

Did he ſay any thing about the things?——No, he aſked me on Sunday if I wanted a petticoat, he owed me ſome money for waſhing, I told him it would be of no ſervice to me, as I was a hard working woman.

What paſſed before the Magiſtrate?——I told them there were the things I had.

Have you had theſe things ever ſince?—Yes, the priſoner ſaid it was a particular acquaintance of his that beſpoke the petticoat, and when it went home his acquaintance did not like it.

JOHANNA M'CARTY *ſworn*.

I am a workwoman to the proſecutor, I produce this mode, and one ruſſel petticoat; the priſoner brought the mode to me on Thurſday or Friday ſe'night laſt, about nine at night; I do not live in the houſe, he aſked me to be kind enough to put that mode by for him, till he called again, he ſaid, he had bought it at a particular ſhop, I do not remember what ſhop he mentioned; he brought the ruſſel petticoat to me on the Sunday following, which was laſt Sunday was ſe'nnight; he deſired me to lay that by the mode.

Mr. Knowles. At this time he knew you worked for Mr. Bennet; I ſuppoſe you are frequently intruſted with Mr. Bennets's property?——Yes, a great deal.

Of courſe you obſerved his ſhop marks?—I never obſerved any ſhop marks, I work for a great many ſhops.

Jury. Did he ever bring any parcels to you?——Never, he never was in my room before he brought the mode.

Court. What may be the value of this ruſſel petticoat?——I cannot ſay.

What may be the value of the mode?—I do not know what it meaſures, nor nothing; I have had them ever ſince.

Court to Proſecutor. Look at theſe different things, begin with the ruſſel petticoat.

Proſecutor. They are my property.

Court. Do you know them by any marks, deſcribe the marks?—It is marked S. I. B.

Is that mark in your hand writing?——My apprentice's.

Court. Is the other marked?——No.

Is there any appearance of a mark being pulled off from the other?——I do not ſee any.

Court to Taylor. Look if that mark S. I. B. is your writing?——Yes.

Can you ſay that that is your maſter's petticoat?—I cannot poſitively ſwear to the petticoat, but I can ſwear it is my mark.

Mr. Knowles. How long ago is that?—I cannot juſtly tell.

It may be a year?——No, not above three months.

Have you ever lived in any other ſhop?——No.

Court. When you ſell them, do you ſell them with the marks on?——We always pull the marks off.

Do you know any thing of the other petticoat?—I cannot ſwear to it, there is no other mark than the mark of one of the witneſſes names.

Is there any appearance of a mark being picked out?——I do not ſee any.

You ſay you always take out the marks before you ſell them?——We generally do.

You can only ſpeak to your own practice?—I have ſeen my maſter and miſtreſs take it off.

But you cannot ſwear that they always do?——No, I cannot, but it is a common practice.

The priſoner has ſerved cuſtomers with goods of this kind?——Yes.

You cannot take upon you to ſay, that he always took off the marks from thoſe goods, that he delivered to thoſe cuſtomers?—No, I have ſeen it frequently done.

Court to Proſecutor. The petticoat which has no mark upon it, can you aſcertain that?——Yes, I believe it is my own property, we generally know our own manufactories.

Do you mean that you make the ſtuff, or that you made up the petticoat?——We generally know the work of our people.

Are all your petticoats quilted in the ſame diamond?——Yes, of the black ſort.

Does not the ſame workwoman work for other ſhops?——I cannot tell.

Do you employ this workwoman all the year round?—I employ a great many all the year round.

Had you ſold any petticoats of that ſort?—Many.

Lately?—We are ſelling them every day.

Do you know any thing of the woollen cloak?——I will ſwear this is my cloak.

How do you know it?—It is my own cutting out.

I there any mark upon it?——There is none on it now, I have got the fellow piece of it at home.

Jury. But have not you ſold many of your cutting out?——Yes, to be ſure, a great many.

And how do you know that, that is one ſtole, or one you have ſold?

Court. Look at the ſtuff petticoat?——There is no mark upon this, but I believe it to be my property; becauſe there is only one man that makes ſtuffs in this manner which I buy them of.

Why that man deals with other people beſides you?——No doubt of it, a great many.

Then how can you venture to ſwear that that is your petticoat?—Becauſe it is ſold by one man, we generally know our own work, this is made by my people.

Look at the ſilk mode?——Here are ten ells and a half.

Did you meaſure it before you loſt it?—No, it is done up in half ells.

Is there any mark on that?——No mark at all.

Is all the mode in your ſhop done up in that quantity?——No.

Then you cannot ſwear that to be your property?——Yes.

By what?——I have the fellow piece, and the folds and notches are all the ſame.

What do you mean by the notches?—The ſciſſars.

What may be the value of that mode?—Fifty ſhillings.

Is that the very loweſt?——Yes.

Have you examined the folding and the notches very accurately?——I did, before I ſwore to it.

Mr. Knowles. I ſuppoſe you look upon yourſelf as a pretty qualified witneſs, you can ſwear to things without marks as well as with; you undertake to ſwear to that ruſſel petticoat, that the mark was picked out?——No, I ſuppoſed it had been picked out.

Then you chuſe to ſuppoſe upon your oath where a man's life is in queſtion, that will be in the obſervation of the Jury; do you call this ruſſel petticoat extraordinary, ſuch as are not commonly ſeen?——We generally know our own manufacturing.

Are they uncommon?——No.

How many exactly tallying with that pattern, have you now in ſhop?—Many.

Very many?—Yes.

And how many had you in before you ſuſpected this man?——I cannot tell.

And yet you chuſe to ſwear to that petticoat?—I believe it to be mine.

You obſerve that your conduct does not eſcape the notice of thoſe that are much more more impartial than the advocates for the priſoner; Why will you undertake to ſwear that petticoat is your property? Do you undertake to ſwear that from any other motive than a deſire to convict that man?—No, Sir, I do not wiſh to convict him.

Then your conduct is extremely extraordinary; however you tell me that petticoat is extremely like many that you have now, and had before?——Yes.

If any other petticoat of your ſhop, of a ſimilar pattern to that were produced to you now, could you diſtinguiſh that from the other?——Not of the ſame pattern.

And you have many of that pattern ſtill in the ſhop?—I do not know that I have juſt at preſent.

Why, you ſwore juſt this moment, that you believed you had?—No, Sir.

Now as to this cloak, there is no mark upon that?—It is my own cutting out.

Do not other people cut out cloaks of that ſize and length for ſale?——There is a difference in cutting out, every one does not cut out cloaks alike.

Will you ſwear that more perſons do not?—I do not know.

What can be your reaſon for knowing it independant of its being your own cutting out?—It is cut off the ſame piece of cloth I have at home.

Is not that very kind of cloth made up into ſuch cloaks?—I do not know that it is.

Why do not you ſee of a rainy or cold morning, hundreds of women walking about in cloaks of that ſort of cloth?—No, Sir.

Since that cloak has been taken, have you meaſured it with the other piece of which you ſay it is part?—I have not.

But yet you ſwear that comes from that very piece?—I am very ſure of it.

Without meaſuring, and without a mark, you are ſure?—Yes.

Jury. We are of opinion it is a common cloth for cloaks, that as he has cut out many cloaks, that may be his cutting out, and his cloth, and yet he cannot be ſure.

Mr. Knowles. Now this ſilk mode you chuſe to ſwear to, that without a mark?——Yes.

Does that differ from many hundred yards of ſilk mode which are manufactured every year in this city?—I cannot tell.

During the time this priſoner lived with you, what was the nature of your harmony together, were there not ſome bickering between him and part of your family?—Not the leaſt in the world, I always behaved to him like a Gentleman.

The nature of your behaviour here, does not ſhew that, my friend?—That I muſt leave to you.

Priſoner. My maſter ſaid, if I would tell him where the property was, he would freely forgive me, and not take me before a Juſtice.

JOHN KAY *ſworn*.

I have known the priſoner about five years.

During that time what has been his general character for honeſty?—He was my ſervant for about eight months, during that time, I chiefly employed him in carrying out bills of Exchange for acceptance, and receiving thoſe bills when due.

And thoſe bills frequently of large value I ſuppoſe?——Sometimes ſixty or ſeventy pounds, his conduct was very good indeed, I never had the leaſt doubt of his honeſty in any reſpect whatever.

He had frequent opportunities of defrauding you, if he had the inclination?—No doubt; I likewiſe frequently employed him in carrying money to my bankers, to the amount of four or five hundred pounds at a time.

RICHARD HOWLETT *ſworn.*

I have known him about twelve years, he always was very honeſt, I never expected ſeeing him here.

THOMAS POTTS *ſworn.*

I am a ſilk mercer, I have known the priſoner ever ſince he came to town; I knew him by coming to Mr. Kay's houſe, I always thought him to be perfectly honeſt, I recommended him to a gentleman who is out of town, and with whom he lived twelve months, and who gave him a good character to Mr. Bennet.

Court to Proſecutor. What was the price of the mode, the buying or ſelling price; of what value is the whole of the mode, what did you give for it?——Thirty-nine ſhillings.

GUILTY, 39s.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. ROSE.

1017. JOHN WESTGOOD was indicted for feloniouſly ſtealing, on the 26th of May laſt, one ivory ſnuff box, mounted with gold, and ſet with two pictures in the lid, value eight pounds, the property of Sir Robert Phillips, Bart. in his dwelling houſe.

AGNES BROWN *ſworn.*

The priſoner was ſervant to Lord Milford, I lived in the family, I was houſekeeper; the priſoner went away from the houſe with this ivory box.

Whoſe was it?——It belongs to Lord Milford, I have ſeen it in his poſſeſſion ſeveral years; it was diſcovered by my Lord, by the means of a hand bill, the pawnbroker's name is Jones.

Mr. Knowles, Council for the Priſoner. How long did this man live with my Lord?—Five weeks.

You lived in the houſe at the ſame time?—Yes.

Did you remark the conduct of the priſoner?—I did not remark any thing particular.

You did not think he was a little crack brained?—No, Sir, nothing of the kind.

Court. He had only been five weeks in the houſe?—No, my Lord.

JOSEPH LITTLER *ſworn.*

I live with Mr. Jones, a pawnbroker in Fleet-ſtreet.

Do you know that box?——Yes, it was ſold at my maſter's the 6th of June, by the priſoner, for two guineas.

In what manner did the priſoner come into the ſhop?—He came in and aſked me the value of this box, there was a jeweller in the other part of the ſhop, he ſaid the intrinſic value of the gold might be worth two guineas; I told the priſoner, he aſked me if I would give that money for it; I told him yes, I gave it him, and he went away.

Court. The jeweller told you that the gold was worth two guineas?—Yes.

How was the priſoner dreſſed?——As near as I can recollect, in blue.

In a livery?——No, I believe not.

Did you aſk him where he got it?—No, I did not; he ſaid he was to ſell it: I ſuppoſed it was ſomebody's that had given it him to ſell; on the Thurſday following, I was ſorting of hand-bills, and I ſaw this where this box was advertiſed; I looked at the box, and thought it was the ſame; I carried it to Mr. Bond, at Bow-ſtreet; my Lord Milford came to our houſe, I told him that was the box; I was going to give it to him, but he would not have it till he deſcribed it, which he did; that it had a picture of a lady, dreſſed in orange; he ſaid it was his own, and he took it away: I am ſure it is the ſame box.

When did you ſee the man afterwards?—I believe it was about eight weeks after he was taken, I gave the deſcription of the man; I ſaw him at Sir Sampſon's.

Mr. Knowles. Had you ever ſeen this man?—No.

Is your ſhop much frequented?—Yes, it is an old ſhop.

You have a great many cuſtomers every day?—Yes.

You had no reaſon to ſuſpect the priſoner?—None at all.

Do you think you could give a deſcription of every perſon that pledged any articles there that day?——Yes, eſpecially things that were ſold; I believe he had a blue coat on.

Court to Mrs. Brown. How long have you lived in this family?—Fourteen years.

Then you remember Lord Milford before he was made Lord Milford?——Yes, my Lord.

What was his deſcription then, Madam?——Sir Robert Phillips.

JOHN DEARD *ſworn.*

I believe this to be the very box I made for my Lord Milford.

Mr. Knowles. You were in very conſiderable buſineſs, I believe, at the time that a box was ordered of you by my Lord Milford?—Yes.

Your buſineſs was chiefly as a toyman?——Yes.

Fancy boxes were the ſubject of your commerce?——Yes.

How many years is this ſince?—About four years.

The nobility had ordered a great many boxes from you, I preſume, in the courſe of that buſineſs?——Yes.

JOHN MORRIS *ſworn.*

I am a watchman, I took the priſoner up, I was crying two, and I ſaw the priſoner ſtanding cloſe to the ſhop of a perfumer; I apprehended him, and he gave different accounts of himſelf.

Mr. Knowles. Watchman, did you think the priſoner appeared at all like a crazy man when you took him up?—I did not ſee any thing of that at all.

JOHN LEE *ſworn.*

I have known the priſoner about twelve or thirteen years.

Do you remember him at the time that he was in the ſervice of Sir John Morſhead?—Perfectly well.

What ſtate of body and mind was he in then?—When he came there he was in a very healthy ſtate; he was there as under butler, he had the care of the plate; this is four years ago.

While he was in that ſervice, was his mind at all diſordered?—It was ſo much diſordered, that he was quite mad, and was under the phyſician's hands, and was in a ſtrait waiſtcoat, and laſhed down ſeveral times; he was ſent to the mad-houſe at Hoxton, and was there between two and three months; I ſaw him there, he was quite mad.

What mad-houſe was it?—One Harris's.

Did Sir John receive him again into his ſervice?——Yes, when he got well he was there ſome time; he went into the country, and there went mad again, and ran away.

Mr. Silveſter, Council for the Proſecution. Was you there?——No.

Then do not tell us.——This is the account that the family gave of him there, Sir John ſent him down to his friends in Warwickſhire, he was there in confinement ſome time, he got well again and came to town; ſome time after that he got into Lord Milford's ſervice.

Have you ſeen him at any time very lately?—I never ſaw him after he entered Lord Milford's ſervice till I ſaw him in Tothill-fields; I ſaw him a little before he entered Lord Milford's ſervice; I always looked upon him a very honeſt ſimple fellow, but not very acute.

Mr. Silveſter. Where did he live before he went to Lord Milford's?—At Sir John Morſhead's, but he lived after that with Mr. Moffatt; I recollect he was a few days with a lady in Groſvenor-ſquare; I always looked upon him to be honeſt.

Mr. Knowles. Here is a piece of paper, which I am afraid is not ſtrictly within the law to offer; here is a certificate of a ſurgeon who attended him at the time, and here are three witneſſes who know his hand-writing.

Court. It is not material, ſo far as the madneſs can avail him you have proved enough.

JOHN MOSS *ſworn*.

The priſoner came to live with Sir John Morſhead as under butler, he lived with him in that capacity about ſix or ſeven months; he was ſent to Hoxton, and he was confined ſixteen weeks at the mad-houſe.

Court. Do you know any thing of his friends?——I believe they purpoſe taking care of him; his brother was here.

GUILTY, 39s.

Sentence reſpited till next Seſſions.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

1018. RICHARD WILD was indicted for ſtealing, on the 12th of September, twenty-four buſhels of malt, value 6l. the property of Thomas Long.

There being no evidence againſt the priſoner, he was

ACQUITTED.

1019. The ſaid RICHARD WILD was again indicted for ſtealing, on the 27th of September, twenty-four buſhels of malt, value 6l. the property of Thomas Long.

There was no evidence on this Indictment.

NOT GUILTY.

1020. SAMUEL STOCKWELL was indicted for ſtealing, on the 20th day of July laſt, eight buſhels of malt, value 40s. and two hempen ſacks, vale 12d. the property of Thomas Long.

There being no evidence againſt the priſoner, he was

ACQUITTED.

Theſe three tried by the firſt Middleſex Jury before Mr. RECORDER.

1021. JOHN MINORS and CLEMENT MOULD were indicted, for that they, on the 10th of September laſt, four pieces of falſe and counterfeit milled money and coin, to the likeneſs and ſimilitude of a half guinea, the ſame not being then cut in pieces, unlawfully and feloniouſly did put off to one Charles Tool, at a lower rate than the ſame imported, to wit, for one guinea and three ſhillings, being of the value of 24s. againſt the ſtatute.

The Indictment was opened by Mr. Silveſter.

CHARLES TOOL *ſworn*.

To the beſt of my knowledge, the priſoners came to my houſe about a month ago, and ſaid they would get *ſuch things* for me, I was in the back room, and I laid down twenty-four ſhillings; I do not know which of them took it up; we agreed for four half guineas for twenty-four ſhillings, and they laid them on the table, and I laid down the twenty-four ſhillings; I did it for information to find out the makers.

Did you ſuſpect them to be bad?—I did.

Did you give information to Bow-ſtreet?——Yes, before that, I gave the four half guineas to the people in Bow-ſtreet, four or five days after I had them; I am not ſure of the priſoners, but to the beſt of my knowledge they are the men.

Have you any doubt about it?——Yes, I have a great deal of doubt, they were not in the ſame dreſs, I ſaw them but twice, and they were in ſlouched hats, I could only ſee their chins.

Mr. Garrow, Priſoner's Council. So, this was a trap contrived by you and the gentlemen of Bow-ſtreet?—It was.

Did you know it was a felony to buy bad

money, at a leſs price than it imported to bear?——I did not buy it for myſelf.

Who has paid you the money again?——I have not been paid it again, but they told me I ſhould not loſe it.

You once kept the Brown Bear?——I did.

What other houſes have you kept?——A good many.

How long have you had your licence for your laſt houſe?——After they were apprehended.

Was not your licence ſtopped by Sir Sampſon at the uſual time of licencing?——Not this year.

It was not ſtopped for any good, I take it for granted?——Not for any harm.

Was not this trap to lead to your getting a licence?——No, my licence was not grumbled at, why ſhould it.

Do not argue with me, but anſwer the queſtion.——Not to my knowledge, I did not know that my licence was to be ſtopped.

Was not it an inducement held out to you by the officers?——No.

Did not they tell you, that your licence was to be ſtopped, and that this would be a recomendation to you?——May be they thought ſo.

Did not they communicate that thought to you, Sir, upon your oath; now mind what you are about?—They did.

Then why did you hang back ſo long from that?——Becauſe I ſhould be ſure of what I ſay.

Court to Mr. Silveſter. Have you any more witneſſes to the fact?—No, my Lord.

Both Not Guilty.

Tried by the firſt Middleſex Jury before Lord Loughborough.

1022. EDWARD WILLIAMS was indicted for feloniouſly ſtealing, on the 8th day of October, one hempen wrapper, value 9d. and twenty-ſix pounds of congou tea, value 27s. and ſix pounds of green tea, value 20s. the property of Tudor Griffiths, William Storrs Fry, and Nathaniel Robinſon.

There was no proof, of the contents of the wrapper, but the bill of parcels, which was not evidence.

Not Guilty.

Tried by the London Jury before Mr. Recorder.

1023. JOHN BURGEN was indicted for ſtealing, on the 16th of October, one wooden half firkin, containing twenty-eight pounds of ſalted butter, value 16s. the property of James Godfrey.

Guilty.

Whipped.

Tried by the London Jury before Mr. Recorder.

1024. DAVID JACOBS was indicted for ſtealing, on the 19th of October, two livery cloth great coats, value 40s. the property of Peter Thelluſſon, Eſquire.

Samuel Wilſon, the footman, depoſed, that he left the coach at the bottom of Thames-ſtreet, to come forward to open the door, and returning, he ſaw the priſoner going off with the two coats, and purſued him and ſaw him drop them. The coats were ſtrung in the ſtraps.

John Gazey. I ſaw the priſoner behind the coach.

PRISONER's DEFENCE.

I ſell lemons, I never was behind the carriage.

Guilty.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Recorder.

1025. JAMES GASCOIGNE was indicted for ſtealing, on the 20th of October, one linen handkerchief, value 6d. the property of John Davis.

John Surflin heard the cry of ſtop thief, and ſaw the priſoner drop a handkerchief, which the proſecutor immediately owned.

John Davis, the proſecutor, loſt his handkerchief at that time.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

1026. WILLIAM PRICE was indicted for ſtealing, on the 22d of September laſt, one cambric handkerchief, value 6d. the property of a perſon unkown.

Nicholas Rainsford, to whom the handkerchief belonged, called on his recognizance, and not appearing, the priſoner was

ACQUITTED.

1027. JOHN TREES was indicted for ſtealing, on the 16th of October, four live pigs, value 8s. the property of Thomas Emmett.

Samuel Wheatley, a watchman, met the priſoner at half paſt four, with a knapſack on his back, with four dead pigs, in it which were the proſecutor's.

William Thomlinſon, the conſtable, confirmed the above, and ſaid the priſoner gave different accounts of them.

(The pigs depoſed to by the Proſecutor.)

Priſoner. I bought them coming to London; I am a diſabled old man.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

1028. THOMAS CHAMBERS was indicted for ſtealing, on the 8th of October, one canvas bag, value 2d. two ſhirts, value 2s. a pair of breeches, value 6d. a razor, value 18d. the property of Robert Clarke.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

1029. JAMES THOMLINSON was indicted for ſtealing, on the 30th of September, three pounds and a half weight of cotton, value 3s. 6d. the property of John Shooldred.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

1030. JOSEPH FARRINGTON was indicted for ſtealing, on the 29th of September, one wicker baſket, value 6d. and fifteen chickens, value 15s. the property of George Inwood.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

1031. ANN SMITH and SARAH JOHNSON were indicted for feloniouſly ſtealing, on the 1ſt of October, one piece of black ſilk lace, containing twenty-four yards and a half, value 42s. the goods of Richard Roper, in his dwelling houſe.

RICHARD ROPER *ſworn.*

The priſoners came together into my ſhop between one and two on Friday laſt; Ann Smith aſked to ſee ſome black lace, my ſervant waited on them, and I ſaw Johnſon take a card of lace, I kept my eye on her all the while they were in the ſhop; they went out, I followed them and brought them back; they came readily, and I ſent for a conſtable, and the priſoner Johnſon immediately dropped the card of lace under her, I ſaw it drop from her; ſhe immediately confeſſed her guilt, and begged I would forgive her, and went down on her knees.

Mr. Garrow, Priſoners Council. They came back very readily?——Yes.

Why did you ſuffer them to go out?—In order to bring them to juſtice.

RACHAEL WALMSLEY *ſworn.*

I ſaw the priſoners come in and go out together, and ſerved them with ſome things, but did not ſee them take any thing.

JAMES JACKSON *ſworn.*

Mr. Roper ſent for me, and I ſaw the priſoner Johnſon fall down on her knees and offer Mr. Roper money to forgive her.

Mr. Garrow. The priſoner Smith was then very big with child?—Yes, ſhe has been brought to bed about ten or twelve days.

WILLIAM VAUX *ſworn.*

On the firſt of this month, I was ſent for to take charge of theſe two women for ſtealing a piece of lace; I have had it in my poſſeſſion ever ſince.

(The lace depoſed to by the Proſecutor.)

Mr. Garrow to Proſecutor. You occaſionally ſell whole cards of lace?——Yes.

You ſell them upon cards?—Frequently.

How many cards of lace do yo think you may have at this hour in your ſhop, with identically the ſame marks on them?—Perhaps half a dozen of different ſorts.

How many in general may you receive of the ſame ſort when you lay in your patterns?——Perhaps two or three cards in a year; we ſeldom lay in more than two or three cards of a pattern.

May not you have ſold a great number of lace on the cards, with the marks on them?——Very poſſibly we may; yes, I dare ſay we have.

Court. Did you examine your box of lace to ſee whether there was any wanting?——I did not, becauſe I ſaw her take it, therefore I had no reaſon to go to my box; I ſaw her put it behind her cloak.

Did you ever examine to this day?——No.

The Priſoner Smith called three witneſſes, who gave her a good character.

The priſoner Johnſon called four witneſſes, who gave her a good character.

ANN SMITH, NOT GUILTY.

SARAH JOHNSON, GUILTY, 39s.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

1032. MARY BROWN was indicted for ſtealing, on the 23d of September laſt, two half crowns, value 5s. and 5s. in monies numbered, the monies of Matthew Flinn.

NOT GUILTY.

Tried by the London Jury before Lord LOUGHBOROUGH.

MISDEMEANORS.

1033. WILLIAM HEATHFIELD was indicted for wilful and corrupt perjury, on the 28th of October 1783, before Nathaniel Newhham, Eſquire, then Lord Mayor of the City of London.

NOT GUILTY.

1034. WILLIAM TRACY was indicted for wilful and corrupt perjury, on 2d of May, 1783. NOT GUILTY.

1035. JOHN DICKS, was indicted for wilful and corrupt perjury.

NOT GUILTY.

The Trials being ended, the Court proceeded to give Judgment as follows:

Received ſentence of Death, 14, *viz.*

George Owen, William Ryan, William Combes, Thomas King, Thomas Freeman, Henry Moore, Richard Dodd, Robert Artz, Thomas Gower, William Murray, Elizabeth Leonell, James otherwiſe Joſeph Trebbis, George Hands, and Charles Hughes.

The Tranſports were thus ſentenced "To
" be Tranſported beyond the Seas, for
" the term of Fourteen or Seven years,
" to ſuch place, as his Majeſty ſhall with
" the advice of his Privy Council, think
" fit to declare and appoint, purſuant to
" the Statute.

Received ſentence of tranſportation for fourteen years, 2.

John Stockdale, Richard Small.

Received ſentence of tranſportation for ſeven years, 14.

John Young, William Pariſh otherwiſe Potter, John Smith, Moſes Price, Jacob Daniel, John Walker, George Wood, James Holloway, Benjamin Wager, Cha. Macoy, James Brindley, David Jacobs, James Gaſcoigne, John Trees.

To be confined to hard labour in the Houſe of Correction twelve months, 1.

Mary Jackſon otherwiſe Norton.

To be confined to hard labour in the Houſe of Correction ſix months, 18.

John Marriot, Cathrine Spence otherwiſe Camp, Elizabeth Kelly, William Elliot, John Hand, Ann Mitchell, Edward Johnſtone, Mary Elliott, Elizabeth Axford, Jeremiah Roſe, Thomas Pearſon alias Pearce, Abraham Dawſon, Benjamin Taylor, Joſeph Jackſon, Sarah Johnſon, Thomas Houghton, Elizabeth Williams, Elizabeth Burley, John Martin, (whoſe ſentence was reſpited laſt ſeſſion.)

To be impriſoned in Newgate one month. 2.

Matthew Daily, Elizabeth Cole.

Whipped, 19.

Antonio Joſeph, John Marriott, John Henſey, Owen Sullivan, Thomas Harmand, Thomas Archer, William Elliot, John Hand, Jeremiah Roſe, William Wood, Joſeph Lancaſter, Thomas Pearſon, Abraham Dawſon, Joſeph Brotherhead, Joſeph Jackſon, Thomas Houghton, John Burgen, James Thomlinſon, Joſeph Farrington.

To be fined 1s. Elizabeth Scott.

Sentence reſpited, 1. John Weſtwood.

Caſe reſerved, 1. Richard Marſh.

Samuel Woodham, who had a conditional pardon being found at large to remain a reſpite during his Majeſty's pleaſure.

James Dunn remains till next Seſſion.

⁎ The next Seſſion will begin on Wedneſday the 8th of December next, at the Old Bailey.

I N D E X

O F

PERSONS ttied at the OLD BAILEY in the Mayoralty of the Right Honourable ROBERT PECKHAM, Eſq;

N. B. The Figures refer to the Number of the Trials. Thoſe marked D. received Sentence of Death. T. 14. tranſported for fourteen Years. T. tranſported for ſeven Years. N. ſentenced to hard labour on the River Thames to improve the Navigation. B. Branded. W. Whipped. Im. Impriſoned. Fi. Fined. Sp. Special. E. I. Eaſt Indies. And thoſe without any Mark, were acquitted.

ABBOT, John 306
D Abel, Robert 791
Abrahams, Samuel, alias Yowell, alias Ugly 35
——, Jonas 286
——, Henry 368
——, Abraham 864
T Adams, John 557
Aikles, Henry John 226
Albert, Joſeph 933
T Alchorne, James 816
D Allen, George 149
——, Mary 457 867
——, Sarah 466
W ——, Margaret 468
T ——, William 511
T ——, Charles 676
T ——, Simon 812
Im ——, John 928
W&I Allport, Mary 413
Amos, William 430
Anderſon, Mary Elizabeth 811
T ——, James 815
——, William 923
T ——, John 45 527
——, Thomas 733
Angel, Joſeph 373
Annand, William 229
W Appleby, Richard 363
N Archer, William 359
T ——, John 611
W ——, Thomas 956
Arrowſmith, John 110
D Artz, Robert 942
D Aſh, John 198
W&I Aſhby, John 472
Aſkew, Elizabeth 26
Atbey, Ann 132
F&I Atkins, James 920
T Atkinſon, George 449
W Alſerberg, William 547
W&I Axford, Elizabeth 685
T Ayners, John 557
Ayres, Thomas 207
T ——, John 398

B.

Baru, Stephen 658
T Bagley, James 529
W&I ——, Joſeph 883
W&I Bailey, Peter 138
W&I Baker, Samuel 35
D ——, Joſeph 822
——, Sarah 568 950
Bale, Robert 442
F&I Bambridge, Joſeph 349
T Banniſter, George 397
Barew, Judith 227
W Barker,

W Barker, Joſeph 128
T ———, Thomas 683
D ———, John 831
Barlow, Benj. 234
T Barnes, James 309
———, John 651
Barnett, John 18
F&I Barret, Joſeph 121
Barrington, Geo. 235
D Barton, Charles 394
W Bartlet, David 320
Barugh, Uziel 785
W&I Bates, Thomas 495
T Batley, Oaten 88
Battie, David 994
Baxter, Francis 937
T Baylis, John 325
D Bean, Daniel 387
Beard, Richard 66
T ———, William 170
T Beck, Aquilla 437
Beckford, Eliz. 319
W&I ———, Mary 910
D Bell, William 292
———, Jane 545
W&I Bellamy, James 636
T Bennere, Samuel 608
Bennett, Thomas 135
———, John 140
B ———, David 859
W ———, William 901
W&I Bewley, John 500
F&I Bicknell, Eliz. alias Hill, alias Wild 766
D Bidwell, Rebecca 7
T Biggs, Charles 50
W Bignel, James 323
Billard, Jane 604
T Birmingham, Dav. 57
D ———, Patrick 389
Birne, Suſannah 332
T ———, Nicholas 848
T Biſhop, Joſeph 58
Bixby, James 143 285
Black, Davis 993
W&I ———, Mary 422
W Blackhall, George 217
W&I Blackſhire, Launcelot 895
Blake, William 904
T Blake, Francis 531
W Blakey, Robert 503
T Blades, James 186
F&I Bolus, Joſeph 77
Bond, Mary 469
T ———, Peter 835
Botten, Mary 118
T Bowen, James 101
D Bowman, Patrick alias Young 1
——— John 95
Boyden, Mary 754
D Boyle, John 390
Bradley, James 498 592
T ———, Thomas 613
Im Bradford Joſeph 471
Brady, Thomas alias Bready, 481 684
T Bradley, Thomas 613
W&I ———, Richard 379
Branſby, William 31
-------, James 498 592
D Branton, John 541
Breaze, Thomas 417
W&I Bridgen, Ann 508
T Brindley, James 1009
W Briggs, Richard 626
W&I Britt, Edward 201
W Brotherhead, Joſ. 990
D Brooks, William 801
Brown, Marmaduke 374
W&I Margaret, alias Cannon 428 477
———, Sarah 645
———, Mary 990 1034
———, William 40
W&I ———, Jane 352
Bruce, John 699
Bryan, Richard 218
T 14 Bryant, Michael 136
T ———, John 153
Bull, Richard 32
Burdett, Thomas 751
Burgen, John 1025
Burket, Lewis 566
Burgeſs, Thomas 768
———, Ann 660
W&I Burley, Elizabeth 1017
D Burne, James 187 280
———, John 294
Burne, Patrick 694
Burrell, Benjamin 111
D Burridge, Archib. 387
Burton, Ann 568 958
Burwood, Benj. 571
W&I Buſh, Ann 873
Butler, Wm. 213 329 696
———, Moſes 519
Butterworth, Eliz. 774
Buxton, Richard 993

C.

T Cady, Wm. 599 600
D Caffrey, Terence 367
D Campbell, George alias John 129
Cannard, John 426
W&I Cane, Richard 876
W Caverns, Anthony 328
W&I Capp, Thomas 236
Carey, William alias Cadey 223
Carrol, John alias Cannon 413
Carter, Hannah 55
W&I ———, Mary 422
T ———, John 851
T Carty, John 125
Caſh, Iſaac 641 642
T Caſtle, John 770
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T Willis, James 674
W&I , Edward 824
Wilſon, John 127 1014
W&I ——, Mary 210
W&I ——, Richard 427
——, Elizabeth 784
——, Lucy, 645
Wingrove, James 637 638
T Winterſgill, John the younger 921
——, John the elder 221
Wolfe, Benjamin 650
Wood, Mary 41
Im ——, Sarah alias Slade 881
Im ——, Robert 931
W , Thomas 983
T , George 1001
F&I Woodcock, Peter 142 690
D Wooldridge, Richard alias Jones 357 358
W&I Woolford, William 61
T Wootton, John 781
Worley, John 516 517
T Wright, Ann 337 338 558
T ——, Joſeph 539
T ——, Benjamin 616
T ——, William 870
W&I Wyer, John 887

Y.
W&I Young, Michael 47
D ——, Simon 401
T ——, John 769 944

Total of Trials this Mayoralty - - - - - -	1037
Ditto 1783, Nathaniel Newnham, Esq. - - - - -	818
Ditto 1782, Sir William Plomer, - - - - - -	668
Increase of Trials this Mayoralty -	219.

Capital Convicts this Mayoralty - - - - - - - - - -	149
Ditto 1783, Nathaniel Newnham, Esq. - - - - - -	*179
Ditto 1782, Sir William Plomer, - - - - - - - - -	98

* In this 170 were comprehended a large number of returned Transports.

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